

## Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input checked="checked" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="checked" type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input checked="checked" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

These representations are made by Black Box Planning on behalf of Freeman Homes in respect of their land interest at land north of Nympsfield Road, Nailsworth. The site was proposed for housing allocation for 25 dwellings in the Regulation 18 Draft Stroud Local Plan with site reference PS07. A site location plan is attached at **Appendix 1** to these representations.

Freeman Homes object to Policy CP2 in respect of the lack of growth attributed to Nailsworth. As demonstrated below, there are inconsistencies within the Plan and its evidence base which render it unsound, including in respect of the role of Nailsworth within Policy CP2.

As confirmed by Policy CP3 (Settlement Hierarchy) Nailsworth is designated as a Local Service Centre with the policy stating;

*“These market towns and large villages have the ability to support sustainable patterns of living in the District because of the facilities, services and employment opportunities they each offer. They have the potential to provide for modest levels of jobs and homes, including through sites allocated in this Plan, in order to help sustain and, where necessary, enhance their services and facilities, promoting better self-containment and viable, sustainable communities.”*

Paragraph 2.3.8 of the plan states;

*“In order to meet wider development needs and to support and improve existing services and facilities at smaller towns and larger villages, modest levels of growth will be delivered at the local service centres of Berkeley, Minchinhampton, Nailsworth and Painswick”.*

The status and function of Nailsworth’s vibrant town centre is confirmed by the fact that it is the only designated local service centre to be assessed in the retail/town centres evidence base alongside Stroud, Dursley, Stonehouse and Wotton-Under-Edge. The Vision to 2040 for the Stroud Valleys on page 70 of the plan also states:

*“With its high quality and niche retail and leisure, Nailsworth town will play a supporting role, providing for its own growing resident community, but also drawing from a wider local catchment and attracting visitors from outside the District”.*

Paragraph 3 of the Guiding Principles for the Stroud Valleys (page 72 of the plan) states;

*“Appropriate development will be supported to sustain Nailsworth and Minchinhampton and their roles as Local Service Centres for their surrounding communities, and Nailsworth’s secondary role as destination town for visitors and tourists”*

The status and role of Nailsworth, including the intention for modest levels of growth is therefore evident throughout the plan.

In addition, the Settlement Role and Function Study Update 2018 confirms that Nailsworth: -

- is the 4<sup>th</sup> largest settlement in the District by population (ref, Table 1, page 12);
- stands out as having experienced low levels of growth in to its size (ref, paragraph 2.11);
- ranks as the 7<sup>th</sup> most expensive civil parish in the district in terms of the average house price with an affordability gap of £103,000 between the median cost of local houses and the amount that local residents can afford to borrow (ref, Table 3, page 19);
- has a strategic retail role in the district (ref, paragraph 3.5)
- has a degree of strategic service provision (ref, paragraph 3.13);
- is one of the highest performing settlements in terms of service and facilities and good accessibility (ref, paragraph 3.36);
- is the 4<sup>th</sup> largest employment hub in the district, only surpassed by the larger settlements of Stroud, Stonehouse and Dursley (marginally) (ref, paragraph 4.25);
- is one of the best performing settlements in terms of ability to service the employment needs of the local community (ref, paragraph 4.33) and has higher than

average proportion of residents commuting short distances (between 2-5km) to their place of work (ref, paragraph 3.32);

- has 'experienced extremely low housing growth' between 2011 and 2018 (3% comprising 69 new dwellings) compared to the district average (6%) albeit recognising that environmental and topographical constraints play a role as restricting factors (ref, page 72); and
- should be a priority location for growth, albeit recognising significant expansion is difficult due to environmental, physical and topographical constraints (ref, page 73).

It is therefore evident in the local plan and the supporting evidence base, that Nailsworth is a sustainable location for growth. However, this is not reflected by policies CP2.

The only growth allocated to Nailsworth under Policy CP2 is 90 dwellings, attributed to a single site PS06, The New Lawn, Nailsworth (ref, page 85 of the plan). Site PS06 is the existing Forest Green Rovers football ground. The deliverability of the site within the plan period is very uncertain given that it requires the relocation of the football club to a new stadium. Although planning permission was granted for a new stadium known as 'Eco Park' near Junction 13 on the M5 in December 2019, there is no firm timetable for the stadium delivery. The approved stadium is an innovative design and intends to be the world's first modern football stadium built mostly from wood. With such innovation comes extraordinary build cost, so there are significant question marks regarding the stadium viability. Furthermore, originally the stadium application included a large-scale business park as part of the overall development strategy, presumably generating capital receipt/income to assist with the stadium delivery fund and operation. The business park component was subsequently withdrawn from the planning application due to policy objections. As a result, the commercial viability and deliverability of the new football stadium is unclear and there is no certainty that the new stadium will be delivered within the plan period. As such, there can be no certainty that allocation PS06 will be redeveloped to deliver new homes in the plan period. Given this uncertainty, there is the real prospect that Nailsworth will realise zero delivery of new homes including affordable homes during the plan period. It is unsound for the plan to have no additional allocations at Nailsworth given its status and strategic role in the settlement hierarchy.

Land north of Nympsfield Road, directly opposite The New Lawn (proposed allocation PS06) is ideally positioned to ensure Nailsworth realises a modest level of growth in the plan period, reflecting its strategic role as an upper tier settlement and strategic service centre in the district. Land north of Nympsfield Road was proposed for housing allocation for 25 dwellings in the Regulation 18 Draft Stroud Local Plan with site reference PS07. Freeman Homes control the PS07 and confirm the site is available, viable and deliverable for housing development in the short term.

In addressing Nailsworth, page 83 of the Pre-submission Plan states; "the preferred direction of housing growth in landscape terms is to the west." Land north of Nympsfield Road is consistent with this approach.

The Draft Plan for Consultation November 2019 Consultation Report (April 2021) provides the following explanation for the removal of the Nympsfield Road allocation.

*"Land North of Nympsfield Road will not be taken forward in the Local Plan process. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) and national*

*planning guidance advises that such a location is unlikely to be a suitable area to accommodate the unmet needs of adjacent areas, such as Nailsworth. The Council is intending to allocate a large site outside the AONB but within close proximity of this site that is more appropriate to meet the future housing needs of Nailsworth. This site is not associated with a settlement within the AONB and therefore is not a suitable location to meet needs arising from within the AONB.”*

Prior to this, the site had been allocated as the local plan landscape sensitivity assessment identified the site as one of the most appropriate locations in terms of landscape impact to accommodate future growth from Nailsworth. Indeed, Freeman Homes were invited to landscape workshops with the District Council, the Council’s landscape consultant and the Cotswold Conservation Board and consensus was reached on the landscape analysis, constraints and opportunities in the context of protecting the character and appearance of the AONB, which in turn informed the allocation policy to ensure an appropriate development scheme comes forward, responding to the site landscape context.

A copy of the Landscape and Visual Statement undertaken by Viridian in this regard is provided at **Appendix 2**.

The Council’s reasoning for removing the Nymphsfield Road allocation is predicated on an inaccurate interpretation of the PPG. The relevant section (Paragraph: 041 Reference ID: 8-041-20190721) states;

*The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated.*

The guidance does not provide a blanket barrier to development allocations in the AONB but rather advises that they are unlikely to be suitable, and clearly the suitability or otherwise is a matter for the LPA to consider. As indicated by the reasoning provided in the consultation paper as set out above, the District Council have erroneously applied the PPG with the effect that no allocations in the AONB can possibly be made to provide for the needs of Nailsworth. That interpretation is clearly mistaken. Rather, the emphasis of the PPG is that grounds of unmet needs arising from non-designated areas alone, is unlikely to provide sufficient justification for development in the AONB but a case-by-case judgement is required. In the case of land north of Nymphsfield Road, the Council had clearly concluded the site was acceptable in landscape terms previously by allocating the site at the Reg 18 Draft Plan stage having taken into account landscape evidence, and the PPG should not alter that judgement.

The approach to development in the AONB requires all planning considerations to be weighed in the planning balance, including objectives to plan sustainability as part of the response to climate change by locating homes in locations which reduce to need to travel.

A recent appeal decision (APP/W1850/W/20/3260641) provides a useful reference point to illustrate the overall planning balance approach to determine housing development in the

AONB. A copy of the appeal decision is attached at **Appendix 3**. Essentially, paragraph 3 of the decision identifies the great weight the NPPF indicates should be given to conserving and enhancing the landscape and scenic beauty of the AONB, but consideration needs to be given to the level of impact of the proposal on the landscape. This supports the correct interpretation of the PPG as set out above. It is judgement on a case-by-case basis for the LPA, rather than an in-principle blanket policy objection to development in the AONB which has been pursued by the Council in respect of land at Nympsfield Road (PS07). It is also noted that Policy ES7 does not impose a blanket barrier to housing development in the AONB.

In development management terms, the Council's approach to Nailsworth would be contrary to NPPF (July 2021) paragraph 177. Specifically, the NPPF advises that development within the AONB should be in exceptional circumstances and in the public interest. This includes a consideration of the need for the development, such as affordable housing delivery in a location of need, The consideration also extends to the scope for meeting the need outside of the AONB or meeting the need for it in some other way. Nailsworth is significantly constrained by the AONB and therefore the ability for needs to be met outside of the AONB is non-existent. The last consideration is one of landscape effect and the extent to which it could be moderated which the Council have already considered in their evidence base is entirely acceptable.

In consideration of the evidence above, the local plan policy CP2 is unsound in the treatment of Nailsworth and the lack of any clearly deliverable allocation within the plan period.

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Land at Nympsfield Road (PS07) should be reinstated as an allocation for Nailsworth within policy CP2. In this regard, Freeman Homes support a low-density allocation of 25 dwellings to ensure appropriate landscape mitigation measures as determined through the landscape workshops with the District Council are delivered.

Furthermore, there can be no confidence regarding the deliverability of allocation PS06 within the plan period, so the allocation should be deleted. In any event, the site could come forward as a windfall previously developed site or be listed on the brownfield register should Forest Green Rovers vacate the site to a new ground in the future.

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

**No**, I do not wish to participate in hearing session(s)

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

On behalf of Freeman Homes, Black Box Planning request attendance at the hearing sessions to assist the Inspector with any queries or discussions regarding the role of Nailsworth in the settlement hierarchy, housing need relevant to Nailsworth including affordable housing, proposed allocation PS06 and omission site PS07.

In addition, specific to Policy CP2, we request the opportunity to make oral submissions regarding revisions to the policy as referred to above, and partake in general discussions regarding the policy and how the sites identified contribute towards the Plans' overall objectives to plan for sustainable patterns of development.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:

Date: