

“

Kingsland Parish Council

Kingsland Parish Neighbourhood Development Plan 2011 -2031

Independent Examiner's Report

By Ann Skippers BSc (Hons) MRTPI FRSA AoU

18 May 2017

Contents

	Summary	3
1.0	Introduction	4
2.0	The role of the independent examiner	4
3.0	Neighbourhood plan preparation and the examination process	6
4.0	Compliance with matters other than the basic conditions	7
5.0	The basic conditions	8
	<i>National policy and advice</i>	8
	<i>Sustainable development</i>	9
	<i>The development plan</i>	9
	<i>European Union (EU) obligations</i>	10
	<i>Strategic Environmental Assessment</i>	10
	<i>Habitats Regulations Assessment</i>	11
	<i>European Convention on Human Rights (ECHR)</i>	12
6.0	Detailed comments on the Plan and its policies	12
	- <i>Policy KNDP 1 Promoting a Sustainable Community</i>	13
	- <i>Policy KNDP 2 Development Strategy</i>	14
	- <i>Policy KNDP 3 Sustainable Design</i>	15
	- <i>Policy KNDP 4 Retaining the Rural Character of Kingsland Parish</i>	16
	- <i>Policy KNDP 5 Protecting Kingsland's Heritage Assets</i>	16
	- <i>Policy KNDP 6 Retaining the Character of the Conservation Area and Kingsland Village</i>	17
	- <i>Policy KNDP 7 Addressing Flood Risk</i>	19
	- <i>Policy KNDP 8 Highways and Transport Infrastructure</i>	19
	- <i>Policy KNDP 9 Kingsland Sewage Treatment Works</i>	20
	- <i>Policy KNDP 10 Community Renewal Energy</i>	20
	- <i>Policy KNDP 11 Infrastructure for Broadband</i>	20
	- <i>Policy KNDP 12 Protection and Enhancement of Services and Facilities for the Community</i>	21
	- <i>Policy KNDP 13 Open Space and Play Areas</i>	21
	- <i>Policy KNDP 14 New Homes in Kingsland Village</i>	24
	- <i>Policy KNDP 15 New Homes in Shirlheath</i>	25
	- <i>Policy KNDP 16 New Homes in Cobnash</i>	25
	- <i>Policy KNDP 17 Supporting Local Business</i>	26
	- <i>Policy KNDP 18 Agriculture, Forestry and Rural Enterprise</i>	26
7.0	Conclusions and recommendations	28
	Appendix 1 List of key documents	30
	Appendix 2 Questions of clarification	31

Summary

I have been appointed as the independent examiner of the Kingsland Parish Neighbourhood Development Plan.

The Plan proposes a range of policies for the Parish including the designation of Local Green Spaces, the definition of settlement boundaries, heritage, community facilities and business. Many of the policies are long and complex, but try to address the concerns of the community, the importance of matching infrastructure with development and the need for development that will respect the very special characteristics of this rural area and its heritage.

I requested a great deal of information from the Parish Council and Herefordshire Council to assist me with the examination. I am grateful to both bodies for their attention to this and for enabling the examination to run smoothly.

I have recommended a series of modifications which by and large are to improve clarity of the policies and their accompanying justification to help ensure that the Plan is a workable document that provides a practical framework for decision making.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Herefordshire Council that the Kingsland Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
May 2017



1.0 Introduction

This is the report of the independent examiner into the Kingsland Parish Neighbourhood Development Plan (the Plan) Resubmission Draft dated July 2016.

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Herefordshire Council (HC) with the agreement of Kingsland Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The examiner is required to check¹ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

¹ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

The basic conditions² are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and is:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site³ or a European offshore marine site⁴ either alone or in combination with other plans or projects.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Herefordshire Council. The plan then becomes part of the 'development plan' for the

² Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

³ As defined in the Conservation of Habitats and Species Regulations 2012

⁴ As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

3.0 Neighbourhood plan preparation and the examination process

A Consultation Statement has been submitted which meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Work on the Plan has been underpinned by a Parish Plan prepared in 2012 - 2013. Indeed when work commenced on the Parish Plan, the public consultation and engagement programme were deliberately coordinated and this gave the Plan what is described in the Consultation Statement as a “consultation head-start”.

As well as informal consultations and meetings including a two day consultation event, a survey of over 50 questions was conducted in 2013 and over 50% of Kingsland Parish residents responded; a high rate to achieve and one that others can aspire to. The Parish Plan was adopted in September 2013.

Community events held in 2014 added to, and supported, the findings from work on the Parish Plan. These included a weekend public consultation event and a business consultation event both held in June 2014.

Parish walks took place to allow committee members to familiarise themselves with the areas under discussion.

Pre-submission (Regulation 14) consultation took place between 17 December 2014 – 10 February 2015. The consultation was publicised through the parish newsletter sent to every house, a website, Facebook and Twitter and both paper and electronic versions were available. Stakeholders were notified by email or post.

Following changes to the then emerging Core Strategy, an additional consultation in relation to Shirlheath and Cobnash took place on two days in September 2015 and included the presentation of options. Following this stage the inclusion of settlement boundaries for these two settlements were agreed and were included in the submission version of the Plan.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 17 November 2015 – 4 January 2016. This Plan was withdrawn on 8 July 2016.

The Plan was resubmitted on 6 July 2016 and a second period of Regulation 16 consultation carried out between 11 July – 22 August 2016.

The Regulation 16 stage attracted a number of representations which I have considered

and taken into account in preparing my report.

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁶ PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further additions or amendments are required.

PPG explains⁸ the general rule of thumb is that the examination will take the form of written representations,⁹ but there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. After careful consideration of all the documentation and representations, I decided that neither circumstance applied and therefore it was not necessary to hold a hearing.

I made an unaccompanied site visit to the neighbourhood plan area on 4 March 2017.

Where I recommend modifications in this report they appear as bullet points in **bold text**. Where I have suggested specific changes to the wording of the policies they appear in ***bold italics***.

4.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

Kingsland Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area is coterminous with the Parish administrative boundary. Herefordshire Council approved the designation of the area on 15 August 2013. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is clearly shown on page 7 of the Plan.

⁶ PPG para 055 ref id 41-055-20140306

⁷ *Ibid*

⁸ *Ibid* para 056 ref id 41-056-20140306

⁹ Schedule 4B (9) of the Town and Country Planning Act 1990

Plan period

The Plan covers the period 2011 – 2031.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will make recommendations to ensure that there is clear differentiation between the aspirations and the planning policies. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹⁰ Subject to any such recommendations, this requirement can be satisfactorily met.

5.0 The basic conditions

Regard to national policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.¹¹

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹²

¹⁰ PPG para 004 ref id 41-004-20140306

¹¹ NPPF paras 14, 16

¹² *Ibid* para 184

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at planningguidance.communities.gov.uk. The planning guidance contains a wealth of information relating to neighbourhood planning and I have had regard to this in preparing this report.

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹³

PPG indicates that a policy should be clear and unambiguous¹⁴ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.¹⁵

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁶ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁷

The Basic Conditions Statement (BCS) sets out how the Plan has responded to national policy and guidance.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole¹⁸ constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.¹⁹

The BCS contains a section that explains how the Plan will contribute to the achievement of sustainable development by bringing together the key aspects of the NPPF, Core Strategy policies and the approach of the Plan and its policies.

General conformity with the strategic policies in the development plan

The development plan consists of the Core Strategy 2011 – 2031 (CS) which was adopted on 16 October 2015 and various other documents including the saved policies

¹³ NPPF para 17

¹⁴ PPG para 041 ref id 41-041-20140306

¹⁵ *Ibid*

¹⁶ *Ibid* para 040 ref id 41-040-20160211

¹⁷ *Ibid*

¹⁸ NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

¹⁹ *Ibid* para 7

of the Unitary Development Plan (UDP) (found in Appendix 1 of the CS). The most relevant document to this examination is the CS and I have taken all its policies to be 'strategic'.

The BCS contains a table that lists the Plan's policies with a helpful commentary about how the Plan generally conforms to the relevant policies of the CS.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG indicates that it is the responsibility of local planning authorities to ensure that the Plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.²⁰

Strategic Environmental Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

An Environmental Report (ER) dated July 2016 has been submitted as an earlier screening opinion of 10 July 2013 concluded that a SEA would be required. The Parish falls within the catchment for the River Lugg, which is a European site; the River Wye Special Area of Conservation (SAC). The Plan area is also within 10km of the Downton Gorge SAC.

The ER confirms that a Scoping Report dated October 2014 was prepared and sent to the statutory consultees from 8 September – 13 October 2014. Responses were received from Natural England and Historic England.

A draft ER of November 2014 underwent a period of consultation between 17 December 2014 – 10 February 2015 alongside the pre-submission version of the Plan. No responses were received from the statutory consultees.

²⁰ PPG para 031 ref id 11-031-20150209

The ER of October 2015 was published for consultation alongside the first submission version of the Plan between 17 November 2015 – 4 January 2016. The only statutory consultee to respond was Natural England confirming that they concurred with the conclusions of the ER.²¹

The ER of July 2016 was published for consultation alongside the second submission version of the Plan between 11 July – 22 August 2016.

HC will monitor the outcomes from the Plan's policies.

The ER deals with the issues appropriately for the content and level of detail in the Plan. Whilst an appraisal of options is included in this version of the ER, the explanation as to what those options are is only contained in the draft ER of November 2014. For completeness this section in that earlier iteration of the ER (Appendix 5) should be incorporated into the final ER.

PPG advice confirms that the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan.²² In my view, it has been prepared in accordance with Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 when read alongside the previous iterations of the ER. Therefore EU obligations in respect of SEA have been satisfied.

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identified whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²³ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

An initial screening assessment in July 2013 found that a full HRA screening would be required.

A HRA Screening Assessment was prepared in November 2014. The document concludes that the Plan will not have a likely significant effect on the River Wye SAC or the Downton Gorge SAC.

An Addendum dated October 2015 considered whether the conclusions of the earlier assessment were affected by amendments to the Plan. The document concludes, in line with the earlier assessment, that the Plan will not have a likely significant effect on the

²¹ Representation from Natural England of 4 January 2016

²² PPG para 030 ref id 11-030-20150209

²³ *Ibid* para 047 ref id 11-047-20150209

River Wye SAC or the Downton Gorge SAC. Natural England²⁴ confirmed their agreement with the conclusion of the HRA and this addendum.

A 2nd Addendum dated July 2016 considered whether the conclusions of the earlier assessment were affected by amendments to the Plan. The document concludes, in line with the earlier assessments, that the Plan will not have a likely significant effect on the River Wye or the Downton Gorge SACs.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in primary legislation as detailed in section 2.0 of this report. In my view, requirements relating to Habitats Regulations Assessment have been met and the Plan complies with this basic condition.

European Convention on Human Rights (ECHR)

The BCS contains a short statement on human rights. There is nothing in the Plan that leads me to conclude there is any breach of the fundamental rights and freedoms guaranteed under the ECHR or that the Plan is otherwise incompatible with it or does not comply with the Human Rights Act 1998.

6.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in **bold italics**.

The Plan is generally presented well with a helpful contents page. Policies are clearly differentiated and photographs throughout the document add to its local flavour. The Plan would benefit from some minor editorial changes such as the removal of exclamation marks, clearly a quirk of the presentation process, but these are matters easily resolved at the final stages of drafting.

Summary of Kingsland Neighbourhood Development Plan

This is a clearly worded section. It refers on two occasions to the Plan becoming part of the “Local Plan’ for Herefordshire if made. The correct terminology is the “Development Plan’. Subject to a modification to address this in the interests of accuracy, this section is a succinct and helpful introduction to the Plan.

- **Replace the words “Local Plan for Herefordshire” in the first and fourth paragraphs on page 3 of the Plan with “Development Plan for Herefordshire”**

²⁴ Representation from Natural England of 4 January 2016

1 Introduction and Background

This is an interesting and engaging section that sets out key information about the Parish and the aims of the Plan.

2 Vision and Objectives

The vision for the Parish is to:

“Protect and enhance the rural nature of the parish so that all groups and ages can thrive and develop in a sustainable way.”

The vision is underpinned by five objectives. All relate to the development and use of land and are clearly articulated.

Three strategic policies then follow which the Plan explains set the framework for achieving the vision.

Policy KNDP 1 Promoting a Sustainable Community

Described as an overarching policy, Policy KNDP 1 sets out priorities designed to achieve sustainable development in the local context of the Parish. Whilst the principle is acceptable of setting out what sustainable development might look or feel like in the local context, the wording of the policy would, in some places, benefit from greater clarity and precision to take account of the advice in PPG. These changes will also remove any unnecessary or repetitive elements of the policy such as the need to comply with other policies of the Plan which appears twice and remove uncertainty and vagueness such as the need for proposals to reflect the priorities “where possible” as well as introducing some more flexibility into how the policy is applied. Subject to these modifications the policy will help to achieve sustainable development in this local context and take better account of national policy and guidance.

- **Change the beginning of the second sentence of the policy to read: “*Development proposals should address the following high-level priorities...cohesive and resilient community:*” [retain reminder of sentence as existing with the addition of: at the end]**
- **Change criterion a) to read: “*The conservation and enhancement of the rural character...*” [retain rest of criterion as existing]**
- **Delete the last paragraph of the policy in its entirety**

Policy KNDP 2 Development Strategy

This policy sets out a four point approach to development in the Parish. It focuses development in Kingsland village, Shirlheath and Cobnash, but supports development providing employment outside the settlements where there is an acceptable impact. Priority is given to the use of previously developed land and the protection of higher grade agricultural land, but the policy has inbuilt flexibility should the need for the development outweigh these priorities.

The CS encourages the definition of settlement boundaries for the settlements listed in Policy RA2 in neighbourhood plans. In line with this, the policy identifies settlement boundaries for Kingsland village, Shirlheath and Cobnash.

I discuss the housing needs of the Parish later on in this report. As a result of queries to the Parish Council and their response, I consider it is necessary for the settlement boundaries of Kingsland and Cobnash to be extended to reflect extant planning permissions and to provide a more solid basis for the Plan moving forward to enable it to meet the basic conditions.

The policy considers there are opportunities for development on infill or small sites. Outside the settlements, development is to be regarded as “exceptional” and in line with policies in the CS and the Plan. The policy makes it clear that the part of Mortimer’s Cross falling within the Plan area is to be regarded as open countryside.

The focus for development being directed to these three settlements is in line with CS Policy RA2 as Kingsland and Shirlheath are identified in Figure 4.14 as settlements that will be the main focus of proportionate housing development and Cobnash is identified in Figure 4.15 as being appropriate for proportionate housing.

The CS also explains that development outside such settlements will be limited to those which meet the criteria in CS Policy RA3 which is referred to in Policy KNDP 2.

Criterion a) of the policy refers to relevant policies in the Plan. However, a decision maker has to consider all relevant planning policies which would include those not in the neighbourhood plan, but in other plans. In the interests of accuracy this then requires a modification to ensure it meets the basic conditions.

Paragraph 2.6 on page 17 of the Plan states “Where proposals are not covered by this plan then Herefordshire Core Strategy policies will be used, as long as they are sustainable in accordance with KNDP1.” The Plan cannot override policies in the CS or limit their applicability. In determining planning applications, the decision maker has to consider all relevant planning policies and indeed this is recognised in the Plan at paragraph 2.3. Therefore this paragraph requires modification to ensure that it is clear that the Plan as a whole, meets the basic conditions. As a result of the modification the next sentence does not make much sense and so is also addressed as this is covered in the policy itself.

- Change “this Neighbourhood Plan” in criteria a) of the policy to “*the development plan*”
- Add to criteria d) “*in the development plan including*” after “relevant policies”
- Delete the words “...as long as they are sustainable in accordance with KNDP1.” from the fourth sentence in paragraph 2.6 on page 17 of the Plan
- Delete the last sentence in paragraph 2.6
- Extend the settlement boundary for Kingsland to reflect extant permissions shown on the map included as Appendix 2 in the additional information sent
- Extend the settlement boundary for Cobnash to reflect extant permissions and as shown on the map included as Appendix 4 in the additional information
- Some updating of the Plan will be needed to reflect updated housing figures

Policy KNDP 3 Sustainable Design

The policy seeks to achieve sustainable design and this is clearly of importance to the community.

However, the Government announced in a Written Ministerial Statement (WMS) of 25 March 2015, that it is not now appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. Some of the measures referred to in the policy may be regarded as bordering on such standards. However, I consider that if the policy encourages, rather than requires, such measures and therefore would be more flexible in its approach to achieving sustainable design, then the policy would meet the basic conditions.

- Change the first sentence of the policy to read: “An integrated approach *is encouraged* to achieve the maximum possible reduction...”
- Change the second sentence of the first paragraph of the policy to read: “Development proposals *are encouraged* to contain a coordinated package of sustainable design measures which *could* include:” [delete “which accord with regulatory requirements”]
- Change the first sentence of 4. to read: “Developers *are particularly encouraged* to set out their...” [retain as existing]

Kingsland Parish Character and Environment

Policy KNDP 4 Retaining the Rural Character of Kingsland Parish

This policy starts off by supporting measures that maintain and reinforce the Parish's rural landscape character and its ecological networks, but it is not clear to me what measures might apply. In any case all such measures are supported even though this might mean that in some cases such measures would not be acceptable for other reasons. This then is not the clear and precise policy sought by PPG. A modification is suggested to address this and bring the policy in line with the basic conditions.

Other modifications are recommended to help with clarity and precision of the other elements of the policy and to ensure there is sufficient flexibility in the policy. Subject to these modifications, the policy will ensure that the natural environment is protected and enhanced, biodiversity is supported and the particular features that make this Parish distinctive can be conserved in appropriate ways.

- **Delete the first paragraph of the policy which begins "Measures to maintain..." in its entirety**
- **Reword criterion a) to read: "*Conserve the rural landscape character of the Parish and, where possible, include measures which restore or enhance this character.*"**
- **Change criterion c) to read: "*Take every available and appropriate opportunity to extend tree and hedgerow cover by planting with indigenous species.*"**
- **Change criterion d) to read: "*Retain important natural assets of the parish including landscape features such as trees, woodlands, wide grass verges, orchards and hedgerows unless the need for, and benefits of, the development in that location clearly outweighs the loss or deterioration in irreplaceable habitats.*"**
- **Change criterion e) to read: "*Ensure that the key landscape features of important views should be able to be continued to be enjoyed.*"**
- **Change the word "Retain" in criterion f) to "Conserve"**

Policy KNDP 5 Protecting Kingsland's Heritage Assets

The NPPF is clear that the conservation and enhancement of the historic environment is important. A core planning principle is that heritage assets should be conserved in a manner appropriate to their significance. Policy KNDP 5 does not refer to significance or distinguish between designated and non-designated heritage assets. Some of the

criteria go beyond national policy in seeking to retain the historic environment per se and are negatively worded rather than providing the positive strategy for the conservation and enjoyment of the historic environment sought by the NPPF. As a result it requires rewording to ensure that it takes account of national policy and guidance and will help to achieve sustainable development.

In addition, reference is made to paragraph 135 of the NPPF. In response to my query on this, I am advised that the reference relates to the need to determine significance. Paragraph 135 relates to non-designated heritage assets and despite the clarification from the Parish Council and inclusion of a similar, but site-specific policy from another adopted neighbourhood plan, I do not consider this to be a helpful reference. Given the recommended modifications to this policy, this element is satisfactorily covered in my suggested rewording.

Whilst I appreciate the inclusion of the “Historic Environment Map” on page 24 of the Plan is a useful addition, its quality makes it difficult to read. If the Map is retained, the quality needs to be improved in the interests of providing a practical framework.

- **Reword Policy KNDP 5 to read:**

“Development proposals should ensure that the Parish’s heritage assets, including those not yet identified, and its local historic character and distinctiveness are conserved or enhanced. In particular consideration should be given to:

- a) Respecting the Parish’s historic landscape character.***
- b) The significance of heritage assets including archaeological sites, and their settings.***
- c) The need for a desk-based assessment and, where necessary, a field evaluation, where a development proposal has the potential to affect heritage assets with archaeological interest.***
- d) Conserving the character of traditional rural buildings including farmsteads and by particular reference to the Herefordshire Farmsteads Characterisation Project.***
- e) Early consultation and engagement with sources of information about the historic environment.”***

- **Improve the quality of the Historic Environment Map on page 24 of the Plan**

Policy KNDP 6 Retaining the Character of the Conservation Area and Kingsland Village

The retention of character in the title is too restrictive and this permeates into the policy too.

It is not clear to me whether the policy relates to the Kingsland Conservation Area only or to Kingsland village. I have assumed it is the village. Given the issue with the title and this confusion I have changed the title and contents of the policy to reflect my assumption.

Statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to designated heritage assets and national policy in the NPPF on the historic environment should be taken account of. The Act requires decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and in relation to Conservation Areas, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. As the policy requires enhancement it goes beyond the statutory duties outlined above.

Any proposal that enhances the village is supported unequivocally. This ignores the wider acceptability of any proposal which may enhance the village setting, but be contrary to other planning policies.

The language used for this long and complex policy should be clearer and more precise in line with national policy and guidance. There is some unwelcome repetition within it and with other policies in the Plan for instance in relation to trees and hedgerows.

Therefore a number of modifications are needed to bring this policy in line with the basic conditions.

- **Change the title of the policy to “*Kingsland Village and Conservation Area*”**
- **Change the first sentence of the policy to read: “*Proposals in Kingsland village should conserve or enhance the landscape setting or character or appearance of Kingsland village and reinforce its local distinctiveness.*”**
- **Change criterion i) to read: “*Preserve or enhance the character or appearance of the Kingsland Conservation Area.*”**
- **Change criterion ii) to read: “*Do not adversely affect the significance of heritage assets and their settings within the village.*”**
- **Delete criterion iii) in its entirety**
- **Change the word “conserve” to “*preserve*” in the third bold paragraph**
- **Delete the paragraph which is numbered 1. and replace it with “*1. The following characteristics are particularly valued by the community:*” [retain list a) to f)]**
- **Change f) to read “*The distinctive identities of Kingsland village and West Town*”**

- Delete the paragraph which is numbered 2. and replace it with “2. *The following design criteria should be demonstrated by all development proposals:*” [retain criteria a) to d)]
- Delete “as well as Shirlheath and Cobnash” from paragraph numbered 3.
- Delete criteria a) to g) from the paragraph numbered 3.

4 Ensuring Essential Infrastructure

Policy KNDP 7 Addressing Flood Risk

There is little doubt that consideration of flood risk will proactively help to meet one of the challenges of climate change. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.²⁵ It advocates a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property.²⁶ The NPPF sets out the circumstances in which a site-specific flood risk assessment will be required.²⁷ PPG advises that the general approach and requirements for site-specific flood risk assessments should be applied to developments in areas at risk from flooding. Policy KNDP 7 will help to address flood risk and is justified on local circumstances. It is clearly worded and no modifications are recommended.

Policy KNDP 8 Highways and Transport Infrastructure

As well as promoting greater pedestrian and cyclist safety and accessibility including through sustainable transport modes, the policy supports parking on “appropriate” sites in Kingsland village. Whilst it could be argued that the policy is vaguely worded in that it is difficult to judge what might be an “appropriate” site, the policy sets out its store by encouraging such provision and site by site considerations will determine the appropriateness.

A second element of the policy details criteria to be met by development proposals. Some criteria do leave room for interpretation, but again I consider, in this case, there is sufficient explanation and flexibility to allow for case by case judgments to be made.

Therefore the only criterion that gives me some cause for concern is d) which does not permit any additional street lighting. This is also borne out by the supporting text which indicates that enforcement at the Leominster Auction site is difficult due to a lack of

²⁵ NPPF para 100

²⁶ *Ibid*

²⁷ *Ibid* para 103

street lighting. Such lighting is often part of the highways consideration. As a result an amendment is recommended.

- **Amend criterion d) to read: “They minimise the need for, and aim to avoid the provision of, any additional street lighting.”**

Policy KNDP 9 Kingsland Sewage Treatment Works

This policy supports work to the sewage treatment works. The policy is clearly worded.

Paragraph 4.12 refers to paragraph 119 of the NPPF; this paragraph removes the presumption in favour of sustainable development in the NPPF where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. Those circumstances do not apply here and the supporting text of the Plan tries to introduce a general policy directive that is not appropriate or in line with national policy. It should therefore be deleted.

- **Change “wye” in the penultimate sentence of the policy to “Wye”**
- **Delete the last sentence of paragraph 4.12 on page 35 of the Plan in its entirety**

Policy KNDP 10 Community Renewable Energy

Policy KNDP 10 is a criteria based policy that supports community renewable energy schemes subject to various safeguards that relate to visual, amenity and other impacts of such development. The supporting text clearly explains the rationale behind the policy in this Parish.

One of the core planning principles in the NPPF is to support the transition to a low carbon future and the NPPF²⁸ states that planning plays a key role in supporting the delivery of renewable energy. The policy meets the basic conditions, in particular reflecting the thrust of national policy and helping to achieve sustainable development and no modifications are recommended.

Policy KNDP 11 Infrastructure for Broadband

This is a short policy that supports high quality telecommunications infrastructure which the NPPF recognises as essential for sustainable economic growth and enhances the

²⁸ NPPF Section 10

provision of local facilities and services. The supporting text explains the applicability of the policy locally. The policy meets the basic conditions and no modifications are recommended.

5 Providing Community Facilities

Policy KNDP 12 Protection and Enhancement of Services and Facilities for the Community

Policy KNDP 12 seeks to protect existing services and facilities and to promote the provision of new facilities subject to various safeguards. The policy also indicates that any monies from CIL or other sources will be used to deliver facilities and includes a list of sought facilities identified by the community. The supporting text explains the rationale for the policy in this Parish.

The policy takes account of the NPPF which promotes the retention and development of local services and community facilities in rural areas.²⁹ It will help to achieve sustainable development. As a result it meets the basic conditions and no modifications are recommended.

Policy KNDP 13 Open Space and Play Areas

This policy seeks to achieve a number of things. Firstly it seeks to designate five areas of Local Green Space (LGS). Secondly, it requires developers to provide open space in accordance with CS Policies OS1 and OS2 and indicates what should happen when on site provision cannot be provided. Thirdly, it seeks to enhance the accessibility of the public rights of way network. As the policy covers much more than its title suggests, I recommend a modification to the title.

Taking each of those elements in turn, the NPPF explains that LGSs are green areas of particular importance to local communities.³⁰ The effect of such a designation is that new development will be ruled out other than in very special circumstances. Identifying such areas should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG.

I visited all five areas of proposed LGS and which are shown on the Kingsland Policies Map.

²⁹ NPPF para 28

³⁰ *Ibid* paras 76, 77 and 78

The Kingsland Millenium Green is a well-maintained open area in the heart of the village which also provides a setting to St. Michael and All Angels Church. As well as a wooden circle, play areas and benches, it has an attractive timber shelter.

St. Michael's and All Angels Churchyard is a well-maintained graveyard around the Church.

The area comprising remains of the Motte and Bailey Castle site partly covers the area of the Scheduled Ancient Monument, but the area proposed for designation is delineated by a fenceline and follows a path. It is an open space offering footpaths across it and also includes a bowling green. I am also informed that the Policies Map should be updated to reflect the designation of the Scheduled Ancient Monument as at August 2016 and in the interests of accuracy this should be undertaken.

The playing fields at Coronation Hall consists of tennis courts and playing fields; it is fenced and well-defined offering a good view of the Church.

These four areas are physically connected, together providing a relatively large area to the south of the village.

The fifth area is the Mortimer Park Rugby and Cricket Grounds. This is a large area to the western edge of Kingsland village. It is home to the Luctonians Rugby Club. This is an extensive open area of rugby and cricket pitches and associated buildings together with a car park which are also included in a 'washed over' LGS designation. Whilst assessing this area to meet the criteria in the NPPF satisfactorily, my concern is that a LGS designation may adversely affect the Club's ability to expand or adapt in the future potentially affecting its viability. As a result I raised a query about this with the Parish Council. I am advised that the intention was to support the Rugby Club through enabling development that would support its function. The Parish Council now consider the area may be more appropriately designated as open space/recreational land protected through CS Policy OS3 instead of as a LGS and inform me that this suggestion has been agreed with the Rugby Club. I agree with this approach, but cannot recommend such a modification as it has not been subject to the requisite public consultation. It is however open to the Parish Council and HC not to designate this area as a LGS, but there is no need for me to recommend its deletion in order for this policy to meet the basic conditions.

In my view, all the proposed LGS meet the criteria in the NPPF satisfactorily. The policy is clear that any development that does not support their function will not be permitted.

The second element of the policy reflects CS Policies OS1 and OS2.

The final element of the policy will help in particular to achieve sustainable development.

It would be helpful to tie the areas shown on the Kingsland Policies Map into the policy to avoid any doubt.

- **Change the title of the policy to “Local Green Spaces, Open Space, Play Areas and Access”**
- **Add “and as shown on the Kingsland Policies Map” after “The following areas...” in the second sentence of the policy**
- **Update the Policies Map to show the extended Scheduled Ancient Monument at Kingsland Castle**

6 Meeting Housing Needs

This section explains the background to the housing needs of the Parish. The strategy for the rural areas in the CS³¹ is positive growth. The strategy is based on seven housing market areas (HMA) and the Parish falls within the Leominster HMA which has an indicative housing growth target of 14% according to CS Policy RA1. The CS explains that this proportional growth target in CS Policy RA1 will form the basis for the minimum level of new housing to be accommodated in each neighbourhood plan across the County.

The main focus for development is within or adjacent to existing settlements listed in two figures, 4.14 and 4.15. CS Policy RA2 translates this into policy. Kingsland and Shirleath are identified in Figure 4.14 as settlements which will be the main focus of proportionate housing development. Cobnash is identified as a settlement where proportionate housing is appropriate in Figure 4.15.

The CS allows those Parishes which have more than one settlement listed in Figure 4.14 and 4.15 of the CS, as this Parish does, to have flexibility to apportion the housing requirement between the settlements concerned. In this case Kingsland has been selected as the focus for growth as it contains services and facilities. The approach is therefore in line with the CS. The Plan identifies settlement boundaries for each of the three settlements concerned.

Meeting housing requirements is key. At my site visit I found all three boundaries to be drawn relatively tightly. In relation to Kingsland, the focus for development, I have a concern that the Conservation Area may well render development unacceptable. In other words whilst there may be areas available for development, their location within or close to the Conservation Area may reduce or even prevent any development from taking place given the nature and characteristics of the area.

The Plan explains that the target is 65 dwellings over the Plan period (2011 – 2031). The Plan indicates that 40 dwellings were already constructed or had permission, this leaves

³¹ Core Strategy Section 4.8

a minimum provision of 25 dwellings. A windfall figure of 12 dwellings over the period 2016 – 2031 is put forward. The Plan refers to significant local environmental constraints and the premise that its policies allow for some 45 further dwellings. This has been queried by a number of representations and reinforced by my own concerns having visited the area.

Accordingly, I requested an updated list of dwellings constructed and commitment sites from 2011. I asked for information about the basis on which settlement boundaries had been drawn up. I also asked for views on the options of including those sites with permission within the Kingsland settlement boundary and/or removing settlement boundaries for Shirlheath and Cobnash.

I am grateful for the wealth of helpful information that the Parish Council has provided me in response to my queries. I appreciate that considerable work has gone into this.

With regard to Kingsland Parish, an updated schedule of sites with planning permission since 2011 has been provided together with maps of Kingsland, Shirlheath and Cobnash showing the sites. A suggested extended boundary for Cobnash has also been put forward. In total, completions and committed sites account for 74 dwellings. I accept this is in excess of the minimum target of 65 dwellings for the Plan period.

In the light of the further information presented by the Parish Council, I consider that subject to the settlement boundaries for Kingsland and Cobnash being extended, the approach taken by the Plan in respect of housing meets the basic conditions. The settlement boundary for Kingsland should be extended to reflect the boundaries of sites permitted to date to ensure that if permissions lapse, the sites are accepted in principle over the course of the Plan period. The settlement boundary for Cobnash should be extended to reflect the suggested boundary put forward in the additional information sent in Appendix 4 which also reflects extant permitted sites and rounds off the boundary in a logical way based on the extant permissions. The modifications in respect of the settlement boundaries have been made in relation to Policy KNDP 2 earlier in the Plan as it is that policy which defines the settlement boundaries. It is necessary to extend the boundaries in this way to enable the Plan as a whole to satisfactorily support the strategic development needs of HC and to plan positively to support local development. In turn this means that the Plan will meet the basic conditions.

Policy KNDP 14 New Homes in Kingsland Village

This policy directs development to within the settlement boundary defined (and modified) in Policy KNDP 2 subject to thirteen criteria.

Looking at the detail of the policy and its criteria, with the exception of criteria b) and m), I consider they meet the basic conditions. Criterion b) requires development to be “beneficial to the local community and have no adverse effect upon local services and

facilities”. This is difficult to interpret and lacks the precision sought by national policy and guidance. It should be deleted. Criterion m) cross references other development plan policies and is unnecessary.

- **Delete criteria b) and m) in their entirety**
- **The background and supporting text will require updating in the light of the recommended modifications to this policy and to Policy KNDP 2**

Policy KNDP 15 New Homes in Shirlheath

Policy KNDP 2 identifies a settlement boundary for Shirlheath. In line with my comments on Policy KNDP 14, criterion j) is unnecessary and should be deleted.

- **Delete criterion j) in its entirety**
- **The supporting text may need some updating in the light of modifications made elsewhere to this section**

Policy KNDP 16 New Homes in Cobnash

Policy KNDP 2 defines a settlement boundary for Cobnash. As I have already explained I recommend the settlement boundary for Cobnash is extended in the modifications to Policy KNDP 2.

In line with my comments on Policy KNDP 14, criterion j) is unnecessary and should be deleted.

The Plan suggests that there is potential for some nine additional dwellings and sites for six are known to be available. It indicates that the level of development proposed “remains consistent with that which might have resulted from Herefordshire Core Strategy prior to its modification”. This seems to me to be confusing to include and irrelevant.

- **Delete criterion j) in its entirety**
- **Delete the last sentence in paragraph 6.13 on page 47 of the Plan in its entirety**
- **The supporting text may need some updating in the light of modifications made elsewhere to this section**

The supporting text to all three policies explains the desire to have appropriate and locally distinctive housing.

Paragraph 6.16 on page 49 of the Plan refers to Local Wildlife Sites. It refers to a specific site, land at Kingsleane, to the south west of Kingsland village. It indicates that although this land has been identified as a Local Wildlife Site in the CS, it is understood that it is now unlikely to meet the criteria and surveys should be required. I raised a query in relation to this as I sought clarification of the situation and I am now satisfied that the paragraph can be retained in the Plan.

7 Supporting Local Business

Policy KNDP 17 Supporting Local Business

This policy supports the establishment and expansion of local businesses, including tourism related development, subject to nine criteria. The criteria seek to ensure that such uses are of an appropriate scale and have acceptable impacts including on highways and the amenity of neighbours. The policy also protects existing employment uses unless such uses are no longer economically viable.

The NPPF supports economic growth in rural areas to support jobs and prosperity and I consider this policy reflects that stance. It will help to achieve sustainable development whilst ensuring appropriate safeguards are in place. As a result the policy meets the basic conditions and no modifications are recommended.

Policy KNDP 18 Agriculture, Forestry and Rural Enterprises

Agricultural, forestry and rural enterprises are supported by this long and complex policy subject to a number of criteria aimed at safeguarding the environment and impact on residents.

Subject to the following comments on specific criteria, the policy will meet the basic conditions.

Criterion b) has, I think, some words missing and a modification is made to address this so that the criterion makes sense.

Criterion c) potentially restricts the amount of agricultural, forestry and rural enterprises and this does not accord with national policy and therefore should be deleted.

Criterion d) refers to the “loss of rural ambience” and this is not precise and would be difficult to articulate and pin down. Therefore this element should be deleted.

Criterion e) refers to the impact on rural character and is largely repeated by criterion i) which deals with visual amenity. Subject to a modification to criterion i), criterion e)

can be deleted as it would be hard to know how to demonstrate compliance with this criterion.

Criterion h) largely repeats other criteria in its intent, but would be difficult to articulate satisfactorily and therefore does not provide the practical framework. It should be deleted.

Criterion k) would also be difficult to enforce and should be deleted.

The latter part of criterion l) is unnecessary as the first part is positively worded and has the same effect. It would be difficult to quantify and it is unreasonable to ask for mitigation on potential impacts of this nature.

- **Add the words “*within a group of*” to the second sentence of criterion b) so that it reads “Where new buildings cannot be located *within a group of* existing buildings, new development...”**
- **Delete criterion c) in its entirety**
- **Delete the words “or the loss of rural ambience” from criterion d)**
- **Delete criterion e) in its entirety**
- **Delete criterion h) in its entirety**
- **Revise criterion i) to read “There is no detrimental impact upon the visual amenity of the parish or the surrounding landscape *and the rural character of the parish is respected.*”**
- **Delete criterion k) in its entirety**
- **Delete “and any potential negative impact upon the parish mitigated” from criterion l)**

8 Delivering the Plan

Paragraph 8.1 rightly indicates that the primary way that the policies in the Plan will be implemented is through development management decisions taken by HC. However, it continues that decision makers should adhere to the Plan and the CS unless there are “significant material reasons for departing from their provisions”. Section 70 (2) of the Town and Country Planning Act 1990 and section 38 (6) of the Planning and Compulsory Purchase Act 2004 provide that the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. I think this is what the Plan is referring to, but I consider the same language should be used to avoid confusion and to provide a solid basis for decision making.

The section also indicates that monitoring will take place and this is to be welcomed.

- **Delete the words “unless there are significant material reasons for departing from their provisions” in the first sentence of paragraph 8.1 on page 55 of the Plan and replace them with “*unless there are material considerations that indicate otherwise.*”**

9 Conclusions

There may be some changes that the Parish wishes to make to update this section as the Plan progresses to the latter stages.

10 Proposals Map and Inset Maps

This section simply lists the maps which is useful but the titles do not reflect the titles of the maps themselves and either way round, the names should be the same in the interests of clarity.

There are two maps titled “Kingsland Policies Map”. One relates to the Parish as a whole, the other to the village of Kingsland. To avoid confusion, a modification is recommended to clarify the title of each of these maps.

The maps could be included within the document itself at this point if desired.

- **Amend the name of the Kingsland Policies Map that covers the Parish to “Kingsland *Parish* Policies Map”**
- **Amend the name of the Kingsland Policies Map that covers the village to “Kingsland *Village* Policies Map”**
- **Change the names of the list of maps on page 57 of the Plan to reflect the actual titles of the maps and the modifications suggested above (or vice versa)**
- **Consider including the maps in the Plan itself**

7.0 Conclusions and recommendations

I am satisfied that the Kingsland Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Herefordshire Council that, subject to the modifications proposed in this report, the Kingsland Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Kingsland Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Kingsland Neighbourhood Plan area as approved by Herefordshire Council 15 August 2013.

Ann Skippers MRTPI

Ann Skippers Planning

May 2017

Appendix 1

List of key documents specific to this examination

Kingsland Parish Neighbourhood Development Plan 2011 - 2031 Resubmission Draft July 2016

Kingsland Policies Map (Parish)

Cobnash Policies Map

Kingsland Policies Map (village)

Shirlheath Policies Map

Basic Conditions Statement July 2016

Consultation Statement July 2016

Environmental Report November 2014

Environmental Report October 2015

Environmental Report July 2016

Habitats Regulations Assessment November 2014

Habitats Regulations Assessment Addendum October 2015

Habitats Regulations Assessment 2nd Addendum July 2016

Herefordshire Core Strategy 2011-2031 October 2015 and Appendices

Saved Policies of the Unitary Development Plan 2007

Meeting Future Housing Requirements in the Parish June 2016

Various evidence documents and other information on
<http://kingslandlife.com/kingsland-parish-neighbourhood-plan/>

List ends

Appendix 2

Questions of clarification to HC and the Parish Council

Kingsland Neighbourhood Plan Examination

Questions of clarification from the Examiner to the Parish Council and HC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Please confirm the dates of the 'first' Regulation 16 period of consultation, the date that Plan was withdrawn and the date of the Plan's resubmission and the 'second' Regulation 16 period of consultation.
2. Policy KNDP 5 refers to paragraph 135 of the NPPF. May I ask you to check that this reference is correct and to point me in the right direction if it is found to be incorrect?
3. In paragraph 3.6 which accompanies Policy KNDP 5, reference is made to archaeology and national planning constraints in respect of such heritage assets which "may constrain development". Please provide me with the relevant references in the NPPF/PPG which support this statement.
4. Are the criteria in Policy KNDP 6 taken from a Conservation Area Appraisal or other document that relates to the Conservation Area? Please could I be provided with a copy of any such documents relating to the Conservation Area.
5. Policy KNDP 13 identifies a number of areas as Local Green Spaces (LGS). One of these areas is the Mortimer Park Rugby and Cricket Grounds. This is an area to the western edge of Kingsland village, home to the Luctonians Rugby Club. This is an extensive open area of rugby and cricket pitches and associated buildings together with a car park which are also included in a 'washed over' LGS designation. Such a LGS designation may adversely affect the ability of the Club to expand or adapt in the future affecting its viability. Has this been considered by the Group? Have any discussions taken place with the Club and/or owners of this site? I would welcome any comments on this.
6. Meeting housing requirements is key. HC has put forward a numerical target and there is information in the Plan itself and in the supporting document 'Meeting Housing Requirements in the Parish' to assist with this. It is necessary to check that the boundaries for the three settlements as proposed in the Plan will enable sufficient housing development to come forward to meet the Parish's minimum requirement over the Plan period. At my site visit I found all three boundaries to be drawn relatively tightly and I am particularly concerned given the Conservation Area

in Kingsland that whilst there are potentially areas available for development, it is unlikely development could go ahead without harm being caused to the Conservation Area. Therefore whilst these sites might in theory be developable, their location within or close to the Conservation Area may render any development unacceptable.

I would therefore find it helpful to receive an updated list of dwellings constructed and commitment sites (those with planning permission but not yet constructed) from 2011. In addition if these could be shown on a map alongside the proposed settlement boundary for Kingsland, that would be most helpful. This work looks to have been started through the 'Meeting Housing Requirements in the Parish' document of June 2016, but it would be extremely helpful to have all the Kingsland sites shown on one map.

I am requesting this information (which I realise will cause a considerable amount of work to be done) because one option might be to include those sites with permission within the Kingsland settlement boundary. Another option might be to remove the settlement boundaries from Cobnash and Shirlheath to allow the potential for more development in those settlements in line with Core Strategy policies. These two options are not exclusive. I would be pleased to receive any thoughts on these options or any others that come to mind.

I have also requested any documentation relating to the Conservation Area in question 4 which will also help with this query.

In addition it would appear that the settlement boundaries were drawn up by the Group based on a walkabout and other criteria outlined in the Plan. Please send me a copy of the Walks Report and if there is any other information publicly available or previously published about the basis of the boundary definitions I would welcome having sight of this.

7. Paragraph 6.6 on page 44 of the NP refers to a site 'land north of Longford' and a change in designation; please could this site be indicated on the map as part of the request above and more information given on the change in designation.
8. Paragraph 6.16 on page 49 of the Plan refers to Local Wildlife Sites. It refers to a specific site, land at Kingsleane, to the south west of Kingsland village. It indicates that although this land has been identified as a Local Wildlife Site in the Core Strategy, it is understood that it is now unlikely to meet the criteria and surveys should be required. Please could this comment be clarified.
9. For Cobnash and Shirlheath, comments are made that a certain number of sites are available, but a fewer number are known to be available at this point in time (10 and 5 for Shirlheath, page 46 of the Plan and 9 and 6 for Cobnash, page 47 of the Plan). Please explain what is meant.

It may be the case that on receipt of your anticipated assistance on these matters that I

may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.

Ann Skippers

6 April 2017