

8. NATURAL ENVIRONMENT

8.1 GENERAL OBJECTIONS TO NATURAL ENVIRONMENT CHAPTER

The Objections

NEnv/494/2059

Frome Valley Construction Ltd

Summary of Objections

(a) There is no provision for a crematorium in the Plan.

Inspector's Reasoning and Conclusions

8.1.1 The addition of a new policy to address the provision of a crematorium is not necessary. Provision for crematoriums are not usually included in Local Plans. The Objector has not identified a specific local requirement for a crematorium in the District. No evidence has been put forward to demonstrate the need for such a facility. I conclude therefore that no modification is required to the Plan. Any proposals for a new crematorium should be considered at the planning application stage of development.

RECOMMENDATION 8.1

Make no modification to the Plan in response to this objection.

8.2 PARAGRAPH 8.1

The Objections

NEnv/para. 8.1.0./443/1849-CW English Nature

Summary of Objections

(a) Paragraphs 8.1 to 8.6 are confused and include incorrect statements relating to designated sites.

Inspector's Reasoning and Conclusions

8.2.1 I support Proposed Changes PRO184, PRO185 and PRO186, which clarify aspects of the supporting text relating to nature conservation. I note that the objection would be met by these Proposed Changes and I recommend that the Plan be modified accordingly.

RECOMMENDATION 8.2

Modify the Plan in accordance with Proposed Changes PRO184, PRO185 and PRO186.

8.3 PARAGRAPH 8.2.1

The Objections

NEnv/para. 8.2.1./429/1748-CW Gloucestershire Wildlife Trust

Summary of Objections

(a) Objectives should make reference to UK and local biodiversity action plan targets.

Inspector's Reasoning and Conclusions

8.3.1 I agree that it would be helpful if there was a reference to the UK and Local Biodiversity Action Plan targets in the Nature Conservation Section, given their important role in setting nature conservation priorities in the District. I note that the Revised Deposit Draft provided the opportunity to overcome this objection through the amendment of objective 1 in paragraph 8.2.1. Since the objection has been conditionally withdrawn, I consider the matter to be resolved and I shall not comment further.

RECOMMENDATION 8.3

Make no modification to paragraph 8.2.1 in response to this objection.

8.4 PARAGRAPH 8.5.6

The Objections

NEnv/para. 8.5.6./443/1860-CW English Nature

Summary of Objections

(a) A clear policy statement on the wider environmental impact of proposals is needed.

Inspector's Reasoning and Conclusions

8.4.1 I do not consider that a new Policy is necessary to address Environmental Impact Assessment procedures within the Plan, as this would duplicate advice in Circular 02/99 and other legislation. However, the introduction of a sentence in the Revised Deposit Draft Plan, drawing attention to the role of Environmental Impact Assessment and advice in the Circular is helpful. Since the objection has been conditionally withdrawn, I consider the matter to be resolved and I shall not comment further.

RECOMMENDATION 8.4

Make no modification to paragraph 8.5.6 in response to this objection.

8.5 POLICY N1

The Objections

N01/443/1850-CW	English Nature
N01/333/1064	Painswick and District Conservation Society
N01/443/1863-CW	English Nature
N01/444/1974	Various Clients of Andrew Watton
N01/506/2175	Uley Parish Council
N01/543/2295	Government Office for the South West
N01/443/1851-CW	English Nature
N01/354/1172	The National Trust
N01/443/3630-CW	English Nature

Summary of Objections

- (a) Policy does not give clear distinction between sites of international and national importance as advised by PPG9.
- (b) Conditions may be difficult to enforce and Policy should be stricter. Criterion 2 should be reworded to state that “there are imperative reasons of over-riding national interest and there are no other suitable sites available nationally”
- (c) Appendix 6 does not differentiate between status of sites.
- (d) SSSI designations are missing from Appendix 6.
- (e) Proposals Map contains SSSI boundary errors.
- (f) List of sites in Appendix 6 has not been subject of public scrutiny.
- (g) Object to number of sites designated.
- (h) Downham Hill, Uley has been omitted from Appendix 6.
- (i) Development proposals can have direct and indirect effects on sites.
- (j) SAC sites have been left out of Appendix 6.
- (k) Revised Deposit Paragraphs 8.6.1 to 8.6.3 has omissions and inaccuracies regarding the protection of international sites contrary to the Habitats Directive.

Inspector's Reasoning and Conclusions

8.5.1 The Revised Deposit Draft provided the opportunity to overcome the objections to the combination of sites of international and national nature conservation importance in one Policy. National designations are now the subject of a separate policy, N1A. This updates the Plan in the light of guidance in PPG9, which advises that local planning authorities should have regard to the relative significance of international, national and local designations in considering the weight to be attached to nature conservation interests. The revised wording suggested by one Objector aims to distinguish between sites of international and national importance in a single policy but it does not provide a sufficient level of detail. The introduction of a separate policy on nationally designated sites is preferable and I note that the remaining objections on this matter have been conditionally withdrawn in response to the Council’s amendments.

8.5.2 I do not agree that the Policy should be strengthened on the basis that planning conditions might be difficult to enforce. The suggestion that Policy N1 should be amended to

state that “the developer should present a management plan incorporating required conditions and appoint an independent consultant to monitor the development” is overly rigid and unnecessary. The need for, and implementation of management plans is a matter for negotiation through Section 106 agreements, as indicated at the end of the Policy. Furthermore, the suggestion that criterion 2 should be changed to “there are imperative reasons of over-riding national interest and there are no other suitable sites available nationally” would go beyond government advice in Annex C of PPG9. This states that the decision-maker, in assessing whether there are alternative solutions, should consider “whether there are or are likely to be suitable and available sites which are reasonable alternatives for the proposed development, or different practicable approaches which would have a lesser impact.”

8.5.3 On issue (c), I support the amendments to Appendix 6 introduced by the Revised Deposit Draft Plan. These revisions differentiate between the different status of designations conferred on sites of nature conservation importance and meet the valid concerns of the Objector.

8.5.4 On issues (d) and (e), amendment is sought to the list of SSSI's: Daneway Banks and Combe Hill should be added (the latter should also be added to the Proposals Map). It is also contended that the Proposals Map contains some boundary errors in relation to Swifts Hill SSSI, Stinchcombe Hill SSSI and the Upper Severn Estuary SSSI. I understand from the Council that these are factual errors and the Council proposes to correct these, in consultation with English Nature. Since I have no contrary evidence, I agree that the Proposals Map and Appendix 6 should be modified accordingly.

8.5.5 With regard to Issues (f) and (g), the objection does not relate to the substance of the policy – which is not objected to in itself – but rather what is seen as the lack of publicity for the various designated areas covered by the policy. It is the need to provide greater awareness amongst owners of affected land which was sought. I appreciate the need for landowners to be aware of designations affecting their land which bring constraints on the nature of development which would be permitted. But I can also see the difficulty for the Council in, for instance, identifying the owners of such land so that a notice could be served. In response to this difficulty it was suggested that notices might be put up on the sites concerned. Whilst I recognise the force of the Objector's point, it is not a matter that directly affects the content of the Plan, and is therefore not a matter on which I should make a recommendation. I will, however, suggest to the Council that it considers whether it can respond to the point in a positive manner. In an attempt to react positively, at the inquiry the Council suggested some additional wording for the introduction to Appendix 6 to draw attention to the fact that the key wildlife sites can change. This text is as follows: *“The Key Wildlife Sites listed in this schedule and indicated on the Proposals Maps are correct at the time of printing. Developers are advised to contact the Gloucestershire Wildlife Trust or Gloucestershire Environmental Data Unit to establish whether sites have been added, deleted or amended as a result of more recent survey work.”* I support this addition as meeting, at least in part, the Objector's concerns.

8.5.6 The identification of the limestone grassland area at Downham Hill, Uley as a site of local nature conservation importance is not a matter for the Local Plan. Since English Nature and the Gloucestershire Wildlife Trust are responsible for designating such areas, the modification sought for Appendix 6 is not a matter for the Council's consideration.

8.5.7 I agree that development proposals can have both direct and indirect effects on nature conservation sites and the Council has amended Policies N1 and N1A to recognise this. Similarly, sites with SAC status should clearly be included in Appendix 6 and the Revised Deposit Draft has provided an opportunity to rectify this error. Although not formally withdrawn, I consider this objection to be resolved and I shall not comment further.

8.5.8 I support Proposed Changes PRO187, PRO188 and PRO189 which amend paragraphs 8.6.1 to 8.6.3 to more fully reflect planning policy guidance on the protection of international sites and the provisions of the Habitats Directive. I note that the objection has been conditionally withdrawn as a result of these Proposed Changes and I recommend that the Plan be modified accordingly.

RECOMMENDATIONS 8.5

- 1) Modify Policy N1 in accordance with Proposed Changes PRO187, PRO188 and PRO189.
- 2) Modify Appendix 6 and the Proposals Map to update the list of SSSIs and their boundaries in consultation with English Nature. Add the additional text to the introduction in Appendix 6 as set out in paragraph 8.5.5 above.
- 3) I suggest that the Council gives consideration to the point made in paragraph 8.5.5 above.

8.6 POLICY N1A

The Objections

N01A/429/3573	Gloucestershire Wildlife Trust
N01A/443/3633	English Nature
N01A/443/3653-CW	English Nature

Summary of Objections

- (a) Policy should be more robust to reflect the importance of the sites.
- (b) Wording of 8.6.5a is inaccurate.

Inspector's Reasoning and Conclusions

8.6.1 I agree that the wording of Policy N1A should be strengthened to more fully reflect the importance attached by the Government to sites with national designations. I am satisfied that Proposed Change PRO191 together with the Council's additional Suggested Change help to overcome the Objectors valid concerns and I recommend that the Policy be modified accordingly. The Council's amended wording for the Policy is preferable to that suggested by the Objectors.

8.6.2 I support Proposed Change PRO190, which amends the wording in paragraph 8.6.5a to clarify that Sites of Special Scientific Interest and National Nature Reserves are designated under the Wildlife and Countryside Act 1981 by English Nature. The Proposed Change also explains that these sites represent a selection of the best examples of our natural heritage of wildlife habitats and geological features and emphasises that their protection is considered essential to the safeguarding of the national network. I note that the objection has been conditionally withdrawn and I agree that the paragraph should be modified as suggested.

RECOMMENDATIONS 8.6

- 1) Modify Policy N1A in accordance with Proposed Changes PRO190 and PRO191.
- 2) Modify Policy N1A and paragraph 8.6.5a in accordance with the additional Suggested Change as follows:

Policy N1A:

“ Development proposals that would adversely affect, either directly or indirectly, the integrity of a site of national importance, including a National Nature Reserve or a Site of Special Scientific Interest will not be permitted unless there are other imperative factors that over-ride the special nature conservation interest of the site. *Where development is permitted*, conditions or planning obligations *will be used to secure compensatory measures* to minimise loss or damage to the integrity of the site.”

Paragraph 8.6.5a - reword the fifth sentence as follows:

“All development proposals *in or likely to affect* these sites will be subject to *special scrutiny* to safeguard the national network of such sites.

8.7 POLICY N2

The Objections

N02 (Minch)/354/1176	The National Trust
N02/444/3685	Various Clients of Andrew Watton
N02/443/3639	English Nature
N02/444/1942	Various Clients of Andrew Watton
N02/444/3675	Various Clients of Andrew Watton
N02 (N/S)/502/2120	British Waterways
N02 (Box)/354/1175	The National Trust
N02 (Amb)/354/1186	The National Trust
N02/333/1065	Painswick and District Conservation Society
N02/354/1174	The National Trust
N02 (N/S)/109/0328	Sharpness Dock Ltd
N02/543/2296	Government Office for the South West
N02/429/3560	Gloucestershire Wildlife Trust
N02/443/1853	English Nature
N02/443/3636-CW	English Nature
N02/429/3558-CW	Gloucestershire Wildlife Trust

Summary of Objections

- (a) Extend Key Wildlife Sites at Minchinhampton Common, West of Box and Amberly. Designate land to the north of Amberley Village as a Site of Special Scientific Interest.
- (b) Merits of wildlife sites should be scrutinised by English Nature to ensure designation is correct.

- (c) Wording implies that creation of substitute habitats is always an option to mitigate loss when this is rarely the case.
- (d) Sites referred to in Policy should be listed in an appendix and shown on the proposal maps.
- (e) Wording is too restrictive.
- (f) Objects to inclusion of key wildlife sites in the boundary of Sharpness Docks.
- (g) Conditions may be difficult to enforce, more tightly defined wording is required.
- (h) Policy does not reflect significance of sites of more local significance in accordance with PPG9, which emphasises the need to protect wildlife and habitats generally, not just those covered by statutory or local designations.
- (i) RIGs are portrayed inaccurately in Paragraph 8.6.6.

Inspector's Reasoning and Conclusions

8.7.1 The Gloucestershire Wildlife Trust has the responsibility of identifying and designating Key Wildlife Sites, and whilst the extensions referred to by the Objector may well be of similar quality and wildlife value, the incorporation of these additional areas is not a matter for consideration in the Local Plan. The sites and their precise boundaries are a matter for the Wildlife Trust, although the Council has adopted them for protection in the Plan. Similarly, Sites of Special Scientific Interest are identified by English Nature and any amendments to the boundaries of such sites would have to be agreed by English Nature before they were adopted in the Plan. I therefore conclude that no modification is necessary in response to these particular objections.

8.7.2 With regard to Issues (b), (d) and (e), it is not the policy which is contentious but the way in which sites are designated and the publicity for them. The identification of sites appears to be clear: they are listed in Core Document CD/O5 'Key Wildlife Sites, Stroud District'. I have already mentioned the way in which such sites are identified and designated. As to the question of publicity for the designated sites, see my comments in paragraph 8.5.5 above.

8.7.3 On issue (c), I acknowledge the Objector's concerns regarding the implication in Policy N2 that substitute habitats are always an option to mitigate loss and that habitats can be readily replaced. I support Proposed Change PRO195 and the additional Suggested Changes, which strengthens the Policy to meet the general thrust of these objections. There is no need to adopt the model policy put forward by the Objector.

8.7.4 In respect of the Key Wildlife Sites that have been identified in Sharpness Docks, the Council draws attention to the fact that they contain a number of rare and nationally scarce plants that warrant protection. Since the presence of these species need not preclude the development of the Docks or conflict with the Sharpness employment allocation EA6 if suitable compensatory measures are made, I consider that they should be retained in the Plan. No modification to the Sharpness Inset Map is necessary.

8.7.5 I do not agree that the wording of Policy N2 should be more tightly defined on the basis that planning conditions could be difficult to enforce. The wording suggested by the Objector that "the developer should present a management plan incorporating required conditions and appoint an independent consultant to monitor the development" is overly rigid and unnecessary. Furthermore, the need for, and implementation of management plans is a matter for negotiation through conditions or Section 106 agreements.

8.7.6 Paragraph 18 of PPG9 requires local planning authorities to have regard to the relative significance of international, national, local and informal designations in considering the weight to be attached to nature conservation interests and I am satisfied that the Plan generally

follows this approach. Policies N1 and N1A provide protection for sites of national and international nature conservation importance and Policy N2 protects locally designated sites. Policies N3, N4 and N5 are designed to protect the species and features of the landscape that are important to wildlife generally, but which are not covered by statutory or local designations. I consider therefore that the more general wording suggested by the Objector for Policy N2 is unnecessary.

8.7.7 I agree that the wording in paragraph 8.6.6 should be revised in relation to RIGS since they are not selected and managed informally or identified voluntarily, but are identified with reference to established criteria by the Gloucestershire RIGS Group and the Gloucestershire Wildlife Trust. I therefore support Proposed Change PRO193, which updates the Plan accordingly. I also note that the relevant objections have been conditionally withdrawn in response to this helpful modification.

8.7.8 The Council also has a Proposed Change PRO 194, relating to paragraph 8.6.7 of the Plan, which does not appear to relate to any objection, but is a correction. Thus I consider that it should be put into effect. A further suggested change was put forward to paragraph 8.6.7a: again I recommend that this be implemented.

RECOMMENDATIONS 8.7

1) Modify Policy N2 in accordance with Proposed Change PRO195 and the additional Suggested Change as follows:

“Development proposals that would adversely affect a Key Wildlife Site, Local Nature Reserve or Regionally Important Geological or Geomorphological Site will not be permitted unless the benefits of the development outweigh the nature conservation interest or scientific interest of the site. ***Where development is permitted***, the effects of the development ***should be minimised and*** conditions or planning obligations ***used to secure compensatory measures that reflect the importance of the site and relevant Gloucestershire Biodiversity Action Plan targets.***”

2) Modify the reasoned justification to Policy N2 in accordance with Proposed Changes PRO193 and PRO194.

3) Modify Paragraph 8.6.7a in accordance with the Council’s suggested wording, by introducing the words ***“the adverse effects should be minimised and”*** in the penultimate sentence after the words ‘....designated site is justified’, and before the words ‘the District Council will...’.

8.8 POLICY N3

The Objections

N03/320/0962	Country Land & Business Association
N03/443/3642-CW	English Nature
N03/443/1855-CW	English Nature

N03/443/1859-CW	English Nature
N03/444/3676	Various Clients of Andrew Watton
N03/443/3641-CW	English Nature
N03/429/3572-CW	Gloucestershire Wildlife Trust
N03/429/1734-CW	Gloucestershire Wildlife Trust
N03/443/1857	English Nature
N03/429/1733	Gloucestershire Wildlife Trust

Summary of Objections

- (a) Important to ensure species are native to the site and not introduced to obstruct development.
- (b) To avoid ambiguity, the words 'Development proposals that would adversely affect, either directly or indirectly, a site supporting any legally protected species or its habitat' should be inserted in Policy N3
- (c) Refer to English Nature's role as source of guidance on protected species.
- (d) Policy should state that conditions will only be used in exceptional circumstances.
- (e) Policy commitment to achieving Biodiversity Action Plan targets should be included.
- (f) Revised Policy is subjective and can be used to prevent development.
- (g) Objects to lack of reference in Paragraph 8.6.8 to European Regulations.
- (h) Plan should include new policy relating to wildlife corridors.

Inspector's Reasoning and Conclusions

8.8.1 On the first issue, the Objector is concerned to ensure that protected species have not been introduced to the site in order to delay or prevent development, and that this should be recognised in the Plan. I disagree. Paragraph 4 of PPG9 recognises that the key to the conservation of wildlife is the protection of the habitat on which it depends. Paragraph 47 of the PPG also makes it clear that the presence of a protected species is a material consideration when a local planning authority is considering a development proposal, which, if carried out, would be likely to result in harm to the species or its habitat. The means by which the species was introduced to the site is unlikely to be an important consideration. No modification should be made to the Plan in response to this objection.

8.8.2 The Revised Deposit Draft provided an opportunity to address the concerns in issue (b) together with Proposed Change PRO197. I note that the objection has been conditionally withdrawn as a result of these clarifications and I agree that the Plan should be modified accordingly.

8.8.3 I agree that a reference to the role of English Nature as a source of information and guidance on protected species could be helpful, given its statutory responsibilities for nature conservation. However, since paragraph 8.6.8 already refers to the consultation role of this statutory body in the consideration of planning applications involving protected species in accordance with paragraph 47 of PPG9, I consider this to be sufficient.

8.8.4 There is no need to strengthen Policy N3 to refer to the provision of conditions only in exceptional circumstances. Paragraph 8.6.9 lists the circumstances in which conditions will be used and the wording suggested by the Objector is unnecessary.

8.8.5 I agree that Policy N3 and the supporting text should refer to the Council's commitment to achieving Biodiversity Action Plan targets although I consider that a specific policy on this topic is not necessary. The Revised Deposit Draft provided an opportunity to

address this matter with the insertion of references to biodiversity in paragraphs 8.6.8 and 8.6.11 and amendments to Policies N3 and N4. Since the objections have been conditionally withdrawn, I am satisfied that the matter has been resolved and I shall not comment further.

8.8.6 On issue (f), the objective of local plan policy in respect of nature conservation should be to ensure that areas and species of nature conservation value are identified and protected from the impact of potentially damaging development. Policy N3 as currently drafted (in accordance with Proposed Changes PRO196 and PRO197) helps to meet this objective, as set out in government guidance in PPG9 and best practice advice. The Council also points out that Policy N3 is in accordance with Policy EN.1 of regional planning guidance and the adopted Structure Plan, which requires development to protect and, wherever possible, enhance the biodiversity, including wildlife and habitats, of the County. It is not the purpose of the Policy to prevent development on many sites which may be currently unaffected by wildlife issues and I do not consider that new criteria are needed as suggested.

8.8.7 I support the inclusion of a reference to European protected species and the Regulations that are in force to protect them. Proposed Change PRO196 makes reference to the EC Habitats Directive and its priority species and habitats in paragraph 8.6.8, and I recommend that the Plan be modified accordingly. I note that this would overcome the concerns of the Objectors.

8.8.8 In respect of Issue (h) - Wildlife Corridors, PPG9 highlights the importance of wildlife corridors and good practice advice in 'Better Local Plans' states that it is appropriate for plans to recognise wildlife corridors through a policy which defines them and controls development so as to conserve their effectiveness. I also share the Objector's point that the final sentence in paragraph 8.6.10 reads like a statement of policy. However, the Council argues that the term 'wildlife corridors' is not easily understood by the general public, that Policies N3, N4 and N5 will collectively help to prevent the fragmentation and isolation of important habitats and species, and that an additional policy would be superfluous. I do not agree that the term 'wildlife corridors' should be avoided as having an obscure meaning – it is used at the head of paragraph 8.6.10, and no objector has questioned its meaning. That paragraph seems to lead naturally to a policy, but one is absent. I do not agree that Policies N3, N4 and N5 sufficiently cover the matter. I consider that a policy worded along the following lines should be added after paragraph 8.6.10, which would be its reasoned justification: "*Development affecting a wildlife corridor will only be permitted if the function of the corridor is not harmed, or if any necessary enhancing, mitigating or compensatory measures are put in place. Such measures of enhancement, mitigation or compensation will be governed by condition.*"

RECOMMENDATIONS 8.8

- 1) Modify Policy N3 in accordance with Proposed Changes PRO196 and PRO197.
- 2) Modify by adding a new policy following paragraph 8.6.10 of the Plan as indicated in paragraph 8.8.8 above.

8.9 POLICY N4

The Objections

N04/444/1943	Various Clients of Andrew Watton
N04/443/1858-CW	English Nature
N04/409/1418	Buchanan Partnership
N04/591/2561	Stroud Civic Society
N04/354/1177	The National Trust
N04/333/1067	Painswick and District Conservation Society

Summary of Objections

- (a) Policy is too restrictive and subjective without any development criteria.
- (b) Omit green lanes and walls from list of natural features.
- (c) Dry stone walls should be mentioned in Policy.
- (d) All natural features should be conserved where possible not just important ones.
- (e) Conditions may be difficult to enforce, more tightly defined wording is required.
- (f) Ponds and water meadows should be protected by the Policy.
- (g) Strengthen Policy in line with PPG9 to protect features of major importance to wildlife.

Inspector's Reasoning and Conclusions

8.9.1 There is a need to avoid unnecessary constraints on development but I do not consider that Policy N4 is too restrictive or that specific criteria are necessary. The Policy generally accords with government guidance on nature conservation as set out in paragraphs 15 and 16 of PPG9, emphasising the need to retain, manage and conserve features of the landscape that are important to wildlife and biodiversity. Policy N4 also recognises that planning conditions and obligations may assist in promoting this aim, in line with government advice.

8.9.2 On the second issue, the Council points out that walls and green lanes, although not strictly 'natural features' are features of the landscape that are of importance for wild fauna and flora. Government guidance in paragraph 15 of PPG9 also recognises that countryside features can provide wildlife corridors, links or stepping stones from one habitat to another, helping to form networks that are necessary to ensure the maintenance of the current range and diversity of flora, fauna and geological and landform features and the survival of important species. I consider therefore that walls and green lanes should remain in the Policy, although I support the Council's additional Suggested Change which replaces the references to 'natural features' with 'landscape features' in the Policy title and Policy text. This more accurately reflects the wording used in the PPG.

8.9.3 The objective of local plan policy in respect of nature conservation should be to ensure that areas and species of nature conservation value are identified and protected from the impact of potentially damaging development. Policy N3 as currently drafted (in accordance with Proposed Changes PRO196 and PRO197) helps to meet this objective, as set out in government guidance in PPG9 and best practice advice. The Council also points out that Policy N3 is in accordance with Policy EN.1 of regional planning guidance and the adopted Structure Plan, which requires development to protect and, wherever possible, enhance the biodiversity, including wildlife and habitats, of the County. It is not the purpose of the Policy to prevent development on many sites which may be currently unaffected by wildlife issues and I do not consider that new criteria are needed as suggested.

8.9.4 Dry-stone walls are an important feature of the Cotswolds. However, Policy N4 already requires walls to be retained and managed to conserve and enhance biodiversity. Since

'dry-stone walls' would fall under the definition of 'walls' in the Policy, a specific reference is unnecessary.

8.9.5 I find no justification to replace the word 'important' with 'all' in Policy N4 to meet the Objector's request for all natural features to be conserved rather than just those which are considered to be important. This would go beyond government guidance in paragraphs 15 and 16 of PPG9, which seek to encourage the creation, maintenance and management of features of the landscape, which are important to wildlife. The emphasis in the guidance is that nature conservation policies should be applied to designated areas and wildlife corridors rather than to the whole of a District indiscriminately.

8.9.6 On issue (e), I refer to my conclusions on the similar objections raised in respect of Policies N1 and N2. I find no reason to define the wording of Policy N4 more tightly on the basis that planning conditions could be difficult to enforce. The wording suggested by the Objector that "the developer should present a management plan incorporating required conditions and appoint an independent consultant to monitor the development" is overly rigid and unnecessary as is the similar wording suggested in the Objector's later representation. In addition, the need for, and implementation of management plans is a matter for negotiation through conditions or Section 106 agreements.

8.9.7 The Objector also questions the deletion of the policy reference to ponds and water meadows in the Revised Deposit Draft. Since these are already protected under Policy N5 (ponds and other water features), I find no reason to re-instate them, as it would cause unnecessary duplication. Policy N5 is not primarily aimed at canals as it seeks to protect all water features.

8.9.8 I agree that the Policy would benefit from strengthening in line with guidance in PPG9 that relates directly to the protection of those features of major importance for wildlife. Also, Article 10 of the Habitats Directive and Regulation 37 of the Conservation Regulations 1994, which directs local authorities to encourage the management of features of the landscape which are of major importance for wild flora and fauna. I note that the Revised Deposit Draft provided an opportunity to address these concerns, and since the objection has been conditionally withdrawn, I shall not comment further.

RECOMMENDATION 8.9

Modify Policy N4 in accordance with the Council's additional Suggested Change, re-naming the heading of the section "*Landscape Features*" and replacing the reference to natural features with "*landscape features*" in the Policy text.

8.10 POLICY N5

The Objections

N05/444/1944	Various Clients of Andrew Watton
N05/354/1178	The National Trust
N05/393/1300	Orchard Trust
N05/333/1068	Painswick and District Conservation Society

N05/499/2077	The Company of the Proprietors of the Stroudwater
N05/443/3648	English Nature
N05/444/3677	Various Clients of Andrew Watton
N05/429/3563	Gloucestershire Wildlife Trust
N05/502/2100-CW	British Waterways
N05/443/3645-CW	English Nature
N05/429/3562-CW	Gloucestershire Wildlife Trust
N05/443/3647-CW	English Nature
N05/429/3569-CW	Gloucestershire Wildlife Trust

Summary of Objections

- (a) Policy is unclear, too restrictive and subjective.
- (b) Amend paragraph 8.6.14 to reflect the strategic importance of watercourses with their role as corridors for the movement of wildlife, and their vulnerability to unsympathetic development.
- (c) Amend the wording in paragraph 8.6.14a to help protect the habitats that are likely to be affected by canal restoration.
- (d) Insert a new criterion to prevent adverse effects on water quality, water levels and flows.
- (e) Any development near to watercourses may have some effect. Insert the word “significant” in criterion 1.
- (f) Conditions may be difficult to enforce therefore wording should be strengthened. Criterion 1 should read “...the environmental benefits of the development outweigh the nature conservation interest...”.
- (g) Delete ‘canals’ in first paragraph of Policy. Its inclusion could lead to nature conservationists trying to prevent canal restoration.
- (h) Refer to Stroudwater and Thames and Severn Canals in 8.6.14.
- (i) Refer to the Gloucester and Sharpness Canal in the first sentence of paragraph 8.6.14.
- (j) Wording should be more robust.

Inspector's Reasoning and Conclusions

8.10.1 I do not agree that Policy N5 as currently drafted (subject to my recommendations below) lacks sufficient clarity in respect of canal restoration and the use of land close to watercourses. The Policy generally accords with government guidance on nature conservation as set out in paragraphs 15 and 16 of PPG9, emphasising the need to retain, manage and conserve features of the landscape that are important to wildlife and biodiversity. Policy N5 also recognises that planning conditions and obligations may assist in promoting this aim, in line with government advice. A more specific policy with particular regard to future housing and employment sites is not necessary.

8.10.2 On issue (b), I support Proposed Change PRO198, which together with the Revised Deposit Draft amends paragraph 8.6.14 to reflect the strategic importance of watercourses and the need to protect their nature conservation interest. I note that this modification would overcome the two objections.

8.10.3 I also support Proposed Change PRO199, which strengthens the wording in paragraph 8.6.14a in respect of the nature conservation interests and canal restoration. This helps to recognise the unique value of such habitats and the species that rely on them. Both

objections have been conditionally withdrawn in response to this modification.

8.10.4 A new criterion to protect water quality, levels and flows is unnecessary because these matters are addressed in Policy N14, which deals with groundwater and surface water resources.

8.10.5 The insertion of the word “significant” as proposed by one Objector would serve to weaken the Policy and would be contrary to the government’s approach on nature conservation set out in paragraph 2 of PPG9. The Policy does not preclude development if conditions or planning obligations can be negotiated to prevent harm to water features, and the inclusion of the term “significant” here would be unhelpful. The Council also clarifies that notwithstanding the above, a ‘negligible impact’ from a potential development proposal would not be considered as ‘adverse’.

8.10.6 On issue (f), I refer to my conclusions on the similar objections raised in respect of Policies N1, N2 and N4. I do not agree that Policy N5 weakens the nature conservation value of water-related natural features, and I find no reason to define the Policy wording more tightly on the basis that planning conditions could be difficult to enforce. The wording suggested by the Objector that “the developer should present a management plan incorporating required conditions and appoint an independent consultant to monitor the development” is overly rigid and unnecessary as is the similar wording suggested in the Objector’s later representation. I also emphasise that the need for, and implementation of management plans is a matter for negotiation through conditions or Section 106 agreements. Furthermore, the insertion of the word ‘environmental’ would be contrary to government guidance in paragraph 27 of PPG9. This highlights that nature conservation can be a significant material consideration in determining planning applications, but local planning authorities should not refuse permission if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features, or if other material factors are sufficient to override nature conservation considerations.

8.10.7 The Revised Deposit Draft provided the opportunity to overcome the objection to the inclusion of the term ‘canals’ in the Policy through the inclusion of a new paragraph 8.6.14a. This updates the Plan, recognising the potential conflict between canal restoration and nature conservation objectives. The deletion of ‘canals’ and the reference to the Stroudwater and Thames and Severn canals as requested by the Objector, would be contrary to the provisions of the Gloucestershire Biodiversity Action Plan and national and European policy guidance.

8.10.8 The Revised Deposit Draft also provided an opportunity to insert a reference to the Gloucester and Sharpness Canal in the first sentence of paragraph 8.6.14, recognising its role as a water resource in the District. Since the objection has been conditionally withdrawn, I consider the matter to be satisfactorily resolved and I shall not comment further.

8.10.9 I do not agree that the current wording of the Policy needs to be more robust or that criterion 1 should be amended as suggested. On balance, the Objectors proposed amendments to criterion 1 would not alter the overall meaning of the Policy, and I consider that the criterion as drafted is consistent with advice in PPG9 and other Policies, such as Policy N2 in the Plan.

RECOMMENDATION 8.10

Modify Policy N5 in accordance with Proposed Changes PRO198 and PRO199.

8.11 POLICY N6

The Objections

N06/188/3088	Gavin Owen
N06/444/3691	Various Clients of Andrew Watton
N06/432/1770	Cainscross Parish Council
N06/444/3678	Various Clients of Andrew Watton
N06/796/4089	Stinchcombe Parish Council
N06/444/1945-CW	Various Clients of Andrew Watton
N06/577/3856	NHS Executive South West
N06/106/0319	AONB Protection Group
N06/435/1818	Cotswold Protection Group
N06/577/2516	NHS Executive South West
N06/543/2297	Government Office for the South West
N06/188/0451	Gavin Owen
N06/59/0251	Woodchester AONB Group
N06/599/2583	Bovis Homes Ltd South West Region
N06/1/3033-CW	Gloucestershire County Council
N06/188/3087	Gavin Owen

Summary of Objections

- (a) Paragraph 4.8 of PPG7 gives equal weighting to environmental concerns and the social and economic well-being of AONBs. This is not reflected in paragraph 8.7.7. Paragraph 8.7.7 repeats 8.7.6 and should be deleted.
- (b) Policy does not reflect national policy and should be reworded in line with Paragraphs 4.7 and 4.8 of PPG7. Add a new criterion 'The development conserves the natural beauty of the landscape'.
- (c) Definition of major in unclear.
- (d) Policy should be more positively worded.
- (e) Supporting text should acknowledge brownfield site potential in AONB and that the Plan identifies sites for development in the AONB.
- (f) Policy is contradictory, vague or open to misuse,
- (g) Define "small scale development".
- (h) No development should be permitted outside settlement boundaries in the AONB unless in circumstances of Structure Plan Policy NHE.4.
- (i) Policy should comply with NHE.4 of Plan.
- (j) Delete "small scale development".

- (k) Delete Policy.
- (l) Identify ESA designation on Proposals Map
- (m) Policy is restrictive. Clarify when and how development should take place to reflect local demands.
- (n) Paragraph 8.7.7 conflicts with Policy N6.
- (o) Disagree with revisions at Revised Deposit stage including use of the term “national interest.”
- (p) Policy should comply with Policy EN.3 of the Structure Plan.
- (q) The AONB at Woodcock Lane should be retained or a proper review of the AONB should be carried out in conjunction with the Countryside Commission.
- (r) Specific ‘buffer zones’ should be designated to preserve the identities of individual parishes. Land between Stroud and Stonehouse at Fox’s Field should be protected from development to preserve the identities of Stonehouse and Cainscross.

Inspector's Reasoning and Conclusions

8.11.1 On the first issue, the Objector comments that paragraph 4.8 of PPG7 gives equal weighting to environmental concerns and the social and economic well-being of AONBs and that this is not reflected in paragraph 8.7.7. I disagree. Paragraph 4.8 of PPG7 states that “in general, policies and development control decisions affecting AONBs should favour conservation of the natural beauty of the landscape.” The PPG acknowledges that regard should be had to the economic and social well-being of the area but in all cases, the environmental effects of new proposals will be a major consideration. In respect of whether paragraph 8.7.7 repeats the contents of paragraph 8.7.8, I support Proposed Change PRO202, which removes any duplication.

8.11.2 I agree that Policy N6 should be revised to more fully reflect the guidance in paragraphs 4.7 and 4.8 of PPG7 on Areas of Outstanding Natural Beauty. I note that the Revised Deposit Draft provided an opportunity to amend the first paragraph of the Policy to give priority to the conservation and enhancement of the natural beauty of the landscape over other considerations. I also support Proposed Changes PRO201, PRO202 and PRO203 (subject to further changes dealt with below) which also bring the Draft Plan more into line with government guidance in PPG7 on major developments.

8.11.3 In Issue (c), a definition of the term ‘major’ is sought, although the Objector is unable to suggest a form of words, and agreed that Additional Suggested Changes put forward by the Council largely met the objection. These suggestions are as follows: for Policy N6 – *“Within the Cotswolds AONB, priority will be given to the conservation and enhancement of the natural beauty of the landscape over other considerations. Development within, or affecting the setting of the AONB will only be permitted if all the following criteria are met:*

- 1. the nature, siting and scale are sympathetic to the landscape;*
- 2. the design and materials complement the character of the area; and*
- 3. important landscape features and trees are retained and appropriate landscaping measures are undertaken.*

Major development will not be permitted unless it is demonstrated to be in the public interest.

For paragraph 8.7.6 of the reasoned justification: *8.7.6 Areas of outstanding Natural Beauty represent some of the most sensitive landscapes in Britain and can be vulnerable to pressures for development and change. It is the intention of Stroud District Council, as the Local Planning Authority, to uphold the primary purpose of the Cotswolds AONB*

designation; to conserve and enhance the natural beauty of the landscape. However, the needs of agriculture, forestry, rural industries and local communities will also be taken into account in the pursuance of this objective. Similarly, proposals for recreation and leisure will also be considered favourably where they are consistent with the conservation of natural beauty and the needs of agriculture, forestry and other land uses. Proposals for major development within the AONB will only be permitted where it can be demonstrated that the development is in the public interest. Consideration of any application for major development will involve an assessment of the following to determine whether it would be in the public interest:

- 1. the need for the development, in terms of national considerations, and the impact of permitting it or refusing it on the local economy;*
- 2. the cost and scope for developing elsewhere outside the area or meeting the need for it in some other way; and*
- 3. any detrimental effect on the environment and the landscape, and the extent to which that should be moderated.*

I agree that these Additional Suggested Changes add to the clarity of the policy and its justification, subject to my further conclusions below.

8.11.4 On issue (d), I consider that Policy N6 provides the correct emphasis. The objective of designating AONBs as set out in PPG7 is to conserve the natural beauty of their landscapes. To support this, the main objective of planning policy and control is to prevent development that would damage the achievement of this aim. It is therefore right that Policy N6 is restrictive and there is no justification to place a positive emphasis on the wording in relation to major developments in the AONB as suggested.

8.11.5 I do not find a need for the supporting text to acknowledge brownfield site potential. The Plan may identify brownfield sites for development in the AONB which in principle may be suitable for redevelopment, but the purpose of Policy N6 is to prevent development that would harm the natural beauty of this special landscape, not to highlight development potential. The fact that a site is brownfield would be a material consideration in the determination of a planning application but there is no need to specifically refer to this under Policy N6. I consider that a cross-reference to the Strategy Chapter is unnecessary.

8.11.6 On issue (f), the Objector argues that the Policy is contradictory because the first sentence gives priority to the preservation and enhancement of the landscape and the second sentence says that large-scale development that would cause unacceptable harm may be permitted. I do not agree. Policy N6 in the Revised Deposit Draft gives priority to the conservation and enhancement of the natural beauty of the landscape over other considerations. Development will only be permitted if it meets the criteria listed. The Objector also argues that the term “proven need” is too vague and open to misuse. The words “proven need” are now removed in the latest changes, which I set out above.

8.11.7 I do not consider that it is necessary to define what is meant as “small scale development” since I support the deletion of the term “small scale” in the Revised Deposit Draft.

8.11.8 A specific clause to prevent development outside of town or village boundaries in the AONB, except in the exceptional circumstances given in Structure Plan Policy NHE.4, is unnecessary and goes beyond government advice in PPG7.

8.11.9 On issue (i), concern is raised that Policy N6 makes no reference to the ‘economic and social well-being of the areas’ as indicated in paragraph 4.8 of PPG7 and Policy NHE4 of the Structure Plan. It is also argued that Policy N6 should make a reference to a ‘proven national interest and lack of alternative sites’ in relation to major industrial or commercial

development. I agree that a reference in the Policy to social and economic well-being would be helpful, as would a reference to clarify that provision should not be made for major development within the AONB unless it is in the national interest and the lack of alternative sites justifies an exception. This would bring the Policy into line with the Structure Plan and government advice. My recommendations take in these points. I support Proposed Change PRO200, which sets out the way in which planning policy is changing, with particular reference to the creation of conservation boards under the CROW Act 2001, with responsibility for fostering the economic and social well-being of local communities. Paragraph 8.7.6 also recognises that the needs of agriculture, forestry and rural industries and local communities will also need to be taken into account in the pursuance of the Policy objective.

8.11.10 The Revised Deposit Draft provided the opportunity to overcome the objection to the use of the words “small scale development” in the Policy through the deletion of “small scale” from the Policy text. Although not formally withdrawn, I am satisfied that this particular objection has been resolved and I shall not comment further.

8.11.11 I note the Objector’s concerns regarding issue (k) but I do not agree that Policy N6 should be deleted. I refer to my conclusions on issue (b) above and I am satisfied that the Policy, as I recommend it to be worded, is now in accordance with the guidance in PPG7 and Structure Plan Policy NHE.4. No further modification or deletion is necessary.

8.11.12 It is not necessary to identify the Cotswold Hills ESA on the Proposal Maps since the designation of this land by MAFF, to encourage environmentally beneficial farming practices, does not affect the status of the area in terms of national planning policies or development control regulations (paragraph 4.15 of PPG7). Paragraph 8.7.5 draws attention to the ESA designation and recognises its important landscape features. I consider that the level of detail in the text is sufficient and no further clarification is required.

8.11.13 On issue (n), I support Proposed Change PRO202 (subject to further changes), which deletes the wording from paragraph 8.7.7 that conflicts with Policy N6 (as amended by the Revised Deposit Draft). This ensures that the paragraph gives sufficient priority to the conservation and enhancement of the natural beauty of the landscape over other considerations, as now indicated in the Policy.

8.11.14 Turning to issues (o) and (p), the Objector raises specific concerns about the proliferation of communications masts and the potential for wind turbines along the Cotswold Edge and other sensitive areas of the AONB. However, Policies B20 and B21 of the Plan provide sufficient guidance on these issues. Proposed Change 178 introduces supporting text to Policy B20, explaining that the erection of wind turbines in the Cotswold AONB would be unlikely to be acceptable, and would require special justification to outweigh the adverse effects on the landscape. Similarly, criterion 1 of Policy B21 only permits telecommunications development where it does not have an unacceptable impact on the landscape, particularly in areas designated for their landscape importance such as the AONB. The Plan should be read as a whole and I do not agree with the Objector that the revisions made at the Revised Deposit Stage should be deleted or that Policy N6 should specifically meet the provisions of Structure Plan Policy EN.3 on renewable energy, as requested. Furthermore, the inclusion of the words “national interest” does not give carte blanche to any government body to erect or allow the erection of any installation in a sensitive location without concern for the quality of the landscape as suggested. The term is in accordance with paragraph 4.8 of PPG7 and no amendment is necessary.

8.11.15 The Revised Deposit Draft provided the opportunity to overcome the objection to the AONB boundary at Woodcock Lane, deleting an area of land which was inadvertently included within the AONB designation, thereby correcting a cartographic error. Although not

formally withdrawn, I consider the objection to be resolved and I shall not comment further.

8.11.16 I do not support the request for specific buffer zones or 'local green belts' to preserve the identities of individual parishes since this would not be in accordance with national planning policy guidance. The landscape of the District is already sufficiently protected under Policies N6, N7 and N8 of the Plan. On the specific matter of Fox's Field, I note that this land was excluded from the last boundary review of the AONB. The 1996 Stroud District Landscape Assessment also failed to identify Fox's Field as land which would merit protection. No evidence has been provided by the Objector to support the proposal to protect this specific site and I do not know of any compelling local or site specific reasons why the land should be preserved. Furthermore, the identities of Stonehouse and Cainscross are already adequately protected by the AONB designation which includes a significant area of land between the two settlements and by Policy N6, which gives priority to the conservation and enhancement of the natural beauty of the landscape over other considerations.

RECOMMENDATIONS 8.11

1) Modify the reasoned justification to Policy N6 in accordance with Proposed Changes PRO200, and PRO202.

2) Modify Policy N6 and its reasoned justification, as follows:

Policy N6 – “Within the Cotswolds AONB, priority will be given to the conservation and enhancement of the natural beauty of the landscape over other considerations, whilst also having regard to the economic and social well-being of the AONB. Development within, or affecting the setting of the AONB will only be permitted if all the following criteria are met:

- 1. the nature, siting and scale are sympathetic to the landscape;*
- 2. the design and materials complement the character of the area; and*
- 3. important landscape features and trees are retained and appropriate landscaping measures are undertaken.*

Major development will not be permitted unless it is demonstrated to be in the national interest and that there is a lack of alternative sites.”

Paragraph 8.7.6 - “Areas of outstanding Natural Beauty represent some of the most sensitive landscapes in Britain and can be vulnerable to pressures for development and change. It is the intention of Stroud District Council, as the Local Planning Authority, to uphold the primary purpose of the Cotswolds AONB designation; to conserve and enhance the natural beauty of the landscape. However, regard will be had to the economic and social well-being of the Area in terms of the needs of agriculture, forestry, rural industries and local communities will also be taken into account in the pursuance of this objective. Similarly, proposals for recreation and leisure will also be considered favourably where they are consistent with the conservation of natural beauty and the needs of agriculture, forestry and other land uses. Proposals for major development within the AONB will only be permitted where it can be demonstrated that the development is in the national interest and there is a lack of alternative sites. Consideration of any application for major development will involve an assessment of the following to determine whether it would be in the national interest:

- 1. the need for the development, in terms of national considerations, and the impact of permitting it or refusing it on the local economy;*
- 2. the cost and scope for developing elsewhere outside the area or meeting the need for it in some other way; and*
- 3. any detrimental effect on the environment and the landscape, and the extent to which that should be moderated.”*

8.12 POLICY N7

The Objections

N07/376/1235	Mr Bowkett
N07/444/1946	Various Clients of Andrew Watton
N07/383/1249	C S Ryland
N07/222/1232	Mr Michael Warner
N07/373/1231	Mrs Brake
N07/332/1041	Painswick Valley Group
N07/417/1528	John King
N07/320/0964	Country Land & Business Association
N07/98/0303	Upton St Leonards Parish Council
N07/506/2174	Uley Parish Council
N07/578/2530	The House Builders Federation
N07/251/0698	Hallam Land Management
N07/578/3875	The House Builders Federation
N07/251/0697	Hallam Land Management

Summary of Objections

- (a) Removal of SLA designation from Brookthorpe and Whaddon.
- (b) Policy is restrictive and subjective and a criterion for development is required.
- (c) Objects to part of SLA at Naas Lane, Quedgeley.
- (d) Objects to designation of area between Haresfield and Brookthorpe with Whaddon.
- (e) Policy is unnecessary in light of countryside character approach in Policy N8.
- (f) SLA omits sensitive areas of Upton St Leonards.
- (g) SLA omits areas between Callowell and Painswick Stream and adjacent to Salmon's Spring employment site.
- (h) More encouragement should be given to landscape enhancement.
- (i) Requirement for development to enhance SLAs is contrary to planning guidance.
- (j) Circumstances where development will be permitted should be defined by new criteria in the Policy relating to the 'Key Priorities for Action' as set out in the Landscape Assessment. A review of the SLA should be undertaken.
- (k) Designation should not preclude development.

Inspector's Reasoning and Conclusions

8.12.1 In support of the request to remove the SLA designation from Brookthorpe and Whaddon, it is argued that the landscape has suffered from considerable degradation over the

years due to farming practices and various new developments. However, in defining the SLA, I am satisfied that the Council has given due consideration to the 1996 Stroud District Landscape Assessment, the Key Diagram in the Structure Plan, and the broad location indicated in Structure Plan Policy NHE.5. I note the Objector's concerns regarding the enlargement of the SLA to include this stretch of land, but the Council has followed a rigorous assessment in carrying out its responsibility to identify the precise boundary of the SLA in the local plan. I also note that Gloucestershire County Council has not objected to the boundary of the SLA within the Plan and I find no reason to modify the Proposals Map as suggested.

8.12.2 I do not agree that Policy N7 is too restrictive or subjective as suggested. The Policy is in accordance with Structure Plan Policy NHE.5, which prohibits development that would detract from the particular landscape qualities and character of the SLA. The Council has also had regard to the 1996 Stroud District Landscape Assessment in formulating this Policy, which protects areas that are considered to be of comparable landscape quality to the Cotswold AONB. I do not consider that specific criteria for development, as suggested by the Objector are required.

8.12.3 On issue (c), I refer to my conclusions above where I explain that the Council has had regard to the 1996 Stroud District Landscape Assessment, the Key Diagram in the Structure Plan, and the broad location indicated in Structure Plan Policy NHE.5 in defining the SLA boundary. It is the Council's responsibility to identify the precise boundary of the SLA in the local plan and the boundary in the landscape assessment and the Structure Plan Key Diagram clearly show the inclusion of land to the east of the railway at Naas Lane, Quedegley. I note that Gloucestershire County Council has not objected to the boundary of the SLA within the Plan and since the Objector has not provided any evidence to the contrary, I conclude that no modification to the Proposals Map is necessary.

8.12.4 With respect to whether the area between Haresfield and Brookthorpe with Whaddon should be designated as an area of special landscape value, I refer to my conclusions on issue (c) above. This area of land also falls within the SLA designation in the Structure Plan Key Diagram, and the Council has considered the findings of the 1996 Stroud District Landscape Assessment and Structure Plan Policy NHE.5 in reaching its decision. Structure Plan Policy NHE.5 identifies the area referred to by the Objector as being of comparable landscape quality to the area protected by the AONB designation and it therefore also warrants special protection. However, this does not necessarily preclude development in the area, subject to the development not causing harm to the character or appearance or to the special qualities of the landscape. On balance, I conclude that Policy N7 (as amended by the Council's additional Suggested Change) is sufficiently flexible, and the area in question should not be deleted.

8.12.5 I do not agree that Policy N7 is unnecessary in the light of the countryside character approach adopted in Policy N8. Policy N7 is in accordance with Policy NHE.5 of the adopted Gloucestershire Structure Plan, which requires that provision should not be made for development that would detract from the particular landscape quality and character of the Special Landscape Areas. Since the Structure Plan is more recent than the countryside character approach set out in PPG7, I find no reason to delete the Policy from the Plan on the basis that Policy N8 on landscape character is sufficient. Furthermore, paragraph 4.16 of PPG7 advises that local planning authorities are able to maintain or extend local countryside designations where there is good reason to believe that normal planning policies cannot provide the necessary protection. I am satisfied that the Council has justified its approach in paragraph 8.7.8, which sets out the significance of the SLA, and defines it as an area of comparable landscape quality to the Cotswold AONB.

8.12.6 In respect of Issue (f), whilst Upton St Leonards Parish Council fully supports the wording of the policy, it objects to the delineation of the boundary in the Parish. This is on the

basis that the AONB boundary has been drawn very tightly in this locality, so that some of the foot slopes are not included, whereas in other areas there has been a generous margin of protection. This, it is contended, is made all the more imperative because of the major allocation of Brockworth. It was hoped that the Structure Plan requirement for a Special landscape Area south of Gloucester would provide the necessary protection which is not presently given because the AONB boundary is so tightly drawn. Two areas are suggested for inclusion in the SLA.

8.12.7 Whilst I have considerable sympathy with the Parish Council in seeking to protect what it sees as two important landscape areas, the fact is that the boundaries have been drawn following a systematic assessment undertaken on a District wide basis. The assessment of landscape quality can all too easily be carried out on a personal subjective basis. The Stroud District Landscape Assessment was made on a well defined and as objective a basis as possible. In the circumstances, I am not willing to exercise my subjective judgement in relation to these two small parts of the District against the careful and professional comparative judgement which was made in the 1996 Study. Nor is the unease which the Parish Council feels about the omission of its objection areas sufficient to justify a modification to the SLA boundary in the Plan.

8.12.8 The Painswick Valley Group also has objections to the omission of two areas of land which it contends should be included in the SLA, on the basis that they are of equal quality to the Valley sides which are included within the designation. My response to this objection is the same basis as that which I have given to Upton St Leonard Parish Council's objection. I will not substitute my subjective opinion for the objective assessment which underpins the designated boundary of the SLA in the Plan.

8.12.9 With regard to Issue (h), I agree that encouragement should be given to the enhancement of the landscape and Policy N7 aims to do this. However, I do not consider that Policy N7 should contain specific targets for tree planting or the creation of ponds and hedgerows as suggested. The regional targets referred to by the Objector are set out in Policy EN.1 of Regional Planning Guidance (CD/R2) and relate to targets for biodiversity and these are already provided for in Policies N1 to N5 of the Plan.

8.12.10 I agree that the requirement in Policy N7 for development to enhance the Special Landscape Area is not supported in planning policy guidance. Conservation of the special features and the diversity of the landscape character should be sufficient to ensure that development does not have an adverse impact on such areas. There may be opportunities for development to enhance local character but this should not be a policy requirement. I therefore support the Council's additional Suggested Change which inserts the words "where possible" in the Policy text, prior to the word "enhancement." I am satisfied that this would meet the objection.

8.12.11 I find no justification to reword the Policy along the lines suggested, by defining the circumstances in which development would be permitted. This would give the wrong emphasis to the Policy, contrary to Structure Plan Policy NHE.5. Policy N7 contains a presumption against development that would harm the character, appearance or special landscape qualities of the SLA, in accordance with Policy NHE.5 and it right that the Policy should have a restrictive tone. The Objector refers specifically to the need for criteria relating to the 'Key Priorities for Action' (Page B30 'Rolling Agricultural Plain') for future management, set out in the landscape report prepared by the Council's appointed consultants. I note the Objector's concerns that this character group forms one of the most extensive landscape types within the District and that the report highlights that the quality of this landscape is varied. However, it would be difficult to define all circumstances where development would be permitted, and a criteria approach based upon the 'Key Priorities for Action' would be too detailed for the local plan.

8.12.12 Furthermore, I do not support the Objector's request for a comprehensive review of the extent of the SLA as defined on the Proposals Map. As I have stated above, it is the Council's responsibility to identify the precise boundary of the SLA in the local plan. The Council has undertaken this task with due regard to the comprehensive 1996 Stroud District Landscape Assessment, the Key Diagram in the Structure Plan, and the broad location indicated in Structure Plan Policy NHE.5.

8.12.13 On issue (k), the Objector acknowledges that there is an intrinsic value associated with the SLA designation and it is argued that the designation should not preclude development. As I have stated above, Policy N7 (as modified by the Council's additional Suggested Change) does not necessarily preclude development in the area, subject to the development not causing harm to the character or appearance or to the special qualities of the landscape. The Policy as modified is sufficiently flexible and it is right that it should retain a restrictive tone.

RECOMMENDATION 8.12

Modify Policy N7 in accordance with the Council's additional Suggested Change as follows:

*"When considering development proposals in the Special Landscape Area, priority will be given to the conservation and **where possible** enhancement of the landscape character. Permission will not be granted to development that would harm the character, appearance or special landscape qualities of the Special Landscape Area."*

8.13 POLICY N8

The Objections

N08/397/1331	Stroud District Task Force
N08/444/1947	Various Clients of Andrew Watton
N08/354/1180	The National Trust
N08/1/0093-CW	Gloucestershire County Council
N08/1/0132	Gloucestershire County Council
N08/578/2531	The House Builders Federation
N08/1/3034	Gloucestershire County Council
N08/578/3876	The House Builders Federation
N08/409/1419	Buchanan Partnership

Summary of Objections

- (a) Requirement to enhance landscape character is contrary to planning guidance. Development should only enhance where possible.
- (b) Revised criteria 1 and 4 cannot be satisfied simultaneously.
- (c) Criterion 1 should be positively worded: "character and appearance of the landscape is conserved and enhanced". Strengthen criterion 1 and delete unacceptably.
- (d) Policy is too subjective and restrictive. Précis policy or include criteria as to when development can take place is required.

- (e) Clarify whether the Stroud District Landscape Assessment is based upon the Countryside Commission's approach or that of English Nature.
- (f) A new policy is needed to protect the wider historic landscape.
- (g) The landscape protection policies should be extended to cover those areas which make a significant contribution to the character of towns and countryside.

Inspector's Reasoning and Conclusions

8.13.1 The Revised Deposit Plan has provided an opportunity to amend Policy N8, requiring development proposals to "conserve or enhance the landscape" and not "conserve and enhance the landscape" as originally suggested. I consider that this requirement is reasonable, given the special qualities of the landscape types identified in the comprehensive Stroud District Landscape Assessment, and guidance in paragraph 2.15 of PPG7 which states that the character approach can "help ensure that development respects or enhances the distinctive character of the land and the built environment."

8.13.2 I agree that development proposals would be unable to meet criteria 1 and 4 simultaneously and I therefore support Proposed Change PRO205, which deletes criterion 1 from the policy text and renumbers the remaining criteria accordingly. Since criterion 1 reiterates the first sentence of the Policy which requires proposals to conserve or enhance the special features of the landscape, the criterion is superfluous and I concur with its deletion.

8.13.3 On issue (c), the Revised Deposit Draft provided an opportunity to strengthen criterion 1, rewording the criterion as suggested. However, since the objection has been conditionally withdrawn in response to Proposed Change PRO205, I consider the matter to be resolved and I shall not comment further.

8.13.4 I do not agree that the Policy is too subjective or restrictive, or that further criteria should be included to set out when development can take place. The Policy as modified by my recommendations below is in accordance with government advice in PPG7, regional planning guidance and the adopted Structure Plan, and the insertion of further criteria as suggested would result in an unnecessary level of detail in the Plan.

8.13.5 On issue (e), the Council clarifies that the Stroud District Landscape Assessment was based on the Countryside Commission's guidelines (CCP423 'Landscape Assessment - A Countryside Commission Approach') and that it fits within the context of the now completed 'Character Map of England' undertaken by the former Countryside Commission, English Nature and English Heritage. The Revised Deposit Draft also provided the opportunity to clarify that the assessment was based on the Countryside Agency's Countryside Character Approach (previously known as the Countryside Commission) and Proposed Change PRO204 also inserts some minor amendments to the wording of paragraph 8.7.13 in relation to the landscape assessment. I consider that no further clarification is necessary.

8.13.6 I do not consider that a new policy to protect the wider historic landscape is necessary. The Plan should be read as a whole, and the character of the historic landscape is already sufficiently protected by other policies in the Plan, including Policies N8, N9, B4, B12, B13 and B14, which related to conservation, historic landscape and archaeology.

8.13.7 Similarly, I find no reason to extend the landscape protection policies to cover areas that make a significant contribution to the character of towns and countryside. The Objector has not provided any evidence to support the use of such an approach, and I consider that the Plan already provides sufficient protection for these areas.

RECOMMENDATION 8.13

Modify Policy N8 in accordance with Proposed Changes PRO204 and PRO205.

8.14 POLICY N9

The Objections

N09/409/1428	Buchanan Partnership
N09/551/2336-CW	The National Grid Company Plc
N09/543/2298	Government Office for the South West
N09/391/1276	Stroudwater Redevelopment Partnership Ltd
N09/444/1948	Various Clients of Andrew Watton
N09/348/1118	Mr John Hopton
N09/1/0069-CW	Gloucestershire County Council
N09/299/0818	Gloucester City Council
N09/145/0382	Mr A M Chapman
N09/348/1115	Mr John Hopton
N09/320/0966	Country Land & Business Association
N09/98/3051	Upton St Leonards Parish Council
N09/444/3692	Various Clients of Andrew Watton
N09/566/2472	Mr & Mrs Wyatt
N09/228/3131	Stroud Town Council
N09/409/3425	Buchanan Partnership
N09/228/0550	Stroud Town Council
N09/551/2335-CW	The National Grid Company Plc
Map (N/S)/502/2119-CW	British Waterways

Summary of Objections

- (a) Basis on which AHLQ have been identified should be included.
- (b) Policy suggests that any future development to meet operational needs of National Grid Company at Berkeley may not be acceptable.
- (c) Policy appears to be contrary to the character approach.
- (d) Policy can be used as a negative influence on development and requires clarification or removal.
- (e) Policy is too restrictive.
- (f) Exclude OS Field enclosure 5562 at Upton St Leonards from designation.
- (g) Objects to designation of sites at Stonehouse Wharf and former Ship Inn, Stonehouse as AHLQ.
- (h) Extend AHLQ designation on Proposals Map (North) to include land between canal and river from Gloucester boundary to Slimbridge.
- (i) Extend AHLQ to include southern arm of River Frome and the wildlife corridor to the south of the watercourse between Stanley Mill and Stanley Downton.
- (j) Delete the Churchend area of Eastington from AHLQ designation.

- (k) Revised Deposit changes weaken Policy.
- (l) Complete landscape audit should be carried out on land between Dudbridge and Stanley Meadow, Stonehouse.
- (m) Policy is unnecessary in light of Policy N8.
- (n) Revised Deposit paragraph 8.7.16 is convoluted and does not adequately explain the basis for the AHQL designations.
- (o) Areas between the AONB and Stroud settlement boundary should be classified as AHQL.
- (p) Delete designation of land between disused Stroudwater Canal and the River Frome adjacent to Greenway complex of buildings running west to Bridge Road.
- (q) Local landscape designation should take into account intrinsic quality of the landscape and its perceived importance due to its accessibility, visibility and juxtaposition to existing settlements.

Inspector's Reasoning and Conclusions

8.14.1 The main issue here is whether there is any need or justification for this policy at all, especially in the light of designations afforded by Policies N6, N7 and N8.

8.14.2 The comprehensive Stroud District Landscape Assessment was instigated by the Council and was carried out by Consultants and published in 1996. This formed the basis of Policy N8 on Landscape Character, in the Revised Deposit Plan. PPG7 strongly advocates concentration on new “ways of enriching the quality of the whole countryside whilst accommodating appropriate development.” It recommends respect for the “character approach” and relates to the Countryside Commission and English Nature’s national analysis and on local assessments to guide and inform the preparation of development plans, and to help accommodate “necessary change without sacrificing local character”. However, the PPG also emphasises that this approach “is descriptive, and not an additional layer of countryside protection or designation.” This advice is reinforced elsewhere in the PPG by clear criticism of the “multiplicity of local countryside designations” which have been introduced in local plans, and which carry less weight than national designations. They can be unduly restrictive, and should only be maintained or extended “where there is good reason to believe that normal planning policies cannot provide the necessary protection”. Reviews of Plans “should rigorously consider the function and justification of existing local countryside designations”.

8.14.3 The Council’s District Landscape Assessment provided a formal, comprehensive local assessment. Under Policy N8, it has been used to define 12 landscape character areas throughout the District and priorities for action. However, as I have stated above, PPG7 calls into question the need to retain Policy N9 as it resists the over use of local countryside designations. Having weighed the evidence presented by Objectors and the Council, I conclude that Policy N9 should be deleted. PPG 7, the Structure Plan and the Draft Local Plan already provide a range of general and specific policies to safeguard areas of the countryside outside of special landscape designations. I find that these Policies will adequately protect land that has been identified by the Council as AHQLs. Whilst I recognise that the AHQLs were identified in the District Landscape Assessment, I do not believe that there is sufficient justification to include a specific policy designation for these areas. The countryside character approach is already embraced in Policy N8, which aims to conserve or enhance the special features and diversity of the different landscape character types found in the District, together with the recent Supplementary Planning Guidance on landscape character. Policy N8 also gives priority to the protection of the quality and diversity of landscape character. There are also the special constraints imposed by the large areas of AONB and SLA designations. These Policies should

all help to ensure reasonable protection of the countryside in the District and I therefore find no need for further landscape protection.

8.14.4 I note the Council's concerns to safeguard the areas defined as AHQLs generally and I appreciate that the AHQL designations were derived from the 1996 District Landscape Assessment. I also note that the Council has attempted to justify its approach in paragraph 8.7.16, which sets out the significance of the AHQLs as areas of landscape quality that warrant extra protection. However, I am not convinced that the introduction of a fourth tier designation is necessary. Policy N9 conflicts with government guidance on local designations, and it goes beyond advice in the Structure Plan and the protection afforded by Policy N8 without adequate explanation.

8.14.5 I conclude therefore that Policy N9 and the specific designations shown on the Proposals Map are not justified and should be deleted. In view of this recommendation, it must follow that I do not regard the various areas put forward by Objectors for inclusion within the AHQLs as warranting additional recognition, and I shall not comment on these further.

RECOMMENDATIONS 8.14

- 1) Delete Policy N9 from the Plan and delete the AHQL designations from the Proposals Map.
- 2) Do not modify Policy N9 in accordance with Proposed Changes PRO206 and PRO207.

8.15 POLICY N10

The Objections

N10/320/0967	Country Land & Business Association
N10/444/1949	Various Clients of Andrew Watton
N10/106/0320	AONB Protection Group
N10/439/1826	Mrs Tyley
N10/59/0252	Woodchester AONB Group

Summary of Objections

- (a) The Forestry Authorities part in decision making, as regards N10 should be recognised.
- (b) Delete criterion 2 as this leaves TPOs vulnerable to unscrupulous development and renders TPOs useless. Alternatively, add 'in the view of the majority of local residents.'
- (c) Policy is ambiguous requiring clarification. Conservation Areas can be read as a separate entity rather than an area in which trees can be protected.
- (d) Policy should apply to AONBs also.
- (e) There should be a condition that any trees planted as part of a development should be cared for and watered until established or, if the sapling dies, it should be replaced.

Inspector's Reasoning and Conclusions

8.15.1 The Forestry Authority must be consulted on all development proposals affecting woodlands recorded in English Nature's Provisional Inventory of Ancient Woodland. However, I consider that a specific reference to this role in Policy N10 is unnecessary given the recognition of the Forestry Authority's responsibilities in paragraphs 8.8.3 and 8.8.4 of the Plan. An additional reference in Policy N10 would result in duplication and too great a level of detail for a local plan.

8.15.2 I note the concerns regarding criterion 2, but I find no reason to delete the criterion and I consider that it should remain in the Plan. The criterion does not render TPOs useless. TPOs are a material consideration when determining planning applications but there may be circumstances where an overriding need for a development outweighs the objective of retaining the trees. Criterion 2 rightly allows for such a situation because it reflects that the benefits of development in some cases may outweigh the amenity or landscape value of protected trees. I also do not support the inclusion of the words "in view of the majority of local residents" because this would unduly onerous and contrary to the role of the planning system, as it would only represent one interest.

8.15.3 I do not agree that the Policy is ambiguous and I find that the reference to Conservation Areas is quite clear. The Council explains in its response that development will not be permitted if it would damage or destroy trees in a Conservation Area. This is apparent from the Policy text, which is in accordance with good practice advice in 'Better Local Plans' published by the Planning Officers Society, and I consider that no further clarification is necessary.

8.15.4 I also do not agree that Policy N10 should apply to AONBs as well as Conservation Areas. It is reasonable for the Council to have a policy for trees that are classed as Ancient Woodland or are in a Conservation Area as well as those protected by a Tree Preservation Order. However, a reference to AONBs in the Policy would be unduly restrictive and it would also go beyond government guidance in PPG15 and good practice advice in 'Better Local Plans.' Furthermore, the contribution that trees make to the natural beauty of the landscape in the AONB is already acknowledged in Policy N6, since criterion 3 of this Policy requires important landscape features and trees to be retained.

8.15.5 Finally, I do not support the inclusion of a new condition as suggested in issue (e). Paragraph 8.7.20 already acknowledges that in certain circumstances, the planting of new trees may be required as part of a development. The insertion of additional wording to require the maintenance of newly planted trees is not essential, since it forms the basis of a standard condition usually imposed on planning permissions involving landscaping, and I consider that it would result in an unnecessary level of detail in the Plan.

RECOMMENDATION 8.15

Make no modification to Policy N10 in response to these objections.

8.16 POLICY N11

The Objections

N11/320/0968	Country Land & Business Association
N11/106/0321	AONB Protection Group
N11/574/2480	CPRE Stroud Branch
N11/59/0253	Woodchester AONB Group
N11/444/1950	Various Clients of Andrew Watton
N11/618/2636	South Cotswold Ramblers Association Group

Summary of Objections

- (a) Reference should be made to the stipulations of the Hedgerow Regulations.
- (b) Criterion 2 undermines amenity value of hedgerows contrary to Governmental and EU policy on field boundary preservation. It is not defined in whose view 'the desirability of the proposed development outweighs the amenity value of the hedgerow.' Delete criterion 2 or add 'in the view of the majority of residents.'
- (c) Delete criterion 2 as hedgerows will be vulnerable to unscrupulous development.
- (d) Policy is too restrictive requiring subjective judgement.
- (e) No mention of protection of hedgerows along highways.

Inspector's Reasoning and Conclusions

8.16.1 Paragraph 8.7.21 clearly refers to the Hedgerow Regulations 1997 and the categories of the criteria used to determine 'important' hedgerows. I do not consider that the Council should be more precise about the stipulations of Hedgerow Regulations, since the list of criteria are extensive and this would result in an unnecessary level of detail in the Plan.

8.16.2 I do not agree that criterion 2 undermines the amenity value of hedgerows or that it is contrary to regional planning guidance or EU policy on field boundary preservation or that it leaves hedgerows vulnerable to unscrupulous development. The Revised Deposit Draft has provided an opportunity to strengthen Policy N11 to more fully reflect the Hedgerow Regulations and criterion 2 rightly allows for situations where the benefits of development outweigh the amenity or landscape value of hedgerows and should remain as drafted. In accordance with the Hedgerow Regulations 1997, the local planning authority should be satisfied that there are circumstances justifying the removal of 'important' hedgerows. The relative benefits of a proposed development are assessed by the Council Officers, taking into account the views of English Nature as a statutory consultee, and considered by Members at Committee. The inclusion of the words "in view of the majority of local residents" would therefore be contrary to the Hedgerow Regulations, unduly onerous, and contrary to the role of the planning system by only representing one interest.

8.16.3 I do not agree that the Policy is too restrictive and subjective in nature and that a qualitative check or criteria are necessary. The Policy is generally in accordance with the Hedgerows Regulations 1997, by defining important hedgerows and acknowledging that development may take place in certain circumstances.

8.16.4 Criterion 8 of the Hedgerow Regulations 1997 refers to hedgerows adjacent to bridleways or footpaths, or byways open to all traffic. Since this is only one of an extensive list of criteria identified in the Regulations, there is no justification to give it extra emphasis in the Plan.

RECOMMENDATION 8.16

Make no modification to Policy N11 in response to these objections.

8.17 POLICY N12

The Objections

N12/413/1471	Barratt Bristol Ltd
N12/409/3426	Buchanan Partnership

Summary of Objections

- (a) Paragraph 8.7.24 should relate to trees over a certain size.
- (b) Policy is onerous. It is inappropriate to seek to prevent development because it does not have high quality landscaping.

Inspector's Reasoning and Conclusions

8.17.1 I do not agree that paragraph 8.7.24 should relate to trees over a specified size and should not apply to areas of scrub growth and young trees since this could put unrealistic demands upon applicants. Paragraph 8.7.24 refers to the use of BS5837 to assess the importance of trees on development sites and clarifies that this requires surveys to include shrubs and hedges as well as trees. The Arboricultural Association endorses BS5837 and I find no reason to modify the paragraph as suggested.

8.17.2 Further, I do not agree that the wording of Policy N12, is unduly onerous. In my judgement, it is a correct approach to require landscaping which is 'appropriate to the area' since it is the surroundings which provide the context for the development. Of course, it will also be necessary for the landscape requirement to be appropriate to the individual development proposal, and for any conditions which are attached to a planning permission to satisfy the tests laid down in Circular 11/95 – these are matters for the development control stage. It appears to me that the requirement for high quality landscaping is in line with the government's desire to secure high quality design and development.

RECOMMENDATION 8.17

Make no modification to Policy N12 in response to these objections.

8.18 POLICY N13

The Objections

N13/543/2299	Government Office for the South West
N13/444/1951	Various Clients of Andrew Watton

N13/308/0867	Ministry of Agriculture Fisheries and Food (MAFF)
N13/444/3679	Various Clients of Andrew Watton
N13/308/0866	Ministry of Agriculture Fisheries and Food (MAFF)
N13/443/3649	English Nature
N13/308/3200	Ministry of Agriculture Fisheries and Food (MAFF)

Summary of Objections

- (a) Policy should be reworded to accord with Paragraph 2.18 of PPG7.
- (b) Policy is repeated in N13 and 8.2.2a.
- (c) Remove word statutory from 8.8.2a. Many non-statutory sites are worthy of being considered an environmental constraint.
- (d) In 8.8.1 delete reference to “a significant reduction of the use of land for food production” as the meaning is unclear and misleading.
- (e) Policy is too restrictive and further criteria about exceptions are needed.

Inspector's Reasoning and Conclusions

8.18.1 The Revised Deposit Draft provided an opportunity to reword Policy N13 in accordance with paragraph 2.18 of PPG7 and Proposed Changes PRO208 and PRO209 further update the policy wording to meet the general thrust of the now partially revised PPG (March 2001). Policy N13 now clarifies that planning permission for development affecting the best and most versatile agricultural land will only be granted where the development cannot be accommodated on previously developed sites, on land within a defined settlement boundary, or on poorer quality farmland that is not subject to sustainability constraints. There must also be an over-riding need for the development and if land in Grades 1, 2 or 3a does need to be developed, and there is a choice between sites in different grades, development should be directed towards land of the lowest grade.

8.18.2 Paragraph 8.8.2a as modified by Proposed Change PRO208, does repeat some of the wording of Policy N13 but it also provides a useful context to sustainability considerations as set out in the recent revisions to PPG7. I therefore consider that the paragraph should remain as currently drafted (in accordance with Proposed Change PRO208) as it would aid the interpretation of the Policy and help users of the Plan.

8.18.3 There may be non-statutory sites that are worthy of being considered as constraints within the context of this Policy, but I do not consider that the wording of the Revised Deposit Draft should be adhered to with the word “statutory” deleted from the text. Proposed Change PRO208 updates the Plan in the light of the governments new approach to ‘best and most versatile’ agricultural land, clarifying that decisions about development affecting such land will be made locally through the planning process, taking account of landscape and sustainability considerations. Paragraph 8.8.2a as modified now acknowledges that biodiversity in general may constitute such a constraint and it no longer restricts constraints to statutory designations only. I am therefore satisfied that the Policy as modified does not undermine Policy N2, which seeks to protect non-statutory sites, as suggested by the Objector.

8.18.4 On issue (d), I agree that the reference to “a significant reduction of the use of land for food production” in paragraph 8.8.1 lacks clarity and could be misleading. I note that the Revised Deposit Draft provided an opportunity to rectify this, deleting the sentence from the text. Although not formally withdrawn, I consider the objection to be resolved and I shall not comment further.

8.18.5 I do not agree that the Policy as currently drafted is too restrictive or that further

criteria should be inserted to clarify the exceptions to the Policy. The Policy as modified by my recommendations below is in accordance with government advice in PPG7 and the clarification of possible exceptions would result in an unnecessary level of detail in the Plan.

RECOMMENDATION 8.18

Modify Policy N13 in accordance with Proposed Changes PRO208 and PRO209.

8.19 POLICY N14

The Objections

N14/443/3652-CW	English Nature
N14/555/2360-CW	Environment Agency (Planning Liaison)
N14/555/2359-CW	Environment Agency (Planning Liaison)
N14/578/3881	The House Builders Federation
N14/590/2557	Mr Robert Bray
N14/429/1750-CW	Gloucestershire Wildlife Trust
N14/429/3575-CW	Gloucestershire Wildlife Trust
N14/444/1952	Various Clients of Andrew Watton
N14/578/3882	The House Builders Federation

Summary of Objections

- (a) Policy should positively promote Sustainable Urban Drainage (SuDs) and efficient use of water.
- (b) Problems associated with SuDs should be acknowledged.
- (c) Policy wording is too weak.
- (d) Policy could prevent development.

Inspector's Reasoning and Conclusions

8.19.1 I note that the requests for a reference to Sustainable Urban Drainage Systems (SuDS) in the Policy and supporting text has been met in the Revised Deposit Draft, in view of the importance of encouraging the use of such techniques to achieve better management of water resources. I also support Proposed Change PRO210, which further clarifies the reference to SuDS, deleting the reference to 'Best Management Practices' (BMPs) from the text in paragraph 8.9.2a. However, the Council should also delete the reference to BMP techniques in the final sentence of paragraph 8.9.2a, replacing it with a reference to SuDS for reasons of consistency. I also recommend that the reference to the consultation draft of PPG25 be updated, since the final version has now been published.

8.19.2 On issue (b), objection is raised to the promotion of SuDS in paragraph 8.9.2a without acknowledgement of the potential problems associated with the adoption and maintenance of SuDS. I consider that such an acknowledgement is unnecessary, given that the paragraph also draws attention to the fact that there may be cases where it is not possible to

incorporate SuDS principles. However, the developer will need to demonstrate, to the satisfaction of the Environment Agency and the Local Planning Authority that the inclusion of such techniques is not appropriate and identify an acceptable alternative method of surface water disposal. This reflects the positive promotion of SuDS in planning policy guidance and the amendment suggested by the Objector would result in an unnecessary level of detail in the Plan.

8.19.3 I consider issues (c) and (d) together. Proposed Change PRO211 deletes the words “where feasible” from the Policy, and with the revisions in the Revised Deposit Draft, helps to strengthen the Policy text. I support this approach, given the increasing importance attached to SuDS by the Government in planning policy guidance, and it would be unwise to leave too much flexibility in a Policy that requires specific standards to be met. I do not consider therefore that the Policy would constrain the proper consideration of development proposals at the planning application stage as suggested, providing that appropriate measures are taken to mitigate potential impacts on the water environment. I also do not consider that specific criteria for development are necessary and I conclude that the Council’s amendments should remain in the Plan.

RECOMMENDATIONS 8.19

Modify Policy N14 in accordance with Proposed Change PRO210, but replacing the reference to the revised consultation draft of PPG25 with the following:

“ Planning Policy Guidance Note 25: Development and Flood Risk, July 2001”.

Modify Policy N14 in accordance with Proposed Change PRO211.

Further modify Policy N14 to replace the reference to BMP techniques in the final sentence of paragraph 8.9.2a with “*SuDS techniques*”.

8.20 POLICY N15

The Objections

N15/445/1987

Frome Valley Construction

Summary of Objections

(a) There is no provision for a crematorium in the Plan.

Inspector's Reasoning and Conclusions

8.20.1 I have effectively dealt with this objection at 8.1.1 above. I consider that the provision of a crematorium on a specific site should be the subject of consideration on the basis of a formal planning application, which can be judged on a proper consideration of the detailed matters which would need to be considered in the light of the policies in the Plan. From the issues raised in the Council’s response, the site put forward on behalf of the Objector (which was not specifically mentioned in the duly made objection) has a number of potential shortcomings, and there is no basis or need for me to recommend an allocation in the Plan.

RECOMMENDATION 8.20

Make no modification in response to this objection.

8.21 POLICY N15 - OMISSION SITE OS202

The Objections

N15 (OS202)/157/0405

Cam Parish Council

Summary of Objections

(a) Identify a site for a burial ground in Cam.

Inspector's Reasoning and Conclusions

8.21.1 I accept that the Parish Council has burial responsibilities. However, the Objector has not identified any specific site for a new burial ground and no evidence has been put forward to demonstrate the need for such a facility. The Objector refers to additional capacity at St Bartholomew's Church of up to 10 years, and between 10 and 20 years at St George's Church. This would appear to indicate that sufficient land exists within the Plan period for Parish burials and no allocation is therefore necessary. The Council points out that it anticipates an early review of the Plan during the Plan period and this would allow additional land to be identified to meet an identified requirement for the next Plan period at this specific time. Furthermore, I am satisfied that the Plan does not preclude the development of burial grounds in the District and there are sufficient Policies within the Plan against which a proposal for a burial ground could be determined if a proposal came forward at any time.

RECOMMENDATION 8.21

Make no modification to the Plan in response to this objection.

8.22 POLICY N15 - OMISSION SITE OS203

The Objections

N15 (OS203)/197/0467

Dursley Town Council

Summary of Objections

(a) Identify land in Dursley for a cemetery and allotment use.

Inspector's Reasoning and Conclusions

8.22.1 I note the Objector's concerns but I am satisfied that the Plan does not preclude the development of burial grounds in the District and there are sufficient Policies within the Plan

against which a proposal for a burial ground could be determined if such a proposal came forward. The Council accepts that the extension of the Kingshill Road cemetery onto the adjoining allotment land would be logical but points out that Policy R9 of the Plan, relating to the loss of allotment land, would need to be satisfied. Furthermore, the Objector has not provided any evidence in this respect.

RECOMMENDATION 8.22

Make no modification to the Plan in response to this objection.