Independent Examination into the Bold Forest Area Action Plan

Bold Forest Area Action Plan

Inspector’s Post-Hearing Outline of Required Main Modifications

Following the close of the hearing sessions on 22 August 2016 and in the light of the Council’s formal request to me to recommend Main Modifications (MMs) to address matters of soundness, I am now providing an outline of the required MMs.

Whilst I have concluded that the submitted plan is not sound in a number of respects, I consider that it can be made sound through a number of MMs. These all relate to issues which were discussed at the hearings. The MMs will need to be publicly advertised and be subject to sustainability appraisal. I will take representations received on the MMs into account and so this note is without prejudice to my final report.

The proposed Main Modifications which, at this stage, I consider are necessary can be summarised as follows (in the order in which they relate to the document):

Section 2 Policy Context –
Section 2.1 National -
- The text should be revised to ensure clarity regarding the status of Green Belt policy, which applies across the Bold Forest Park (BFP), and its interaction with AAP policies.
- Add a new para 2.1.4, amend existing para 2.1.4 (becoming 2.1.5) and add new para 2.1.6 along the lines of suggested MiM 59.
- Also, either make clear that the bulleted list of exceptions to inappropriate development are examples relevant to BFP and not an exclusive list, or reproduce in full paragraphs 89 and 90 of the Framework (as this is introductory text, not a policy).

Section 2.3 Local -
Amend existing para 2.3.3 along the lines of MiM 60.

Section 6.2 Key Issue 2: Meeting the strategic needs of the Borough and the sub-region –
Amend para 6.2.2 and add new para along the lines of MiM 61 to clarify that the emerging Local Plan (LP), not the AAP, will consider the need for any changes to the Green Belt, including any allocations for significant housing or employment development, and to emphasise the opportunity to plan positively to enhance beneficial use of the Green Belt, in accordance with the National Planning Policy Framework (Framework).
Policy BFP1 - Amend the policy and justification, incorporating elements of MiMs 20, 42 and 64 to:

- Make clear the representation of the FP boundary on the Policies Map;
- provide greater clarity on the content and purpose of the policy, including its basis in CS Policy CAS5;
- cross-reference to and ensure consistency with Green Belt policy (by moving parts of MiM 64 text from the justification to the policy);
- clarify that heritage assets will be conserved as well as enhanced;
- clarify the penultimate bullet point of the policy that development will be used to develop opportunities; and
- clarify last bullet point of the policy re working with the community to achieve the plan’s aims.

Policy ECON1 – Amend policy:

- along the lines of MiM 65 whilst adding to the end of the first para of the policy "particularly with regard to the Green Belt";
- to incorporate MiMs 98 and 99.

Policy ECON2 – Revise the policy:

- To clarify that the training scheme will operate within the BFP area;
- To replace the second para of the policy in such a way that makes clear whether applicants are expected to engage with the BFP partnership regarding the BFP-specific land-based training scheme and/or with the more general measures set out in para 6.4 of the Local Economy SPD.
- To avoid any suggestion, in the policy itself, of a requirement to undertake specific actions, such as entering a legal agreement, or that permission would only be granted subject to conditions requiring specific actions. Also avoiding reference to specific size thresholds for development. However, reference could, for example, be made in the policy along the lines of "developers will be invited/encouraged to participate in the scheme". In the justification, reference could potentially be made to the Local Economy SPD, including the size thresholds for participation in local employment initiatives that it sets out.
- To add a new text box re "Purpose";
- To incorporate MiMs 21, 43, 98 and 99.

Figure 9 Key Diagram – Revise the diagram along the lines of MiM 62 Appendix 2, to be more strategic and remove obsolete designations.
Policy INF1 – Revise the policy and justification, along the lines of MiM69, to:

- Express the policy in a style consistent with other AAP policies and which clearly states its purpose, proposals and requirements;
- Add, “and subject to planning policy for the Green Belt” in the new introductory text to the policy (potentially after “will be addressed in line with the proposed hierarchy of hubs below”); and
- Make specific reference to the identification of the hubs on the Figure 9 Key Diagram and the Policies Map.

Associated changes to the Policies Map should be made alongside but not formally part of the Main Modification.

Policy INF2 – Revise the policy and justification (including Fig 10), along the lines of MiMs 70, 71, 98 and 99 to:

- Address shortcomings in clarity and to place appropriate text in the policy and justification; and
- Clarify that any buildings or semi-permanent structures/features for catering, retail or small business uses are to be located within the general vicinity of the visitor hub.

Policy INF3 – Amend the policy and justification to:

- In the policy, provide more flexible wording to cover the possible eventuality that the cycling centre could incorporate a building or semi-permanent structure/feature;
- In the justification, explain that the cycling centre is initially expected to comprise structures/features of limited permanence and associated with outdoor sport and recreation and, therefore, not inappropriate development in the Green Belt, but that the policy caters for the possibility that, subject to funding, more permanent facilities might be accommodated; and
- Clarify that Fig 11 is illustrative (as per MiM 72) and incorporate MiMs 98 and 99.

Policy INF4 – Amend the policy and justification along the lines of MiMs 73, 74, 75, 98 and 99 to address shortcomings in clarity and to place appropriate text in the policy and justification and clarify the status and potential role of the identified development opportunity site. Addressing the latter’s implications for Green Belt policy, greater flexibility would be achieved by requiring that any development of the site must “ensure that impact on the openness of the Green Belt is acceptable”. Associated changes to the Policies Map should be made alongside but not formally part of the Main Modification.

Policy INF5 – Amend the policy and justification along the lines of MiMs 22, 23, 76, 98 and 99, but, in order to be consistent with national policy and the approach to be adopted to other AAP policies,
also making clear that potential development of overnight visitor accommodation (e.g. to serve strictly non-outdoor recreational business such as weddings, conferences etc) or other development which might constitute inappropriate development, would need to be considered within the context of planning policy for the Green Belt and would need to demonstrate very special circumstances.

**Policy INF6** – Revise the policy and justification (including figs 14 – 18), along the lines of MiMs 77, 98 and 99, to:

- Clarify the status of figs 14 – 18;
- Clarify the extent to which existing walking/cycling/equestrian routes are to be protected and enhanced or new routes are proposed/to be promoted;
- Address the need for clarity with regard to Green Belt implications;
- Ensure that potential conflicts between multiple, different users and risks and benefits in terms of anti-social behaviour will be addressed;
- Revise the part of the policy and justification relating to horse riding to clarify that, where new or altered routes are proposed, the first preference would be to work with landowners and other partners to agree to designate Permissive routes and only after that to propose designation of statutory Bridleways, in which process landowners and other parties would be able to formally participate; and
- Also, reconsider whether Figs 14 and 15 should be “Illustrative”, as put forward in MiMs 78 and 79, given the stated intention to protect, enhance and promote railway station and walking routes.

Associated changes to the Policies Map should be made alongside but not formally part of the Main Modification.

**Section 11. Meeting the strategic land-use needs of the Borough** – Delete introductory paragraph “To meet the needs ....”

**Policy SN1** – Revise the policy and justification, along the lines of MiM83, to address the AAP’s relationship with the emerging Local Plan and with Green Belt policy and clarify the purpose and scope of the policy.

**Policy SN2** – Revise the policy and justification along the lines of MiMs 25 and 84, to ensure consistency with Framework policy and the CIL regulations with respect to contributions to infrastructure.

**Policy ENV1** – Revise the policy and justification along the lines of MiMs 26, 27, 85, 98 and 99, in order to make the policy sufficiently clear and consistent with national policy.
Policy ENV2 – Revise the policy and justification along the lines of MiMs 49, 86, 98 and 99, in order to make the policy sufficiently clear and consistent with national policy.

Policy ENV3 – Revise the policy and fig 19 along the lines of MiMs 32, 47, 49, 87, 98 and 99, in order to make the policy sufficiently clear and consistent with legislation and national policy.

Policy ENV4 – Revise the policy and justification along the lines of MiMs 51, 89, 98 and 99, in order to make the policy sufficiently clear and consistent with legislation and national policy. However, rather than MiM 88, amend the policy to read “Where the condition or use of a site is causing serious and intractable environmental harm which is significantly detrimental to the aims of the Bold Forest Park, the Council will give favourable consideration to proposals for limited, small scale development which would alleviate such problems, provided that any potential harm to the Green Belt would be clearly outweighed by other considerations amounting to very special circumstances.”

Insert, after the first sentence of the justification, “Sites such as derelict brownfield land or greenfield land at risk of falling into dangerous dereliction can pose serious obstacles to the achievement of the overall aims of the Forest Park.”

Insert new para, after the first para of the justification, “If, after all reasonable attempts by land owners to prevent such problems occurring and to find solutions have demonstrably been exhausted, and there is no available alternative funding or recourse in statutory regulation and enforcement, then limited, small scale development may provide an appropriate mechanism to find a solution and achieve sustainable development. Where such sites are located within the Green Belt, it should be clearly demonstrated that such a solution is justified within the context of relevant national and local planning policy.”

Section 16 Delivery Plan – Amend the section along the lines of MiMs 92, 93, 94 and 95 to introduce a monitoring framework but with further refinement of the Monitoring Framework Table to show, where appropriate, targets and/or intended direction of travel of indicators. In some instances, explanation that a target is yet to be developed, such as because further work is needed or it will be linked to the emerging Local Plan, would be acceptable.

Policies Map – The Policies Map is not treated as a Development Plan Document and is not, therefore, subject to Main Modifications. However, any changes to the map consequential to Main Modifications to relevant policies should be identified alongside the MMs. The
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Council may also identify other changes, in the interests of clarity for example.

Nicholas Taylor

Inspector