



STROUD DISTRICT COUNCIL

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Ms Lucas and Ms Wright
The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

3 March 2025

Dear Ms Lucas and Ms Wright,

I am writing to confirm that Stroud District Council (SDC) has received your letter dated 7 February 2025.

The Council is profoundly disappointed by the conclusion that you have reached and has significant concerns that you have failed to consider the relevant issues on the basis of a correct understanding of the appropriate policy approach. Further, the Council cannot see from your letter that you have come to your view as a result of full consideration of the various options going forward as an alternative to leaving Stroud District without an up-to-date Local Plan. We respectfully disagree that throughout our exchange of eight letters you continued to advise that the withdrawal of the Plan would be the most appropriate course of action. The Council would ask you consider the content of this letter and reconsider your decision in the light of it.

Most concerning, and as we elaborate further below, your letter appears to be founded upon a misunderstanding of the policy approach to infrastructure provision. Further, your reasoning appears to assume that public funds for infrastructure must be secured for in advance of adoption of a local plan. The reality here is that, in practice, such funds can only be secured once the local plan is adopted. There is no evidence before you that funding for road schemes such as those that have been explored in relation to the M5 junctions can, as a matter of fact, be secured in advance of adoption of a plan which allocates the relevant sites for the housing that the improvements would enable. Your letter appears to misunderstand the nature of the grant funding process at a very basic level and, as a consequence, appears to put the cart before the horse.

Further and in any event, even if it were considered rational to conclude that a plan which contains an element of housing which is dependent upon the M5 junction improvements should not come forward, there is an onus on you to properly and fully consider the potential alternative of a plan which allocates sites for housing which are not dependent on the M5 junction improvements together with an early review as the Council explained in its letter of 29 August 2023. That consideration must include careful and full account of the benefits of adopting a plan on this basis for the delivery of housing in the area compared to the likely outcome of not having a plan in place at all. Your letter is devoid of any consideration of the benefits of such an approach and does not consider the relative merits of this approach compared to having no plan in place at all. The Council regards this as a significant failure which renders your conclusions flawed.



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Wisloe new settlement

Para 9-12

The Council is pleased to note that you have now reached a position where you are satisfied that the evidence substantiates the viability of the proposed bridge and supports its successful delivery as part of the Wisloe new settlement allocation. This represents a positive step forward, and it is now considered that there are no further site-specific soundness issues with the allocation, the clarity on this matter is welcomed.

Sharpness new settlement

Para 33-45

It is anticipated that the site promoter will respond separately regarding your position on the latest evidence.

The Council notes that an interim scheme for 1,000 homes has been developed and tested by National Highways (NH) in collaboration with the site promoter and referenced in para 2.5 of the December SoCG (EB143), '*National Highways is satisfied that an acceptable interim scheme can be provided at M5 J14*'. NH is expected to support a mitigation strategy for these 1,000 homes, which would increase the number of deliverable homes within the plan to 71% of the total housing requirement without the junction 12 or 14 improvements needing to be in place. If a plan were adopted that delivered this level of housing, that allows for a considerable amount of time to pass during which the funding for the improvement can be secured or an alternative plan-led strategy developed via a plan review. This serves to emphasise that, at the very least, there is a reasonable prospect that significant levels of housing can be delivered through an adopted local plan in the short to medium term, a matter that you could explore at public hearings in order to better understand the evidence regarding the benefits/disbenefits of securing a plan against the benefits/disbenefits of not having a plan in place.

Strategic Road Network (SRN)

Para 13

The Council is pleased to note that you have now reached a position where you are satisfied that viable designs and costings have been developed for both junctions, confirming that the impacts arising from the proposed development in the local plan can be effectively mitigated.

Para 15

The Council is very concerned that there are a number of factual inaccuracies in paragraph 15. It is wholly incorrect to state that land acquisition has not been considered. There are allowances in the cost plans summarised at EB133a paragraph 3.3.1 and detailed in the appended cost plan. This raises concerns that you may not have fully reviewed or understood the evidence submitted and serves to underline the necessity and real benefit in testing the Plan further at a public hearing and through the issue of clarification additional questions to ensure that you have a correct grasp of the facts. It is concerning that you felt able to take the view that costs could be higher than anticipated, which clearly has an



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influence on how you have reached your recommendation. We are entirely unclear what evidence you have before you that supports the assertion your letter is based upon.

Para 17

The Council is very concerned in relation to your interpretation of the "reasonable prospects" test as outlined in national policy and guidance. You have applied a much higher standard than intended by the Government, or than has been applied in other Local Plan examinations. The Council is not required, at this stage, to provide the exact amounts and collection dates of Section 106 and CIL contributions needed to deliver the 15% developer contributions. To require such a level of detail in order for a Plan to be found sound sets a dangerous precedent that has far reaching implications for not only SDC but for other local authorities. Such an approach will severely limit the attainment of the Government's housing targets and ambitions if this precedent is set.

The Council has already demonstrated, through the viability evidence submitted (with hearing sessions yet to be heard), that the viability across the plan is sufficient to deliver the 15% contribution through a combination of Section 106 and CIL. We do not accept that the "reasonable prospects" test should be set so high as to preclude the Plan as a whole from progressing on the basis that infrastructure has not been secured, when that infrastructure relates to only part of the housing allocations proposed. Local plans, by nature, are aspirational documents, and in relation to those that require supporting infrastructure schemes, it is not expected that all funding will be secured at the examination stage and prior to adoption. This is the purpose of the "reasonable prospects" test and the rationale for having an adopted CIL through the recognition of an identified 'funding gap'.

Under your current interpretation of the test, the Council is unable to move forward with the Local Plan until Section 106 agreements are fully secured, or at least drafted, and funding bids are sufficiently advanced so that you are, 'reasonably certain' that the necessary funding will be available and the sites deliverable. 'Reasonably certain' is not a test set out in adopted policy or guidance and the fact that you have even included this phraseology in your letter belies an approach which is flawed.

Further, your approach is simply not rooted in the real world. The reality is that section 106 Agreements will only come forward with the grant of planning permission for the sites in question. That cannot happen without an adopted plan in place. Further, it is also the case that grant funding cannot be secured now since any funding bid is unlikely to succeed without an approved Local Plan in place, i.e. there has to be a level of certainty as to the amount of housing that the infrastructure would unlock in order for grant funding to be awarded. However, you are saying that there has to be a level of certainty as to the infrastructure provision before the housing allocations can be unlocked. If that position were correct, then any local planning authority with infrastructure constraints that can only be solved with public investment cannot bring a local plan forward in practice. It cannot secure grant funding without an adopted plan and it cannot secure an adopted plan without grant funding. That serves to demonstrate that your approach cannot be correct. It is an approach which must be flawed and one which leads to a position which is irrational.

The Council has consistently raised, in alignment with its legal counsel, concerns that the reasonable prospects test was being misapplied by you. Your recommendations create a



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catch-22 scenario that prevents the Local Plan, and others, from moving forward and prevents the necessary grant funding for the infrastructure from being secured. The Council considers that this is an issue which would, at the very least, benefit from further consideration via hearing sessions to discuss these matters.

Para 18-19

At paragraph 18 and again at paragraph 19, your letter confirms that the timing of the need for schemes has been identified to the level of granularity required for a Local Plan. As you acknowledge, it is unchallenged that both schemes are required early in the Plan period. The fact that NH is issuing holding directions for new development impacting on J14 provides the luxury of being able to confirm the exact trigger point for J14, i.e. the trigger point has already been reached. However, this is a level of exactness not required to be demonstrated by a Local Plan in order for it to be found sound.

The timing of the need for a J12 improvement scheme has been identified to the appropriate level of detail for a Local Plan, i.e. early in the plan period. Whilst NH has decided to undertake more detailed work to determine the exact trigger point, and the Council is supporting this through investing in extracting additional data from the strategic model, this is not required as part of the evidence base for the Local Plan.

The Council has removed the risk of over-estimating the level of housing which could be delivered prior to an improvement scheme at J12 by making the robust assumption in its housing trajectory analysis that there is no spare capacity, i.e. by assuming that the junction is required now. The housing figures quoted by the Council in this response do not rely on any spare capacity at J12, and are thus robust.

It is important to clarify that whilst NH was awaiting data from SDC at the time of writing the December 2024 draft of its SoCG, that data was provided prior to Christmas 2024 and that reference is no longer correct in the updated SoCG dated 3rd February 2025.

Para 20

The Council's technical modelling work shows that there will be a reasonable level of impact on the junctions from development outside of the District. In practice, through the Development Management process, external sites with an impact will be required to provide proportionate contributions to the delivery of improvement schemes at J12 and J14. This is not understood to be disputed by any planning or highways authority. Notwithstanding this, it is noted that external Development Plans are at an earlier stage than SDCs, and that South Gloucestershire Council's Plan seeks to focus development away from Junction 14. Understandably, neighbouring authorities expressed concern at an apparent reliance of SDC's Plan on contributions from development sites outside of the District. In response to this, SDC has undertaken a robust assessment of requiring the 15% local funding to be fully delivered by sites within the SDLP. The SDLP is therefore not reliant on funding of infrastructure from sites outside of the District, albeit it is reasonable to assume that a level of such funding would be forthcoming.

Para 21-22



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The Plan makes provision for some 71% of its housing without the need for the M5 junction improvements. The further growth is dependent on these junction improvements coming forward. The NPPG explains (Paragraph: 059 Reference ID: 61-059-20190315)

“Where plans are looking to plan for longer term growth through new settlements, or significant extensions to existing villages and towns, it is recognised that there may not be certainty and/or the funding secured for necessary strategic infrastructure at the time the plan is produced. In these circumstances strategic policy-making authorities will be expected to demonstrate that there is a reasonable prospect that the proposals can be developed within the timescales envisaged.”

The NPPG goes on to state (060 Reference ID: 61-060-20190315):

“It is recognised that these developments may have to extend outside of a single plan period. The strategic policy-making authority can use subsequent plans and plan reviews as an opportunity to provide greater certainty about the delivery of the agreed strategy. Annual reviews of the infrastructure funding statement should feed back into review of plans to ensure that plans remain deliverable. Should issues arise which would adversely affect the delivery of the adopted strategy then the authority should consider alternative strategies, through a plan review, if these issues are unlikely to be resolved.”

Thus, guidance acknowledges that subsequent plans and plan reviews can and indeed should be used where there are longer term infrastructure requirements and where the certainty of delivery may change over time. Guidance states in terms that, if issues arise which affect the delivery of an adopted strategy, the appropriate response is to address them in a plan review. This aspect of guidance is not considered or referred to in your letter which the Council considers to be a fundamental omission.

It is important to place this in the context of the national policy imperative for housing delivery. In a statement on the 26 January 2025, **Deputy Prime Minister and Secretary of State for Housing, Angela Rayner said:**

“From day one I have been clear that bold action is needed to remove the blockers who put a chokehold on growth. That’s why we are putting growth at the heart of our planning system.

Growth means higher wages, better living standards, families raising their children in safer homes, and the next generation taking their first steps onto the housing ladder. This year we will go even further to make the dream of homeownership a reality for millions and fix the housing crisis we inherited for good – getting more shovels in the ground to build the homes **and vital infrastructure that our communities so desperately need.**”
It is clear that public funds are likely to be available to support the delivery of infrastructure that unlocks housing growth, demonstrating there are ‘reasonable prospects’. The Council considers that this is a matter that can and should be considered further at reopened hearings.

The Council acknowledges that the improvements to M5 Junctions 12 and 14 are Nationally Significant Infrastructure Projects (NSIPs) and that they will require external funding. However, it cannot obtain that funding unless the Plan is adopted. Further, the change in Government has meant that funding decisions cannot yet be obtained. You seek certainty,



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founded upon a misunderstanding of the correct policy approach, during a period of significant shift in the Government's approach following an election. A local planning authority cannot provide certainty on governmental Departmental Expenditure Limits (DEL)¹ and capital spending before the UK Government's Treasury has determined its priorities and it is unreasonable to expect it to be able to do so.

Para 26 & 27

The Council is disappointed that the significant impact of examination delays, changes in government, and the broader economic climate on the allocations and delivery of the plan has not been acknowledged. The evidence has consistently demonstrated that at least 63% of the housing target (7,932 homes) can be met without affecting M5 Junctions 12 and 14. This has robustly assumed that there is no residual capacity at either junction, i.e. it is a potential under-estimation. Additionally, the supplementary evidence submitted in December 2024 included an interim proposal allowing for an additional 1,000 homes at the Sharpness new settlement. This is accepted by NH in the updated Statement of Common Ground EB143b at paragraph 2.5 and would increase deliverable housing to deliver 71% of the housing targets (8,967 homes). Since December 2024, this work has advanced further, and SDC is advised that NH is expected to accept that an interim scheme would also accommodate more than 900 homes at Cam North West PS24. As a result, the number of deliverable homes not requiring external funding of new junctions would increase to 9,867, i.e. 78% of the housing targets. This would clearly not deliver a 'marginal' 5-year housing land supply on adoption.

There is a misconception at paragraph 27 that further discussion with South Gloucestershire Council on the impact on the Local Road Network would delay the Examination. This is not required. The traffic modelling for the Plan as a whole identified that a scheme would be needed for the adjacent A38 junction, and this is included in the Infrastructure Delivery Plan. The traffic modelling for J14 presented by SDC in Eb133a has shown that such a scheme is achievable. It is understood that further work has been done by the Sharpness promoter, which reaches the same conclusions. The detailed design and delivery of a scheme can and will be addressed through the development management process, as is typical for a scheme of this scale, and is not a matter that needs to be concluded through the Examination. Again, you appear to seek certainty here as a matter of approach. That is not required as a matter of law or policy.

The Council is disappointed that the benefits of delivering a significant proportion of the plan's housing requirement have not been recognised, along with the opportunity to take a pragmatic approach to the 'reasonable prospects' test in delivering the remaining 29% (or remaining 22% as it is likely to be confirmed that there is greater capacity in an interim scheme) or incorporating an early review mechanism into the plan. The Ministerial Letter has to be applied on the basis of decisions which have regard to all material considerations. These include a fair comparison of the benefits of adopting a plan which delivers at least 71% of the total housing requirement with an early review to address the uncertainties associated with the M5 junction improvements compared to the position of not having a Local Plan in place at all.

¹ What is a Spending Review? <https://www.gov.uk/government/news/what-is-a-spending-review>



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The Council wishes merely to have the opportunity to address your concerns meaningfully through reopening the Examination Hearings. Allowing the Council to adopt a plan covering the early to medium-term delivery period would provide significant benefits, which it considers would far outweigh the disadvantages of not having an adopted plan.

There are plenty of examples of your colleagues suggesting similar modifications, Spelthorne Borough Council's emerging Local Plan being one of the more recent examples. More locally within Gloucestershire the Joint Core Strategy included an early review mechanism as it was felt on balance adopting the plan would lead to more sustainable development. The Council has serious concerns that your letter does not adequately assess the benefits of such an approach.

Again, by choosing not to, at the very least, open or permit hearing sessions to discuss these matters, the opportunity for meaningful dialogue and engagement has been lost.

Para 28-29

SDC is not a highways authority, and the responsibility for M5 Junctions 12 and 14 ultimately falls under the jurisdiction of NH. The evidence base and the position of NH has consistently been that improvements are necessary for NH to permit the delivery of certain site allocations above the 63%.

Since the hearings, the planning application process for several allocations has progressed ahead of the examination. As a result, multiple site promoters have engaged directly with NH to negotiate alternative mitigation measures to facilitate their developments, rather than requiring new junctions. Whilst NH has consistently maintained throughout the local plan process that Junction 14 cannot accommodate additional traffic, it is now supporting mitigation strategies that would enable an interim scheme, allowing the allocations at Cam of at least 900 homes and 1,000 homes at the Sharpness new settlement to move forward. The context for consideration has thus profoundly shifted, a point this letter will return to. It is an inherent challenge of the planning system that planning applications and the local plan process can run concurrently, with applications sometimes progressing ahead of the plan. Consequently, SDC has incorporated updated information during the ten-month examination pause. As of December 2024, an interim scheme was identified for a limited number of sites, demonstrating that now some 71% of the local plan's housing allocations could be delivered without requiring improvements to M5 Junction 12 or 14. Subsequent to this, it is expected that agreement will be reached with NH on a further enhancement which would allow 78% of the housing requirements to be delivered, prior to the need for external funding.

As acknowledged, the consultation responses submitted in December 2024 included representations from other site promoters proposing mitigation solutions that would negate the need for new junctions. However, it is important to note that this was not the intended purpose of the consultation. The consultation was specifically conducted to gather feedback on the new junction design and costings, as agreed with NH and yourselves in the Joint Action Plan (JAP).

By choosing not to continue the examination and forgoing hearing sessions to discuss these matters in detail, critical discussions that cannot be adequately addressed through these written exchanges are being missed. You have curtailed a meaningful examination of the



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draft local plan and as a result the opportunity to deliver plan led housing growth in this area is being discarded without full, fair and appropriate consideration of the way forward.

Para 30

The Council is concerned about the level of misunderstanding around the housing trajectory and the additional work that NH has decided to undertake exhibited in your letter. The purpose of the additional NH modelling work is to identify the exact point that an improvement scheme may be needed. In itself, the identification of a precise level is debateable as the scheme is needed at the point where development would have a “severe” impact, in line with the NPPF, and there is no quantified definition of “severe”.

Notwithstanding this, the Council’s approach to the housing trajectory does not rely upon this exercise.

As set out in response to paragraph 18 of your letter (see above), the Council has undertaken a robust assessment of housing deliverability by assuming that there is already no spare capacity at Junctions 12 or 14. Therefore, whether NH is or is not satisfied with the level of detail on the trigger points for the schemes is irrelevant to the housing trajectory presented.

The additional modelling work that NH has advised SDC that it is undertaking does not have a bearing on any other aspect of the housing trajectory presented. Given that the work on the trigger point testing can only increase the level of housing that could be delivered by identifying existing spare capacity, the housing trajectory is both robust and is substantiated.

This fundamental misunderstanding only serves to further highlight the need for the Examination to be re-opened so that the Council can assist you in gaining a full and accurate understanding of the facts in order to make a robust decision that is not challengeable in the Courts.

Summary of outstanding concerns

Para 47

You have fundamentally misunderstood the factual position. It is not correct that the 63% has not been tested, shared or agreed by NH. We cannot see how, given the evidence before the Examination, you can have come to this conclusion unless you have misunderstood the position. Whilst we accept that NH is undertaking further modelling work on the subject of housing delivery, to say that the work has not been tested or shared with NH is incorrect. The full workings are provided in Eb135 and its Appendix, published in October 2024. As is well documented, SDC and transport stakeholders including NH and Gloucestershire County Council have met regularly through the development of the Local Plan evidence base. The Council has set out and explained the modelling and housing trajectory assumptions to NH through email and at multiple meetings.

The Council has further responded to this point above in relation to paragraphs 18, 19 and 30 above, which sets out its position. The Council considers that you should re-open the Examination so that the positions of each of the parties can be properly interrogated, and



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that would then enable you to reach conclusions based on a full and factually correct understanding of the matter.

Para 55

In this paragraph you pray in aid the policy approach set out in the NPPF published in December 2024. NPPF Annex 1, paragraph 234, is clear that the policies do not apply to draft local plans that have been submitted for examination under Regulation 228 on or before 12 March 2025. By relying upon this matter, you have taken into account a legally irrelevant consideration.

Further and in any event, if reference is to be made to the NPPF (December 2024) it is important to have regard to the document as a whole. It states that local plans should be 'aspirational' and that transport requirements such as large scale infrastructure should be 'vision led'. The new NPPF actually supports and underlines the approach SDC has taken and makes clear when read in conjunction with the PPG that the 'reasonable prospects' test is not being applied correctly by you in this instance.

The Council believes that your error in relying on the NPPF December 2024, again supports the view that you have adopted a flawed approach to the relevant policy considerations.

Stroud District Council Response

The Council considers that your concerns regarding the funding and delivery of the M5 Junctions 12 and 14 improvement schemes do not fully account for the policies, mechanisms, commitments, and strategic planning processes that are, or can be put in place to address such challenges.

The concerns raised do not fundamentally undermine the soundness of the plan. The plan is based on a robust evidence base and aligns with national planning policy, including the NPPF as adopted at submission, which emphasises the importance of sustainable development and the delivery of necessary infrastructure. The following points reinforce the plan's soundness:

- **Flexibility in Funding Mechanisms:** The plan allows for flexibility in how funding is secured, reflecting the reality of infrastructure delivery.
- **Commitment to Delivery:** The Council has demonstrated a clear commitment to addressing transport capacity issues, which is a key component of sustainable development and has not ignored the issues.
- **Strategic Justification:** The need for the M5 J12 and J14 improvements is well-documented and justified by evidence of current and future capacity constraints. This provides a strong rationale for their inclusion in the plan allowing funding bids and partnership work to commence. The effect of not allowing the plan to progress would result in the Council being in a catch 22 scenario; it would not be able to bid for funding without a local plan allocating the sites for housing. This would also mean that there would not be any scope for neighbouring authorities to advance their housing numbers or growth ambitions around the M5 for the same reasons – in the absence of funding they too could not deliver these ambitions. The consequences of



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your decision will not just mean that Stroud District is left without a Local Plan but our neighbouring authorities will not be able to progress theirs either on a basis that enables them to meet their full housing needs. This leaves a large sub region unable to deliver housing via a plan led system in the short to medium term. It would adversely affect the ability of the sub-region to assist the Government in meeting its housing target of 1.5m homes in this Parliament. Your decision appears to have a result which is the very opposite of the objectives of current Government policy. It seems bizarre to the Council that you should adopt an approach which results in you becoming the “blockers who put a chokehold on growth” to which the Secretary of State has referred.

Whilst there are uncertainties regarding funding and delivery timelines are valid, they do not render the plan unsound. The Council has demonstrated a clear understanding of the challenges and has put forward a plan that is flexible, evidence-based, and aligned with national policy. The absence of detailed funding information at this early stage is normal where large-scale infrastructure projects are required to support growth. The absence of secured funding now does not preclude the successful delivery of the M5 J12 and J14 improvement schemes. With proactive planning, collaboration, a commitment to securing funding and an adopted plan in place, the Council is well-positioned to address these challenges and deliver the necessary infrastructure to support sustainable growth.

Without an adopted Local Plan, the Council has no basis on which it can make a grant application for infrastructure that is likely to succeed. We need a Local Plan to get the funding.

Your approach of requiring funding before we can get a Local Plan, puts the Council in an impossible position in terms of overcoming the constraints to housing delivery and consigns the district and its neighbours to a piecemeal development approach that is unable to address the constraints to housing delivery that the local plan is seeking to remedy. Your approach to the ‘reasonable prospects’ test is flawed as the reference to “reasonably certain” in your letter belies. The solution in Stroud requires robust planning, strong business cases, and true collaboration between local authorities, NH, and the government to navigate these challenges and secure the necessary resources. Fundamentally this cannot be achieved unless the Council and the other stakeholders have the certainty of an adopted local plan to work with.

The Council reminds you that ‘reasonable prospects’ test is derived from a policy instrument and not a statute. Therefore, it is not something that has to be slavishly adhered to and one can be in conflict with a specific policy without breaking the wider balance of soundness. It has to be applied sensibly in order to achieve wider planning objectives i.e. plan-led housing delivery.

Next Steps

The Council requests that you reconsider your position in the light of this letter and the errors and misunderstandings that it identifies. The Council respectfully requests you to reopen the Examination to explore these issues further and, at the very least, to consider in more detail the option of allowing the adoption of a Local Plan that meets at least 71% of the total



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housing requirement with a mechanism to enable review relating to the uncertainties associated with the M5 junctions.

Your approach will result in many thousands of people who need homes in this sub-region not being able to obtain access the housing market and for further rises in house prices rendering housing even less affordable due to the constrained supply that will eventuate. Before such consequences are visited upon our population, the Council wishes to make sure that you take the decision on a fully informed basis, with a correct understanding of the policy position and on a basis that is rational and lawful.

The Council strongly urges you to carefully consider the points raised in this response and to immediately proceed with preparations for the Spring 2025 hearing sessions, as previously referenced in your letter ID-017. These sessions are your final opportunity to address any outstanding concerns and resolve these issues as expected in your remit as Inspectors. It would be disappointing if the Council had to pursue these matters in other arenas at further cost to the public purse, when a more constructive way forward via the recommencement of public hearings is available to all. We look forward to hearing from you shortly in that regard.

Yours sincerely,



Kathy O'Leary
Chief Executive