

## **Campaign to Protect Rural England: Berkeley Vale Branch**

### **Planning Application Reference S.16/0043/OUT**

**5,000 capacity football stadium and other ancillary uses (Use Class D2); up to 41,300m<sup>2</sup> of B1 floor space; up to 22,800m<sup>2</sup> of B2 / B8 floor space; indoor football playing pitch (Use Class D2), other recreational uses (Use Class D2); leisure facilities (Use Class D2), Transport Hub (including ancillary parking for cars and coaches, and a drop off point for buses and taxis), with all matters reserved save for access.**

### **Introduction**

This report sets out in detail the reasons for CPRE's formal objection to the proposed development.

It takes into account the newly adopted Local Plan, the NPPF, and the documents submitted with the application, particularly the Environmental Statement. Documents are reviewed below.

### **The Site and its Surroundings**

Representatives of CPRE visited the site on 29 February 2016, walked the public rights of way in the area, and also visited the viewpoints on the Cotswold escarpment identified in the Council's Scoping Response of 30 September 2015. Signposts and waymarks in and around the site were in place, and stiles were in good condition. There was evidence of regular use of the footpaths, especially south of the A419.

It is acknowledged that the site is not designated in any way for its landscape qualities. Comment is made below on this issue below in dealing with Chapter 10 of the ES.

### **National Planning Guidance and the Development Plan**

The development plan now consists solely of the Stroud Local Plan, adopted on 19 November 2015. The key point about national planning guidance in this context is as follows: the very recent adoption of the Local Plan makes it necessary to emphasise strongly the fact that the NPPF affirms the importance of the development plan in decision making twice – at paragraph 2 and paragraph 11 - before the presumption in favour of sustainable development is set out at paragraph 14.

Core Policy CP1 of the Local Plan is effectively a paraphrase of paragraph 14 of the NPPF. CPRE considers however that its drafting does not lend support to the proposed development,

given what we regard as a clear lack of compliance with other policies, particularly core policies CP2 and CP15.

Policy CP2 identifies six strategic sites for housing, employment, or both. It then states that *“outside of strategic sites, development will take place in accordance with the settlement hierarchy set out in this Plan”*. The site of the proposed development is not one of these strategic sites; indeed, it is located on a site outside any settlement boundary, in a location in which policies for the countryside apply.

The first part of Core Policy CP15 states:

*“In order to protect the separate identity of settlements and the quality of the countryside (including its built and natural heritage), proposals outside identified settlement development limits will not be permitted except where these principles are complied with:*

- 1. It is essential to the maintenance or enhancement of a sustainable farming or forestry enterprise within the District; and/or*
- 2. It is essential to be located there in order to promote public enjoyment of the countryside and support the rural economy through employment, sport, leisure and tourism; and/or*
- 3. It is a ‘rural exception site’, where development is appropriate, sustainable, affordable and meets an identified local need; and/or*
- 4. It is demonstrated that the proposal is enabling development, required in order to maintain a heritage asset of acknowledged importance; and/or*
- 5. It is a replacement dwelling; and/or*
- 6. It will involve essential community facilities”*

The proposed development falls into none of these categories, so the criteria of the second part of the policy do not need to be applied. The proposed development is therefore contrary to the development plan.

We consider that paragraphs 186 and 187 of the NPPF should be interpreted in the light of the importance attached to the development plan (paragraphs 2 and 11), rather than independently of it. The primacy of the development plan is again reinforced at paragraph 196; and the presumption in favour of sustainable development referred to in the following paragraph should also be applied in the context of the development plan, not independently.

The applicant’s approach to planning policy in Section 6 of the ES is addressed below.

The main elements of the proposed development are now dealt with in turn.

## **The Football Stadium**

The proposed development includes the relocation of Forest Green Rovers FC from its present ground on the edge of Nailsworth. At the time of writing the club lies second in the National League and has a very real prospect of promotion to the Football League at the end of the season. Nailsworth is by some way the smallest town supporting a club in the National League, the fifth tier of English football. This reflects enormous credit on the way the club has been run in the last twenty-five years.

However, the very fact of Nailsworth's size casts some doubt on the club's ability to secure a continuous increase in attendance in the future to match that of the recent past. As a spectator sport, and to a certain extent for participants, rugby union remains the dominant winter team sport in Gloucestershire.

CPRE considers it significant that the capacity of the proposed new stadium is no greater than that of New Lawn. Members of CPRE have attended matches there on some occasions, and the problems of access and parking to which Section 1 of the ES refers are well understood. [The more general issues raised by Section 1 of the ES are taken up below]. However, there is little evidence to suggest that congestion and lack of parking acts as significant deterrent.

CPRE has analysed attendance figures for parts of the 2013/14 and 2014/15 seasons. This confirms that attendances are rising, from an average for League games of about 1,180 to about 1,400. Higher figures are found, as would be expected, for Boxing Day; the highest figure for 2014/15 (3,781) was for the visit of Bristol Rovers, but it is likely that more than 50% of that total consisted of away supporters.

Away support, accommodated in the North Stand, is normally in the low hundreds, except for the visit of Cheltenham Town, currently the club's biggest rivals for promotion, in September 2015 which attracted a total crowd of 3,127. The National League is however exactly that - teams in it are located all over England, as far away as Gateshead and Torquay. It is difficult to see how away support would significantly increase if FGR relocated to Junction 13.

On match days, the main East Stand and South Stand (for home supporters) are seldom full, and the West Stand, which provides some standing room, is rarely used. There is therefore scope for an increase in attendance without moving, and indeed there is a danger of a reduction in support if the club is removed from the community in which it is based. The club's support in the town and its immediate environs is currently able to travel to the ground by sustainable means despite the steepness of the terrain. In contrast, the site of the proposed development lies outside any recognised community and virtually everyone would travel there by motorised transport of some kind.

The club's link with the local community would be weakened if not broken by its relocation. FGR's website itself acknowledges that the attempt in the early 1990s to rebrand the club as "Stroud FC" had a negative effect.

The context plan submitted by the applicants clearly shows the substantial distance between the New Lawn and the site of the proposed stadium. The AA website gives a distance between New Lawn and Eastington village via Stonehouse of 14.3 km. CPRE is not aware of any relocation of a football club as far as this, except in the unusual case of Wimbledon and MK Dons. The effect of this distance is considered to be especially significant when in this case the club has such a small base of support.

Even if it could be shown that the traffic impact on match days could be absorbed satisfactorily, CPRE considers it highly undesirable in principle to allow developments which might give rise to a significant increase in unsustainable travel.

CPRE can find no reference in the supporting documents to any requirements for ground improvement which might apply were the club to be promoted to League 2 at the end of this season or at any time on the future.

In planning terms, CPRE concludes that the benefits to FGR of the relocation are at best unproven and do not constitute an other material consideration which carries any significant weight in support of the application.

### **Employment Uses**

The recently adopted Local Plan makes provision for 58 hectares of land for employment uses in the Plan period, in four main locations including 10 hectares as part of the West of Stonehouse strategic site. Although the calculation of land requirements for employment uses in development plans is an inexact science, the Local Plan Inspector was plainly satisfied that the proposed allocations would be sufficient to meet needs in the Plan period, or at least until the Plan is reviewed. On this basis, there is no need for the employment elements of the proposed development.

Section 1 of the ES provides a site area of 18.9 hectares for the B1, B2 and B8 elements of the development, the Green Technology Hub. This is equivalent to a third of the total of 58 hectares allocated in the Local Plan. This could lead to some of the local plan allocations for employment uses not being taken up for that purpose and to pressure for other uses, particularly residential. This would be wholly contrary to the spirit and purpose of the planned system.

## **Environmental Statement**

### **Section 1: Introduction**

CPRE understands the laudable aims of the proposed development as set out at paragraph 1.3. However, if a proposed development is not in itself sustainable and does not comply with the development plan, any such laudable aims will not outweigh these factors.

Paragraph 1.18 refers to the intention to redevelop the New Lawn for low carbon housing, including affordable housing. CPRE does not know the extent to which (if at all) the proposed development depends on such redevelopment financially; but the applicants should not assume that planning permission would readily be forthcoming.

### **Section 4: Consideration of Alternatives**

CPRE is well aware of the requirements for such consideration in EIA.

The chapter fairly acknowledges that in Option 1 some adverse effects would be avoided if the proposed development were not to take place. However, the first set of bullet points in paragraph 4.8 consists of “missed opportunities”. CPRE considers that little weight should be attached to these given the existence of a very recently adopted Local Plan.

Given the scale and nature of the development and the topography of the District, it is perhaps not surprising that the applicants conclude that no other reasonable alternatives were available. However CPRE does not regard this as supporting the granting of planning permission; the lack of alternatives does nothing to override the lack of compliance with the development plan.

### **Section 6: Planning Policy Context**

CPRE has examined this section in detail.

Paragraph 6.1 acknowledges the importance of the development plan but most of the accompanying material on planning policy here and elsewhere then ignores or downplays the policies of a Local Plan adopted only three months ago. At the same time, too great an emphasis is placed on the provisions of the NPPF even though this section rightly refers to it as an other material consideration only.

Too much emphasis is also placed on the LEPSEP as an other material consideration. In CPRE’s experience LEPs throughout England tend to have wholly unrealistic aspirations for the creation of jobs, and take too little account of the infrastructure necessary to support these aspirations, and of the planning system generally. The planning system is the main arbiter of the amount and distribution of development, and is moreover under the democratic control of elected members, subject to the guidance of the independent Planning Inspectorate in plan

making and decision taking on planning applications. LEPS are certainly stakeholders in the planning process, but not ones which in CPRE's opinion should have unrestrained influence.

Section 2 of the Local Plan in fact acknowledges the role of the GFirst LEP, at paragraph 2.40. This section also acknowledges the extent of out commuting (paragraph 2.42) and the need to attract more knowledge based industries (paragraph 2.44).

The extent of net out-commuting from the District should not be surprising, given the proximity of the much larger centres of Gloucester, Cheltenham and Bristol; moreover, the NOMIS labour market figures show that South Gloucestershire supports the second largest number of jobs in the entire South West region after Bristol itself. The proposed development might have the effect of reducing net out-commuting, but Graph 0.6 (*sic*) in Section 11 shows just how large the gross flows are compared to most of the net flows. People cannot be compelled to live close to their work, and a significant proportion of the workforce changes jobs more frequently than moving house. A reduction in net out-commuting might be a useful incidental benefit of a proposal; but is not a significant argument in its favour.

Paragraph 2.41 of the Local Plan deals with the question of the amount of employment land required, stating that some forecasts indicated a significant oversupply, but that these had been set aside in favour of a trend based approach which provides much more land for employment uses than the forecasts indicated.

Furthermore, the sectors the Council says it intends to support, listed at paragraph 2.47, are on the whole those which do not require the allocation of significant amounts of land. This suggests that the Council has not just allocated enough land for employment uses in the Local Plan, but more than enough.

We acknowledge that the draft Eastington Neighbourhood Plan, which does not make provision for as development such as this, carries little weight.

Our strongest disagreement relates to paragraph 6.24. It cannot reasonably be said, in our opinion, that the proposed development is "generally compliant" with the local plan, as the next sentence identifies the very policies – CP2, CP3 and CP15 – with which the development does not comply. In particular, Core Policy CP15, part of which is quoted above, provides a clear and comprehensive account of what kind of development will normally be allowed in the countryside. These three policies are a fundamental part of the plan; and this chapter identifies no other specific policies which might support the development to an extent which outweigh the the lack of compliance with CP2, CP3 and CP15.

The basis for the applicant's assertion that relevant policies are out of date is not clear. There is certainly no equivalent for employment policies of paragraph 49 of the NPPF, where the existence or otherwise of a 5 year supply of land for housing can be measured with a reasonable degree of certainty, if not always without controversy.

It follows in our view that the interpretation of paragraph 14 of the NPPF in paragraph 6.25 is incorrect. If policies are not out of date, then the balancing exercise need not (indeed should not) be carried out.

Paragraphs 6.27 to 6.29 appear to take no account of the newly adopted Local Plan's provisions for employment.

In respect of paragraph 6.30, CPRE considers that a sequential approach to a search for sites is only appropriate when it can be demonstrated that a development is necessary in the first place. This is not the case.

CPRE concludes that the applicant has not demonstrated that the application complies with planning policy or that there are other material considerations sufficient to outweigh non-compliance.

### **Section 8: Ecology and Nature Conservation**

CPRE recognises the very comprehensive treatment of these topics in the ES. It is acknowledged that there would be net benefits to nature conservation as a result of the proposed development. As in other cases, however, we conclude that any such benefits do not outweigh the lack of compliance with the development plan.

### **Section 10: Landscape and Visual**

The Council's Scoping Opinion notes that the site is "almost adjacent" to the site allocated for mixed uses west of Stonehouse and now the subject of planning application S.14/0810/OUT. In the previous Local Plan process, the Council strongly resisted the allocation of this site; now that it has been allocated, however, the proposed development gives rise to the possibility of a more or less continuous built up area from the centre of Stroud to Junction 13 of the M5.

Sites around motorway junctions are highly desirable locations for business uses, and indeed junction 9 of the M5 is an excellent example of sustained economic development over the last 40 years. However, the circumstances of that area are significantly different, and it does not follow that development around motorway junctions is always necessarily appropriate. In this case, the M5 corridor has an almost entirely rural aspect between junction 15 north of Bristol and junction 12 on the southern edge of Gloucester, a distance of 37 km (23 miles). This would be broken by the proposed development, given the visibility of the site from the motorway around junction 13.

The site visit showed just how prominent the development would be in the landscape in other respects. In addition, the height bulk and mass of the proposed main structures (the football stadium, the business units) would have a greater adverse effect on the landscape than say residential development. We note what the summary to this chapter says about a "hierarchy of building scale and height", but nothing in the chapter as a whole directly addresses the fact that the proposed development would involve a significant amount of built development

where little exists at present and where the Local Plan does not provide for such development. Moreover, while the claimed locational advantages of the site, adjacent to M5 junction 13 and astride the A419, are understood, the location at the same time increases the effect of the urbanisation of the countryside.

## **Section 11: Socio-economics**

This chapter of the ES reads in parts more like a promotional document for the proposed development than an objective assessment of its likely social and economic effects.

The summary acknowledges that many of the anticipated 300 FTE construction jobs are not likely to be taken by local workers. It also states that in the operational stage the proposed development will “go some way” towards meeting the jobs target of 6,800 in the Plan period. In fact, the 4,470 jobs the applicants believe will arise from the proposed development represents two-thirds of this total; at the same time, the figure of 6,800 is the bottom and of a range extending to 12,500 at the top end (as paragraph 11.11 later states). In any event the amount of employment land to be allocated in the Local Plan was extensively discussed at the Local Plan Examination and there is no reason to think that the existing allocations and growth in other sectors will not produce the levels of jobs needed.

In CPRE’s opinion there is little point in rehearsing at paragraph 11.3 the provisions of paragraph 14 of the NPPF when as already indicated the proposed development is contrary to the development plan.

It is disingenuous to invoke Policy CP3 in support of the development (as at 11.12) when the site lies outside the West of Stonehouse strategic site.

Paragraph 11.54 refers to a report by Hunter Page on the adequacy or otherwise of the provision of land for employment uses. Any conclusions it draws will have been superseded by the adoption of the Local Plan.

At 11.87, there are inconsistencies in floorspace figures and job numbers within this chapter and with material elsewhere, including the description of development.

Paragraph 11.93 refers to attendance figures at FGR matches in a way which undermines the case for relocating the ground in the first place.

Paragraph 11.97 again misinterprets the Local Plan: 6,800 is the lower end of the range of the number of jobs the Local Plan expects to be created; furthermore, these are expected to come forward either from the proposed allocations in the Local Plan or in sectors not requiring the allocation of land.

The third bullet point of 11.121 refers to the relationship between the proposed development and the West of Stonehouse strategic site, making the unsupported assertion that the two sites will complement each other, and stating that “*without further details on the exact nature*



*of employment space proposed it has not been possible to assess in detail how WOS and the Proposed Development will affect each other". CPRE's understanding of the need to assess cumulative effects in EIA is that it involves precisely this.*

There also appears to be material missing from this chapter – there are several paragraph numbers without text attached.

In conclusion CPRE considers that this section of the ES does not identify any significant material considerations which lend support to the proposed development.

### **Design and Access Statement**

Paragraph 1.8 raises the questions of whether occupancy of the employment creating buildings can be restricted to "green economy" companies, and what measures could be used to ensure such occupation.

Paragraph 4.2 and 4.3 respectively refer to the potential for the expansion of FGR to 10,000 spectators and an aspiration for promotion to the Championship. The Championship is three tiers above the National League in which FGR currently play and promotion on that scale may take many years if it could be achieved at all.

Paragraphs 4.15 onwards cover sustainable building design. These are all admirable features but in CPRE's opinion insufficient to outweigh the lack of compliance with the development plan.

CPRE concludes that the DAS identifies little in the way of other material considerations which lend support to the proposed development.

### **Transport**

CPRE wishes to reserve the right to address the transport implications of the proposed development in the light of the response of the Highways Agency (see also below).

### **Sustainability**

To return to the opening sections of the NPPF, neither of the second pair of bullet points in paragraph 14 applies. First, the proposed development is plainly not in accordance with the development plan. Nor does the second bullet point apply. Relevant policies are not out of date, nor is the Plan absent or silent. It is quite clear which policies apply to rural areas such as this.

However, CPRE wishes to reserve the right to address the economic, social and environmental dimensions of sustainable development in the event of these being identified as a significant issue in the event of an appeal.

## **Consultation Responses**

We note that the Highways Agency has directed that the application be not determined for a period of three months. Even if its deliberations find that there would be no adverse impact on the strategic road network, CPRE concludes that there are sufficient other reasons to warrant refusal of the application.

## **The Planning Balance and Conclusion**

The question again arises as to whether it is strictly necessary to consider the planning balance as set out at paragraph 14 of the NPPF given the clear lack of compliance of the proposed development with the development plan. As already indicated, CPRE considers that such a balancing act should not be undertaken in circumstances such as these.

There is one potential benefit which does not fit neatly under the headings of the sections of the ES - the restoration of the Stroudwater Navigation. CPRE does not wish in any way to undermine the restoration work. At the same time, however, we consider that the value of the canal restoration in the vicinity would be diminished by the urbanisation of a tract of countryside through which the canal passes; this is not the same as the stretches of the canal which pass through built up areas in which the canal itself and its surroundings have been part of the same landscape for many years. The more general point is that (once again) any such benefits do not constitute an other material consideration of significant weight.

In CPRE's view there could scarcely be a clearer example of a proposed development not in accordance with the development plan. Our detailed examination of all the supporting documents has not revealed other material considerations sufficient to outweigh this lack of compliance.

We have addressed what we consider to be the most important issues raised by the proposed development on the basis that these are sufficient to warrant the refusal of the application. However, in the event of an appeal we would wish to address as necessary some of the other topics covered by the ES as well as the matters already identified.

For all the reasons set out above, CPRE respectfully requests the Council to refuse the application.

*7 March 2016*