

# Forest of Dean Allocations Plan EXAMINATION

## Inspector's Response to Council's Proposals

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### Inspector's Reply to Council's Proposals in Response to Interim Findings

1. This note sets out my observations on the Council's proposals in response to my Interim Findings ('IF') on the soundness and legal compliance of the Allocations Plan ('AP'). As before, I would stress that these remarks are without prejudice to my final conclusions on the examination of the AP, which will depend on consideration of further evidence.
2. The documents submitted include:
  - Summary and contents of FoDDC response to the Inspector's Interim Findings;
  - Report to the Full Council meeting of 21 September 2016, based on a report and appendices approved by the Cabinet on 15 September 2016;
  - August 2016 Update on housing need and land supply 22/9/16
  - Housing trajectory;
  - NMSS Report: Response to the points on the OAN raised in the Inspector's Interim Findings;
  - Nupremis Report: Response to the points raised in the Inspector's Interim Findings relating to economic considerations in the OAN;
  - Sustainability Appraisal ('SA') Addendum;
  - Habitat Regulations Assessment ('HRA') Addendum;
  - HRA Addendum/ Strategic Environmental Assessment ('SEA') Addendum/ SA Addendum – Recommendations;
  - AP Heritage Keynote September 2016;
  - AP Policies and Flood Risk Keynote September 2016;
  - AP Contamination Keynote July 2016
3. The August 2016 Update on Housing Need and Land Supply dated 22/9/16 appears to supersede the version dated 12/9/2016 attached to the Cabinet report. The difference between the documents appears to relate to the capacity of sites East of Lydney. It would be helpful for this and any other amendment to be identified. Similarly, in order to maintain the clarity of the evidence base, the amendments made in the updated Keynotes on Heritage and Flood Risk should be clearly noted and the relationship of the Contamination Keynote to the earlier Keynotes clarified.

### Objectively Assessed Need for Housing

4. The Council now proposes a revised proposed 'demographic' OAN of 280 dpa for the period 2006-2026. I note that the calculation of that figure by NMSS involves a different approach to that earlier adopted on the inclusion of UPC, but that the difference is not highly significant when rounding is applied. At present I have no reason to dispute the 280 dpa figure.
5. With regard to economic growth, I note the consultants' recommendation that additional homes in the range of 0-400 should now be added. The Council's Summary Response confirms that it would be prudent to plan for the addition of 400. The Update on Housing Need and Land Supply is slightly less definitely worded (para 11) but endorses the same addition, resulting in a 'jobs-led' OAN of 300 dpa. I acknowledge that the evidence submitted indicates that this would be an updated equivalent of the figure of 340 dpa outlined in the IF, and would represent the proposed adjusted OAN.

### **Housing requirement**

6. The Council now seeks to apply the IF advice that a further allowance of 10% should be added to reflect the high level of need for affordable housing. However, this was to be added to the adjusted OAN rather than to the base demographic OAN (IF paras 63, 65). The figure of 308 dpa now proposed by the Council is based on the addition of 10% to the unadjusted demographic OAN. The resulting proposed requirement rounded to 310 dpa would involve a degree of double-counting between the economic and affordable housing elements of growth above the demographic base figure. I acknowledge that the additional economic-led homes would provide an element of affordable housing, but the overlapping of the two elements of growth falls short of the boost sought by the IF recommendation. This needs further consideration by the Council.

### **Housing for different groups**

7. The IF sought further consideration of the merit of adopting a target figure for the provision of specialist accommodation for older people, in order to make a more positive commitment to addressing need and to assist monitoring. The IF also recommended that the Council should review the scope for specific allocations to consist of or include self-build housing. The Cabinet report indicates that these matters have been addressed in the attached table of draft Main Modifications ('MM's'), but it is not clear what changes if any have been made to the earlier version of this table.
8. The position on the emerging requirement for a proportion of starter homes on suitable sites introduced by the Housing and Planning Act 2016 is still uncertain. However, the IF recommendation remains valid that the potential implications should be considered.

### **Housing Supply**

9. The IF put forward a number of adjustments to the Council's schedule of deliverable sites contributing to the 5 year land supply. I note that the majority of these amendments have been incorporated into the Council's revised schedule, set out in the August 2016 Update paper.
10. Of those sites where the Council now proposes different provision from the IF conclusion, I make the following observations:

#### AP 47 East of Lydney

There is some evidence of progress since the AP hearings in bringing the sites forward. The revised figures may be worthy of support.

#### AP 53 Holms Farm, Lydney

The Update paper refers to unresolved issues and scope for delay in achieving planning permission. It is not clear that there is sufficient justification to reinstate the proposed delivery of 15 units.

#### AP 55 Lawnstone House, Coleford

The Council now reports limited interest in starter homes. If this were to affect the HCA grant offer, and in the absence of firm interest in development of the site, the case for inclusion of the site in the deliverable supply would come under question.

AP 62 Poolway Farm, Coleford

In the absence of clear development proposals, the case for returning to the original figure of 80 units is open to question.

AP 73 Cleeve Mill Lane, Newent

The reduced figure of 17 units is reasonable.

AP 89 Victoria Hotel, Newnham

In the absence of clear development proposals, the case for returning to the original figure of 20 units is open to question.

AP 91 Land adjoining A48 and Bigstone Meadow, Tutshill

The grant of outline planning permission confirms the case for inclusion of the allocation but it is not clear why the deliverable number has been increased from 35 to 45 dwellings.

11. The IF noted the potential increase in the supply by the addition of sites that have gained permission since April 2015, mainly through planning appeals, and several other sites subject to undecided appeals or challenge. The Council has now advised that the challenge to the permission granted on appeal for up to 126 dwellings at Gloucester Road, Tutshill<sup>1</sup> has been dismissed by the High Court, and that this site will be proposed as an allocation, with some contribution to the 5 year supply.
12. The above sites, together with those not amended, provide the basis for meeting a 5 year supply derived from the Council's updated housing requirement. In addition, the Council now proposes the potential allocation of 14 other sites that would contribute to the 5 year supply. Some of these would involve enlargement of allocations already included in the AP, and others have already been the subject of representations during the Examination. However, before any of these could be put forward as a MM, they will need to be subject to public consultation, informed by adequate evidence that has led to their proposal by the Council and of the work done on SA/SEA and HRA, together with an assessment of the effect on the distribution of housing between settlements. In publishing the consultation material, the opportunity should be taken to clarify the actual extent of the potential allocation at Southend Lane, Newent and the location of open space at Cleeve Mill/Gloucester Street, Newent, where some text is missing from the table.

**Herefordshire and Gloucestershire Canal**

13. The draft modification to Policy AP 9 now proposed seeks to address the concern raised in the IF about the absence of a continuous protected route for the canal. Subject to clarification of the wording of the second numbered point, and of the insertion of the additional paragraph on coal mining risk assessment, which is not flagged as an amendment, I consider that the revised text could form the basis of a sound policy.
14. However, in recognition of the considerable interest in this matter by affected landowners and the Canal Trust, further consultation is required on the revised policy and on the proposed alignment shown on the alterations to the policies map, before the revised policy approach can be finalised as a MM.

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<sup>1</sup> Appeal Ref APP/P1615/W/15/3003662

## Conclusion

15. The Council's response to the IF represents considerable progress on the path to the adoption of a sound plan. However, the matters I have outlined above indicate continuing areas of uncertainty about the soundness of the AP and of the scope and effectiveness of potential MMs in addressing those concerns.
16. Therefore, I find it necessary for the Council to re-consider its proposed amendment to the OAN and the housing requirement, and then to check the effect of that on the overall supply of housing and on the deliverable 5 year supply. When that has been satisfactorily achieved, the revised housing proposals and the proposed modified canal policy will need to be subject of a focussed public consultation for a minimum period of six weeks. The consultation material should provide evidence to justify the policy approach. The consultation returns and the Council's response to them will influence the decision on the final form of necessary MMs.
17. This note is presented to assist in identifying a positive way forward to the adoption of a sound AP. The note is published for the information of interested parties, but not as an opportunity for any further representations at this stage. I would reiterate that the observations set out above are without prejudice to my eventual conclusions on the soundness of the AP.

*Brendan Lyons*

INSPECTOR

11 October 2016