

Huntley Neighbourhood Development Plan 2022-2026

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

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Executive Summary

- 1 I was appointed by the Forest of Dean District Council in January 2023 to carry out the independent examination of the Huntley Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 27 February 2023.
- 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 village and its 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. It has been prepared in quick order.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Huntley 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
27 April 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Huntley Development Plan 2022-2026 (the 'Plan').
- 1.2 The Plan has been submitted to the Forest of Dean District Council (FDDC) by Huntley Parish Council (HPC) 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 and 2021. 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 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 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 Examine

- 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 HPC, to conduct the examination of the Plan and to prepare this report. I am independent of both FDDC and HPC. 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 40 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;
- the Consultation Statement;
- the Design Guide;
- the SEA/HRA Screening Statement;
- HPC's responses to the clarification note;
- the representations made to the Plan;
- the additional representation made to the Design Guide;
- the National Planning Policy Framework (July 2021);
- 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 27 February 2023. 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 5.16 of this report.

3.3 HPC clarified that it intended the Design Guide to be considered as part of the Plan. An additional consultation exercise was undertaken on the Guide during the examination.

3.4 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.

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 HPC has prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. It highlights the importance of the various community events in 2021 and 2022 and the community surveys in 2022. It also provides specific details about the consultation processes that took place on the pre-submission version of the Plan (October to November 2021). It captures the key issues in a proportionate way.
- 4.3 The Statement sets out details of the range of consultation events that were carried out in relation to the initial stages of the Plan. The Statement also provides details of the way in which HPC engaged with statutory bodies. I am satisfied that the process has been proportionate and robust.
- 4.4 Appendix A of the Statement identifies the principal changes that worked their way through into the submission version of the Plan. This process helps to describe the evolution of the approach taken.
- 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 HPC 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 10 February 2023. This exercise generated comments from the following organisations:
- Sport England
 - Environment Agency
 - Coal Authority
 - Canal and River Trust
 - Historic England
 - New Start Cat Rescue
 - Natural England
 - National Highways

- 4.8 Several representations were also made by local residents. In some cases, they were submitted by planning agents.
- 4.9 Additional consultation took place during the examination on the Design Guide. This exercise generated comments from the following organisations:
- Canal and River Trust
 - Gloucestershire Wildlife Trust
 - Environment Agency
 - Coal Authority
 - Severn Trent Water
 - Historic England
 - National Highways
 - Natural England
- 4.10 Several representations were also made to the Design Guide by local residents.
- 4.11 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 the parish of Huntley. Its population in 2011 was 1105 persons living in 500 houses. It was designated as a neighbourhood area on 7 October 2021. The neighbourhood area sits in attractive countryside at the junction of the A40 (Gloucester to Ross Road) with the A4136 and the B4216.
- 5.2 The principal settlement in the neighbourhood area is Huntley. It is an attractive village which has developed over time along the A40. It has a vibrant range of community facilities including St John the Baptist Church, the adjacent primary school, the village hall, and the Cricket Club.
- 5.3 The remainder of the parish is attractive countryside. The Forest of Dean Landscape Character Assessment identifies two landscape types in the parish. Much of the parish is in Landscape Character Type 6b Unwooded Vale Severn Vale, with the westerly parts in Landscape Character Type 11 Wooded Hills. The overall effect is a pleasant landscape consisting of hedged fields, orchards, and woodland.

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. Huntley 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.
- 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. Huntley has a detailed inset map in the Allocations Plan. A site (AP87) is allocated for residential development at Tibberton Lane (for 12 homes). In a more general sense, the settlement boundary is drawn tightly around the existing built-up area of the village. Paragraph 24.2 comments that the Plan enables only one modest allocation, and other small-scale development and retains a tightly drawn settlement boundary.
- 5.7 FDDC is preparing a Local Plan for the period up to 2041. In due course, it will replace the existing development plan. However it is not at a sufficiently advanced stage to have any direct impact on the submitted Plan.

- 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.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 27 February 2023. I approached the village from Gloucester and Over on the A40. This helped me to understand its setting within the wider landscape. I saw that the topography of the wider landscape changed significantly to the west of Huntley.
- 5.10 I looked initially at North Road. I saw the significance of the Village Hall and the adjacent recreation area.
- 5.11 I then walked to the A40. I saw the scale and significance of the Red Lion PH. I then walked to the west to the school and the Church. In doing so I saw the interesting Huntley Lodge and the collection of commercial buildings around the junction of the A40 and the A4136.
- 5.12 The Church and the School have retained the close relationship as described by Pevsner. I took the opportunity to look at Leaf Creative. I saw that it was fulfilling an important commercial and community function.
- 5.13 I walked back into the village along the footpath which runs to the east of the Church. The route was attractive and provides the opportunity for sustainable journeys between the school and the village.
- 5.14 When back in the village I walked along the A40 to the east. I saw the butcher's shop and the nearby vernacular buildings (including Pool House and The Old Rectory).
- 5.15 I carried on to the petrol station. I saw that it was providing both fuel and a wider range of other commercial and community facilities.
- 5.16 I walked back along North Road and into Tibberton Lane up to the housing site identified in the Allocations Plan.

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 July 2021.

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 Huntley 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 the location of residential development (Policies HM1 and 2) and for employment development (Policies E1-5). In the social dimension, it includes policies on community facilities (Policies C1-2). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on design (Policy BE2), heritage assets (Policy BE1), landscape (Policy NE1), and biodiversity (Policy NE2). HPC 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 HPC commissioned a Screening Report. The resulting Report (November 2022) is thorough and well-constructed. It assesses the environment implications of the objectives and the policies included the Plan. 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 The screening report also addressed Habitats Regulations Assessment (HRA). The HRA report is both thorough and comprehensive. It takes appropriate account of the significance of the following protected sites:
- the Wye Valley & Forest of Dean Bat Sites Special Area of Conservation (SAC) located approximately 6.5 km to the west and 6.5/17.5 km south-west of the parish;
 - the Walmore Common Special Protection Area (SPA)/Ramsar site located approximately 4.5 km to the south-east of the parish;
 - the Severn Estuary SAC/SPA/Ramsar located approximately 11.4 km to the south of the parish;
 - the Wye Valley Woodlands SAC located approximately 16.7 km to the south-west of the parish; and
 - the Cotswold Beechwoods SAC located approximately 17.1 km to the south-east of the parish and beyond the Gloucester conurbation.

- 6.17 The Assessment concludes that given the small geographical area of the parish, its distance from protected sites, and that the Plan does not allocate sites for new development 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 HPC 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. The Plan includes a series of Community Actions which have naturally arisen as the Plan has been prepared.
- 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. I comment on the Community Actions 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

- 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 has been prepared and how it will be used. The Process Map in Figure 1 is very helpful as a scene-setter. This part of the Plan also includes a map of the neighbourhood area (Figure 2) and describes the Plan period. It also explains how the neighbourhood plan process overlaps with national planning policies and the planning policies produced by FDDC. In the round it is a very effective introduction to a neighbourhood plan. For clarity I recommend that the Plan period is clearly expressed in the Plan itself to complement the information on the front cover.

At the end of the Introduction add a new paragraph to read: 'The Plan period is 2022 to 2026.'

7.10 The Portrait of the Parish 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 The next section comments about the Vision and the objectives of the Plan. The Vision is as follows:

'Huntley will continue to be an attractive village with a strong historic character, an unspoilt rural setting and a range of high-quality homes fulfilling local needs, together with the infrastructure, public services and community facilities required to support this growth.'

Development will occur with the minimum of intrusion on the existing surrounding green space resulting in a healthy, safe, and pleasant environment for its residents to live, learn, work, and play in.'

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 HM1 New Housing within the Settlement Boundary

7.13 This is an important and comprehensive policy. It offers support for small scale residential development within the settlement boundary. It requires that development proposals take account of the Design Guide and the Landscape Character Assessments. It includes specific elements on car parking and on the delivery of affordable housing.

7.14 The policy takes a positive approach to this matter. It sets out a spatial strategy for the parish. In doing so it will help to ensure that new development takes place within the village and therefore has good access to a range of commercial and community services.

7.15 I recommend modifications to the second and third parts of the policy to bring the clarity required by the NPPF. In relation to the third part of the policy the recommended modification requires proposals to 'respond positively' to the Design Guide and Character Assessment rather than more loosely 'consulting' those documents. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the dimensions of sustainable development.

Replace the second and third parts of the policy with:

'Wherever practicable, development proposals should be on previously developed land, proven lower grade green-field land or on small infill sites.'

Development proposals should respond positively to the contents of the Huntley Design Guide and Landscape Character Assessments to ensure that they respect the character of the local area.'

Policy HM2 New Housing outside the Settlement Boundary

- 7.16 This policy takes a matter-of-fact approach to development proposals outside the settlement boundary in indicating that they will only be supported where they deliver new homes which are supported in national policy.
- 7.17 It also comments that the policy will be reviewed when the emerging FDDC Local Plan is adopted.
- 7.18 Whilst the first part of the policy largely repeats national policy, I am satisfied that it is appropriate to be included in the Plan. It applies national policy to the locally-defined settlement boundary.
- 7.19 I recommend the deletion of the second part of the policy. I do so for two reasons. The first is that it is a statement of intent rather than a policy. The second is that monitoring and review of the Plan is comprehensively addressed elsewhere in the Plan.

Delete the second part of the policy

Policy BE1 Historic Environment and non-designated assets

- 7.20 This is a wide-ranging policy on the heritage assets in the parish
- 7.21 It comments that in proposals affecting heritage assets, non-designated heritage assets, and historic features on buildings, period features and original materials should be preserved where possible, repaired if necessary and incorporated back into the development.
- 7.22 The policy also comments that proposals which would directly or indirectly affect non-designated heritage assets will be assessed against the scale of harm or loss and the significance of the asset.
- 7.23 The policy has regard to national policy on this matter. It does much to capture the character and appearance of the parish.
- 7.24 The supporting text is very comprehensive. It includes details and photographs of the proposed non-designated heritage assets. I looked at some of the proposed assets. It was clear that they have been carefully-chosen. I recommend that the policy specifically comments about their identification to bring the clarity required by the NPPF rather than relying on the supporting text. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental and social dimensions of sustainable development.

At the end of the first part of the policy add:

‘The Plan identifies the following non-designated heritage assets (then list in bullet point format).’

Policy BE2 Building Design.

- 7.25 This is a comprehensive policy on design. It comments that all developments should conform to Policies CSP.1, CSP.2, CSP.3 of the Core Strategy, the latest Forest of Huntley Neighbourhood Plan – Examiner’s Report

Dean Council Residential Design Guide and supplementary design guides, such as the Residential Design Guide of Alterations and Extensions and the Huntley Design Guide.

- 7.26 The Design Guide is an excellent document. It sets out a detailed character assessment of the parish and then sets out a series of design guidelines.
- 7.27 The policy sets out detailed design principles on plots and density, heights, materials, and local building materials.
- 7.28 The policy takes a very positive approach to this matter. In the round it is a very good local response to Section 12 of the NPPF.
- 7.29 I recommend a series of modifications to bring the clarity required by the NPPF. They refine the approach taken rather than altering any key principles. I recommend that an additional paragraph is included in the policy before the series of design principles. This will provide a better structure to the policy. I also recommend that the final part of the policy on surface water discharge is modified so that it can be applied on a proportionate basis. As submitted it refers rather generally to all new development. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

In the first part of the policy replace ‘All developments should conform with’ ‘Development proposals should respond positively’

Before ‘Plot and Density’ add a new paragraph to read: ‘Development proposals should take account of the following design principles:’

In Height delete ‘and should not exceed the local height’

In Scale replace ‘the local character will not be disrupted’ with ‘the character of the immediate locality will not be unacceptably affected’

In Materials replace ‘the surrounding Neighbourhood Area’ with ‘those in the immediate locality’

In Boundary replace the final two sentences with: ‘Off street parking should be provided to the most up to date standards required by the District Council and should be to the rear or side of the property.’

In the final paragraph of the policy replace ‘New development shall’ with ‘As appropriate to their scale, nature and location development proposals should’

Policy BE3 Promoting Sustainability

- 7.30 This policy sets out a comprehensive approach to sustainability. It comments that all development is expected to be designed to contribute to the following elements of sustainability and all major development must prepare a sustainability statement:
- promoting renewable energy
 - energy efficiency

- water efficiency
- sustainable living

- 7.31 In general terms the policy sets out a very detailed and well considered approach to this matter. I recommend a series of detailed modifications to bring the clarity required by the NPPF. In the main they refine the wording used. In some cases, they recognise that the ambition of the policy may not always be practicable.
- 7.32 I recommend that the opening element of the policy is modified so that it can be applied by FDDC on a proportionate basis. As submitted the policy generally applies to all development. Clearly a proposal for major new residential development will trigger most of the elements of the policy whereas a proposal for a modest house extension would impact far less on the policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental and social dimensions of sustainable development.

In the opening part of the policy replace ‘All development is expected to’ with ‘As appropriate to their scale, nature and location development proposals should’

In the opening part of the policy replace ‘major development (currently 10 dwellings as defined in NPPF) must’ with ‘proposals for major development should’

In the second bullet point of Renewable Energy replace ‘must’ with ‘should’

In the second bullet point of Sustainable Living replace ‘All’ with ‘Wherever practicable’

Policy C1 Local Community Facilities

- 7.33 This is a comprehensive policy. It identifies existing community facilities. It also addresses proposals to enhance existing community facilities and for the development of new facilities. It has a separate element to safeguard existing community facilities. I saw the importance of the various community facilities during the visit. The two shops and the School are particularly important.
- 7.34 The policy includes all the appropriate elements for a community facilities policy but in a slightly confusing matter. In order to bring the clarity required by the NPPF I recommend the following modifications:
- that the policy simply lists the existing community facilities rather than attempting to break them into component areas;
 - that the policy has distinct elements which address the different type of proposals which may come forward;
 - that the element of the policy which seeks to safeguard community facilities acknowledges that commercial viability issues may affect the ongoing availability of community facilities in the Plan period and that imaginative proposals may have the opportunity for the delivery of replacement facilities; and

- that elements of supporting text in the policy are repositioned into the supporting text.

7.35 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Replace the policy with:

‘The Plan identifies the following community facility buildings:

- **Church of St John the Baptist**
- **Huntley Church of England Primary School**
- **Red Lion Public House**
- **Community Shop Premises, (currently Woods Butcher and the Filling Station)**
- **Huntley Village Hall and adjoining open land including playground**

Development proposals for the enhancement of the community facility buildings and/or which would enable or increase the viability of the community facility buildings will be supported.

Proposals for the provision of new community facilities will be supported.

Development proposals that will result in the loss, or a significant reduction in the capacity of an identified community facility building to provide services to the community, will not be supported unless the facility concerned is no longer commercially-viable or if a suitably-located replacement community facility is included within the overall development proposal.’

At the end of the supporting text add:

‘Policy C1 comments about the Plan’s intentions to safeguard existing community facilities and to provide a context for the development of additional facilities. Where appropriate, contributions from new developments may be used to support and enhance community facilities.’

Policy C2 New Community Facilities

7.36 This policy comments that proposals for new community facilities will be supported subject to a series of criteria. The criteria are both appropriate and distinctive to the parish.

7.37 The policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Policy C3 Green Space

7.38 This policy comments that existing designated green space, sports and recreational buildings and land, including playing fields, will not be developed unless there are exceptional circumstances which outweigh the need for protection.

7.39 I recommend a series of modifications to the policy so that the approach in the Plan has the clarity required by the NPPF:

- a recasting of the first part of the policy so that it will have a functional relationship with the development management process;
- a simplification of the opening element of the second part of the policy;
- the relocation of explanatory text into the supporting text; and
- a revision to the title of one of the sections of the supporting text which confusingly is headed Local Green Space when there are no such spaces identified in the parish in the Local Plan or proposed in the submitted Plan.

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

Replace the opening element of the first part of the policy with:

‘Proposals for the development of existing designated green space, sports and recreational buildings and land, including playing fields, will not be supported unless there are exceptional circumstances which outweigh the need for their protection, and:’

Replace the opening element of the second part of the policy with:

‘Development proposals on the following designated green spaces will be determined on the basis of Policy CSP9 of the Forest of Dean Core Strategy and relevant sections of the NPPF.’

On page 46 replace the heading ‘Local Green Spaces’ with ‘Green Spaces’

At the end of the supporting text add:

‘Policy C3 sets out the Plan’s approach to this matter. It draws attention to the protection afforded to five green open spaces in the Local Plan. The Recreation Ground and Allotment Gardens are also protected by the Enclosure Act 1857 and further protection for the Allotment Gardens is offered under the Allotments Act 1925.’

Policy NE1 Protecting and Enhancing the Local Landscape Character

7.41 This is another very comprehensive policy. In this case its focus is on the local landscape character. I saw several elements of that character during the visit.

7.42 The policy comments that development proposals should be designed to protect, conserve and where possible enhance the special characteristics that make up the distinctive, ecologically sensitive and valued local landscape character around Huntley. It also comments that development proposals should be sited and designed to respect the identified significant views which are locally valued and which make an important contribution to the neighbourhood area’s landscape character.

7.43 I recommend a series of detailed modifications to bring the clarity required by the NPPF. They will allow the policy elements to be used consistently through the development management process. In some cases, they acknowledge that the

application of elements of the policy will not always be practicable. Nevertheless, they do not alter the approach taken in the submitted policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

In the sixth bullet point delete the first sentence.

In the seventh bullet point replace ‘Proposals should conserve and, where practicable’ with ‘Wherever practicable development proposals should’

In the following sub-bullet point replace Enhance with ‘Conserve and/or enhance’

Replace the eleventh bullet point with ‘Wherever practicable development proposals should create and/or enhance blue green corridors to protect watercourses and their associated habitats’

In the twelfth bullet point replace ‘must’ with ‘should’

In the thirteenth bullet point replace ‘shall’ with ‘should’ and delete ‘(over 10 units)’

At the end of the supporting text on Local Views add ‘Policy NE1 addresses this important issue. A hard and soft landscaping scheme should be submitted with all planning applications for new buildings.’

Policy NE2 Protecting Wildlife and Securing Biodiversity Net Gain

- 7.44 This is another comprehensive policy. In this case it comments about wildlife and biodiversity net gain. It comments that all development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, and habitats.
- 7.45 The policy also comments that new development should create a measurable net gain in natural capital and biodiversity and demonstrate that they will not result in adverse impacts on the quality of waterbodies, groundwater, and surface water, will not prevent waterbodies and groundwater from achieving a good status in the future and contribute positively to the environment and ecology.
- 7.46 The policy takes a very positive approach to this important matter. I recommend detailed modification to elements of the policy to bring the clarity required by the NPPF and to ensure that it can be applied in a proportionate way by FDDC through the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

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

In the third part of the policy replace ‘Where practical’ with ‘Wherever practicable’

In the fourth part of the policy replace ‘New developments must’ with ‘As appropriate to their scale, nature and location development proposals should’

Policy NE3 Dark Skies

- 7.47 This policy comments about dark skies. It aims to ensure that new development does not have any significant impact on the environment due to light pollution. It comments that lighting schemes should be designed to reduce any adverse impacts on wildlife and to protect the dark skies which are characteristic of the more rural areas of the parish. It advises that where planning permission is required for an external lighting scheme or where external lighting is required as part of a development proposal, applications will be supported where they meet a series of criteria
- 7.48 The policy takes an appropriate and sensitive approach to this matter. To bring the clarity required by the NPPF I recommend a series of modifications as follows:
- the removal of unnecessary supporting text from the first part of the policy;
 - the refinement of the approach in the second part of the policy so that it sets out principles for new lighting rather than attempting to determine the outcomes of planning applications; and
 - refining the wording used in the fifth bullet point and including the wording missed from the submitted Plan.
- 7.49 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the first part of the policy with: ‘Lighting schemes should be designed to minimise their impacts on wildlife and to protect the dark skies which are characteristic of the more rural areas of the parish.’

In the second part of the policy replace ‘applications will only be supported where:’ with ‘proposals should respond positively to the following principles:’

Replace the fifth bullet point with: ‘The lighting should be nocturnal-friendly. The proposed light globes should have the least impact to achieve the lighting required. Long wavelength globes that emit florescent or ultraviolet light should be avoided.’

Policy TT1 Sustainable Travel and Transport

- 7.50 This policy sets out the traffic implications and requirements for new dwellings.
- 7.51 I recommend that the policy sets out the necessary requirements rather than making a sweeping statement about what the type of residential development which would secure planning permission. That matter is already addressed in Policy HM1. I recommend consequential modifications to the bullet points in the first part of the policy.
- 7.52 I also recommend that the second part of the policy is recast so that it more properly expresses the intention of the policy. I have taken account of HPC’s responses to the clarification note on this matter. I have also recommended the repositioning of

explanatory text into the supporting text. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

Replace the opening element of the first part of the policy with:

‘Proposals for new dwellings or extensions to existing dwellings should demonstrate that:’

In the first bullet point delete ‘They can demonstrate that’

In the first bullet point replace ‘of a population with high car ownership’ with ‘of the proposed development’ and ‘possible’ with ‘practicable’.

In the second bullet point add ‘The’ at the beginning.

Replace the final part of the policy with:

‘Development proposals which would add significant and unacceptable traffic volumes or increased traffic noise within the Huntley village and wider parish, the development will not be supported unless accompanied with appropriate mitigation measures.’

At the end of the supporting text add: ‘This is particularly applicable to any new development directly along the A40 or A4136 where traffic noise and volumes are already an issue.’

Policy E1 Small scale local economic development

- 7.53 This policy comments that proposals for new businesses or the expansion of businesses within the parish will be supported if they are of a scale, type, and nature appropriate to their location and setting and impacts on highway safety and capacity are or can be made acceptable. It identifies four types of proposals which are included in the policy’s approach.
- 7.54 The policy takes an appropriate approach to this matter. It has regard to Section 6 of the NPPF.
- 7.55 I recommend a detailed modification to the wording used on the ability of proposals to be safely incorporated into the highway network. Otherwise, it meets the basic conditions. It will contribute to the delivery of the economic dimension of sustainable development.

Replace ‘impacts on highway safety and capacity are or can be made acceptable’ with ‘they can be satisfactorily and safely accommodated in the local highways network’

Policy E2 Agricultural Development

- 7.56 This policy comments that proposals for agricultural development requiring planning permission, for example intensive livestock units, commercial size polytunnels or large-scale horticulture should demonstrate that they meet a series of requirements.

- 7.57 I am satisfied that the various criteria are both appropriate and distinctive to the parish.
- 7.58 I recommend the deletion of the unnecessary reference to the parish in the initial part of the policy. I also recommend a series of modifications to the various criteria so that they have the clarity required by the NPPF and can be applied consistently by FDDC during the Plan period as follows:
- in the third bullet point clarifying the scale of harm;
 - introducing an element of proportionality to the fourth criterion; and
 - removing the repetitive element in the fifth criterion.
- 7.59 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the economic and environmental dimensions of sustainable development.

In the opening part of the policy delete ‘in the Neighbourhood Area’

In the third bullet point replace ‘no loss’ with ‘no unacceptable loss’

Add the following at the beginning of the fourth bullet point: ‘As appropriate to the scale, nature and location of the proposed development’

In the fifth bullet point replace Development....it’ with ‘The proposals’

Policy E3 Protecting Existing Local Employment

- 7.60 This policy comments that proposals for the change of use or redevelopment of land or premises currently in employment use will only be supported where they meet a series of criteria.
- 7.61 The criteria are distinctive to the neighbourhood area. The policy meets the basic conditions.

Policy E4 Homeworking and Live-work units

- 7.62 This policy comments about the increasingly important issue of home working. It acknowledges that not all such proposals will require planning permission and comments that proposals for new dwellings or extensions to existing dwellings that provide space to support homeworking (such as a home office for remote working) will be supported.
- 7.63 It also comments that where commercial space at residential properties is required, support will be given for proposals for small scale, proportionate residential extensions, or modest conversions of existing buildings in the gardens of residential properties where the express purpose is to provide commercial space from which to operate a business or workshop, or to store business equipment.
- 7.64 This is an excellent policy. It sets out a positive approach to new business development which would be appropriate to the parish. The final element of the policy sets out detailed criteria for determining proposals for working from home. It will provide clarity for all concerned in the development management process. I am satisfied that it meets

the basic conditions. In the round the approach taken will contribute to the delivery of the economic and social dimensions of sustainable development.

Policy E5 Promoting Mobile Telecommunications

- 7.65 This policy recognises the importance of good connectivity. It comments that new and improved mobile telecommunication infrastructure will be supported where they meet a series of criteria.
- 7.66 I am satisfied that the criteria are appropriate and distinctive to the parish.
- 7.67 The policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Policy TM1 Rural and Farm Tourism Development

- 7.68 This policy reflects the nature of the parish. It comments that development proposals for small scale tourism and rural enterprise will be supported where they provide visitor accommodation or small business units to support local rural diversification and employment opportunities. The policy confirms that the approach taken includes the sensitive conversion of former agricultural buildings which blend in with the surrounding rural area.
- 7.69 The policy has been prepared good effect. It has regard to Section 6 of the NPPF.
- 7.70 I recommend that the various criteria set out in the policy are applied in a proportionate way. Not every criterion will apply to every proposal which may come forward in the Plan period.
- 7.71 In the third and fourth parts of the policy I recommend that the word 'welcomed' is replaced with 'supported'. This acknowledges that 'welcomed' has little if any weight in the planning process.
- 7.72 I recommend the deletion of the final part of the policy which restates Core Strategy policy on visitor accommodation. In doing so I have taken account of HPC's response to the clarification note. Nevertheless, national policy is clear that a neighbourhood plan does not need to repeat or restate policies in the development plan. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the dimensions of sustainable development.

In the second part of the policy replace 'The proposal should' with 'As appropriate to their scale, nature and location development proposals should'

In the third and fourth parts of the policy replace 'welcomed' with 'supported'

Delete the fifth part of the policy.

Policy MR1 Monitoring and Review

- 7.73 This policy sets out how HPC will monitor the Plan and the implementation and effectiveness of its policies. It does so to good effect.

- 7.74 As an outcome of the clarification note process HPC agreed that this was more of a process matter rather than a policy. As such I recommend that the policy and the supporting text are deleted. I have addressed the wider monitoring issues in paragraphs 7.80 and 7.81 of this report.

Delete the policy

Delete the heading and the associated supporting text

Representations proposing housing sites

- 7.75 Two of the representations made to the Plan propose housing sites. The first was from CR Planning on behalf of Mr E Duberley. The second was from TT Planning on behalf of Mr Akerman. It is not within my remit to comment directly on such proposals. The proposed housing sites were not included in the submitted Plan and have not been addressed in the environmental screening process.
- 7.76 The broader development of new homes within the District will be addressed in the emerging Local Plan. HPC has anticipated the potential for the strategic planning position in the District to alter in the Plan period by proposing a very thorough and robust process in relation to the monitoring and review of any made neighbourhood plan.
- 7.77 Insofar as the representations proposing housing sites have made comments on the policies in the Plan, I have taken account of those representations on a policy-by-policy basis earlier in this report.

Community Actions

- 7.78 The Plan includes a series of community actions (CA1-10). They are non-land use matters which have naturally come forward as the Plan has been prepared. Their inclusion in a separate part of the Plan is best practice.
- 7.79 I am satisfied that the Actions are appropriate and distinctive to the neighbourhood area. In several cases they will have a complementary role to the land use policies. The following Actions are particularly noteworthy:
- CA1/2 Road safety; and
 - CA6/8 Community facilities.

Monitoring and Review

- 7.80 Policy MR1 addresses the way in which HPC will monitor the effectiveness of the Plan. It does so to good effect. This is particularly important given the relatively short Plan period.
- 7.81 Nonetheless I have recommended that Policy MR1 is deleted and that the issue is addressed elsewhere in the Plan. HPC suggest that it should be a Community Action. Whilst this is an option it is more of a process issue rather than a specific Action. As such I recommend that the approach is captured in a separate section of the Plan.

After the Community Actions section add a new section to read:

'Monitoring and Review

The Parish Council will monitor the Neighbourhood Development Plan and the implementation and effectiveness of its policies. When new issues are identified, policies are found to be out of date or in need of change, the Parish Council, in consultation with the Forest of Dean District Council, may decide to update part or the whole the Plan. The purpose of any review will be primarily to assess the extent to which the neighbourhood plan objectives have been implemented in practice and the contribution of the policies and local community actions towards meeting those objectives; and secondly to rectify any errors or omissions.

The process will be as follows:

The Parish Council and the reconvened Steering Group or their representatives will review the effectiveness of the Plan 12 months after it has been 'made' by the District Council. A monitoring report will be presented to the next available Parish Council meeting.

The need for a review of the Plan will take place following the adoption of a new or equivalent Local Plan, Core Strategy or Allocations Plan. This will consider any changes in circumstances that warrant an update to the Plan.

When the emerging Forest of Dean Local Plan is adopted, the neighbourhood plan will be updated within 6 months. The Plan will be reviewed every five years thereafter.

At least two years prior to the expiry of the Plan, a full review will be undertaken to gauge the success of the Plan in meeting its objectives and to put in place a succession plan.'

Other matters - General

- 7.82 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 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 HPC 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 2026. 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 Huntley 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 Huntley 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 on 7 October 2021.
- 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
27 April 2023