



Forest of Dean
— DISTRICT COUNCIL —

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Nick Boles MP
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Our Ref: SP/sp
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Date: 4 July 2014

Dear Mr Boles

National Planning Policy Framework (NPPF) – Forest of Dean District Council

Gloucestershire County Council recently asked district authorities in the County to share our experiences of working within the NPPF with relevant government departments and our MP. The Forest of Dean District Council is keen that the Government understands the impact that the NPPF is having on small rural districts, such as the Forest of Dean and has the opportunity to mitigate some of the negative effects before the cumulative results change the district beyond all recognition.

From a development management perspective the requirement to secure a five year land supply and the resultant presumption in favour of sustainable development has given rise to significant problems to the Forest of Dean District Council. Despite having an approved Core Strategy the council is unable to demonstrate that it has a five year supply of land. The inability to demonstrate the level of supply is not necessarily a matter which the council has adequate control over. In particular, the district is not a particularly attractive proposition for house builders and even in times of economic growth the build rates are less than the national average, thus the council - despite having sufficient land allocated to meet its needs - has been unable to deliver a build rate which is deemed to meet the five year target, with resultant additional penalties (required in the NPPF) in terms of the need to add in further numbers of units to make up the shortfall. In addition, as a small authority, the council is in a position where a limited number of property developers can exert an undue influence on the delivery of the housing. In particular, a developer controls the district's largest allocation, which has planning permission, yet has made a case that it is not viable and in doing so has successfully secured an additional non-allocated site for housing at appeal and is in the process of seeking to secure at least one further housing scheme on non-allocated land.



It seems perverse that a developer may obtain a non-allocated site for development by virtue of the five year supply shortfall, yet there is no mechanism to ensure that this "new" site is actually built within the five years. It is strongly recommended that both to stop this and avoid developers' land-banking sites that measures are enforced against developers to incentivise them to build out sites once permissions are in place. Taxation could be one means of achieving this.

Whilst the council is in the process of updating its development plan, the time taken to secure this means that the council is currently in a position where developers are seeking to secure development on non-allocated sites.

The flow of "five year land supply" speculative applications is for us quite high. This leads to a particular dilemma.

The NPPF requires development to be permitted in the absence of a five year land supply if it is "sustainable". It does in its wording allow considerations of location, landscape impact and impact on other protected areas to be taken into account in making this judgement. However, there are appeal decisions which show relatively little weight being given to these matters when there is the prospect of permitting more housing. Even being in an AONB (Area of Outstanding Local Beauty) is not enough to guarantee the appropriate level of protection. So some quite undesirable sites are gaining permission. The dilemma is what to do with which sites; some may be acceptable to us and should be permitted but others would be unacceptable in landscape terms for example. To permit the latter is to compromise policies other than the ones we can't currently defend (which are those relating to land supply). To refuse will almost certainly lead to more appeals and some will be allowed, but to permit some will risk permanent damage.

The majority of these sites are greenfield and are actually contrary to the government drive for previously developed land to be developed first.

There is a reasonable prospect that permissions will be secured either reluctantly by the council permitting them (fearing the costs of a likely appeal) or at appeal which will mean that by the time the new plan has completed its complex process to become an adopted plan it will have, in effect, been superseded by sites outside those proposed in the plan. This makes a mockery of the whole process of producing a plan which by its definition and process involves the general public and local community representatives, such as the town and parish councils, in planning the future of their areas. Such a scenario cannot be seen to be a form of localism.

Can the process of securing an adopted Development Plan be simplified to reflect the need for councils to react to the five year land supply?

One emerging issue is the need to review the overall levels of provision of housing - for this authority the figure is 6,200 over 20 years. The NPPF and its accompanying guidance effectively require a review of this figure every year. This is leading to further discussion with developers looking for a window of opportunity and almost all appeals will consider this issue. In Gloucestershire it has surfaced with the Inspector's first comments on the Stroud Examination into their Local Plan, and he effectively put the Gloucestershire local authorities in a position where some more co-ordinated work in the form of a review of housing "objectively assessed needs (OAN)" is required. In other words before we can get to the five year availability discussion there has to be one about the overall number. We are in the process of agreeing to contribute to a joint study but this is yet another additional cost to the council at a time when budgets are being dramatically reduced.

The Forest of Dean housing market is such that it is very unlikely ever to be able to support building at the rate required to discharge the five year requirement within five years - at about 450 houses p.a. it is over 40% in excess of the plan requirement. Some sites promoted outside the plan are now looking unlikely to deliver within five years. There is clear evidence that Newent - one of our market towns - has more than enough permissions for more than five years but there are also at least two substantial speculative Newent sites coming for determination soon, using the presumption in favour of development espoused by the Secretary of State. Tutshill/Sedbury in the South of our District is also suffering in a similar way. Both these settlements may be harmed by additional development and the Core Strategy itself is being undermined - as it is clear that the majority of housing development should be encouraged in the Cinderford Northern Quarter (a major brownfield regeneration project to utilise an old coalfield site) and sites in the East of Lydney, our largest market town, which is the only town with good transport infrastructure, including a railway station.

Individual, very large, sites have a disproportionate influence on the supply and viability discussions are squeezing the section 106 contributions from these and others, making it harder to secure the much-needed affordable housing to meet the needs of local communities.

The planning system has degenerated to a process where the five year supply and presumption in favour of development has created a situation where districts such as ours are being inundated with speculative developments contrary to the development plan. Where councils - in support of their plan - and local opposition have sought to defend against the development, the resultant appeals are an additional cost burden on the council. For a small rural authority the cost burden of a series of public inquiries is substantial. Speculative unplanned development is the unintended but real outcome of the NPPF guidelines. This is to the detriment of the district and the credibility of its plan-making functions and is also against the wishes of the communities where the development is being imposed.

Thank you for taking the time to read our views and we hope that the NPPF will be reviewed as a matter of urgency to place the planning process back on a more rational and balanced footing.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sue Pangbourne', written in a cursive style.

Sue Pangbourne
Head of Paid Service

c.c. Eric Pickles MP, Secretary of State for Communities and Local Government
Mark Harper MP
Peter Bungard, Chief Executive, Gloucestershire County Council
Cllr Patrick Molyneux, Leader of Forest of Dean District Council (FoDDC)
Cllr Brian Robinson, Deputy Leader & Cabinet member for Planning, FoDDC