

EXAMINER'S REPORT

PETERCHURCH

NEIGHBOURHOOD DEVELOPMENT PLAN

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ABBREVIATIONS

The following are the abbreviations used in this examination:

Herefordshire Council referred to as 'the Council'.

HRA - Habitats Regulation Assessment.

NPPF - National Planning Policy Framework.

NPPG - National Planning Policy Guidance.

Peterchurch Parish Council referred to as "the Parish Council".

SEA - Strategic Environmental Assessment

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by Peterchurch Parish Council (subsequently referred to as "the Parish Council")in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3. The Plan covers the whole of the Parish, which had a population of 1,091 in the 2011 Census.

4. I have been appointed by Herefordshire Council(subsequently referred to as 'the Council') in consultation with the Parish Council, to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute

5. I confirm that I am independent of the Parish Council and the local planning authority and have no interest in any land, which is affected by the Neighbourhood Development Plan.

6. This report is the outcome of my examination of the submitted version of the Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the Council puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be "made" by the Council as the Local Planning Authority.

BACKGROUND DOCUMENTS

7. I have considered the following documents as part of this examination:

Documents submitted by the Parish Council under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012:

The Neighbourhood Development Plan 2031, Regulation 16 Submission Draft,
Basic Conditions Statement, July 2016,
Consultation Statement, July 2016,
Environmental Report, Herefordshire Council, July 2016
Habitats Regulation Assessment, Herefordshire Council, October 2015
Habitats Regulation Assessment Addendum, Herefordshire Council, July 2016

Responses to the consultations under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 as follows:

Regulation 16 Representation Responses, received during the consultation period, 5 October to 16 November 2016.

Local and National Policies:

National Planning Policy Framework (NPPF); National Planning Policy Guidance (NPPG).
Herefordshire Local Plan Core Strategy, October 2015.
Saved policies in the Herefordshire Unitary Development Plan 2007.

Other documents:

Landscape Character Assessment, Herefordshire Council, 2004.
Neighbourhood Planning Guidance Note 20 "Guide to settlement boundaries" April 2013-Revised June 2015, Herefordshire Council.

Correspondence during the examination

Email of 16th May 2017, from Samantha Banks, Planning officer, Herefordshire Council responding to questions asked by the examiner regarding flood risk and highway issues.

Hearing Documents

Peterchurch NDP- Notes Prior to Hearing
Hearing Agenda
Appeal Decision, Appeal Ref: APP/W1850/W/16/3162316 Land adjacent to Dorefield House, 6/6/17.

Plans were exhibited at the hearing to show the boundary of the outline planning permission relating to the Hawthorn Rise for 89 dwellings, Council reference, P132707/O. These consisted of a location plan, submitted on 2/5/17, site plan of 5/4/17, as approved, by the Council and an indicative plan provided to the Parish Council, by the developer, to illustrate a football pitch on a recreation area measuring 1.2 hectares.

THE EXAMINATION

8. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

9. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.

10. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. I considered it was necessary to hold a hearing to investigate further issues in relation to the allocated site and the settlement boundary. This was held on the 12th July 2017.

11. I visited the Plan area on the 11th July 2017 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

12. It is necessary to determine that the plan complies with the following procedural matters¹:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

13. The Parish Council is authorized as the qualifying body to act for the purposes of a neighbourhood development plan if the area of the plan includes the whole or any part of the area of the parish.

14. The whole Parish Council area was formally designated as a Neighbourhood

¹ Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

Area by the Council in December 2012.

15. The Plan clearly states that it relates to the period until 2031.

16. The Plan does not include any provision about development that is “excluded development”², such as minerals, waste disposal and major infrastructure projects.

17. I am satisfied that the plan does not relate to more than one neighbourhood area.

CONSULTATION

18. The Parish Council has submitted a Consultation Statement of July 2016, which explains how they have carried out a programme of consultation as the Plan has progressed.

19. The Parish Council has built on the 2005 Parish Plan and through a dedicated steering group carried out a systematic and thorough programme of consultation.

20. The initial “Planning for Real” events were publicised by notifying every household in the parish and all local businesses, backed up by publicity in a local newspaper and parish magazine. An effort was made to engage younger people in discussion with the primary school. These events helped to establish issues of importance to local people, which are expressed in detail in the consultation statement.

21. On this basis options to tackle the issues were developed. People were kept informed via the parish magazine, minutes of the parish council on the web site and invitations to raise issues at parish council meetings.

22. The consultation statement illustrates that responses to the first formal consultation on the plan (Regulation 14 stage),³ carried out from 9/12/15 to 21/12/15, were properly analysed and taken into account in amending the plan where appropriate.

23. The Plan was then submitted for the final consultation (regulation 16 stage)⁴, carried out from 5/10/16 to 16/11/16 and administered by the Council.

24. I am satisfied that the “Consultation Statement”, demonstrates a good level of consultation with the local community, which has targeted all households and local businesses and members of the community.

² as defined in Section 61K, of the Town and Country Planning Act 1990

³ Regulation 14 of the Neighbourhood Planning (General) Regulations 2012

⁴ Regulation 16 of the Neighbourhood Planning (General) Regulations 2012

25. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document, which:

1. a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
2. b) Explains how they were consulted;
3. c) Summarises the main issues and concerns raised by the persons consulted; and
4. d) Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan

26. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. On this basis, I am satisfied the requirements have been met. It is evident the Neighbourhood Plan Steering Group that has prepared the plan has taken great care to ensure stakeholders have had opportunities to influence the plan content.

BASIC CONDITIONS

27. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.⁵ This element of the examination relates to the contents of the Plan.

28. This Plan meets the basic conditions if:

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied. The prescribed condition is that the ‘making’ of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) (either alone or in combination with other plans or projects).

29. The Parish Council has submitted a “Basic Conditions Statement”, July 2016, to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above

⁵ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

SUSTAINABLE DEVELOPMENT

30. The Parish Council highlight in the basic Conditions Statement that the Plan “is supportive, positive and aims to promote sustainable development of the community within the wider context of the Local Plan.” The “aims and objectives” of the Plan are a clear statement of the commitment to the ideals of sustainability as expressed in the NPPF incorporating economic, social and environmental factors.

31. The plan seeks to accommodate growth, as prescribed by the Core Strategy, in a manner, which protects the landscape character, ecology and environment of the area, whilst promoting the economy and protecting and developing community facilities in the town. The policies restrict intrusion into the open countryside and provide that development relates well to the built form of the settlement and does not result in overriding environmental impacts

32. The Plan effectively balances the protection of the sensitive environment and ecology with the need to provide for housing on deliverable “exception sites” beyond the settlement boundary. Local employment is promoted with a specific attempt to expand the “Old Forge” industrial area whilst ensuring flooding risks are acknowledged and mitigated. These policies aimed at proportionate growth are carefully circumscribed by other plan policies and criteria, which stress these developments, are subject to limitations on their environmental and ecological impact.

33. The Basic Conditions Statement adequately illustrates the manner in which the Plan promotes sustainable development in accordance with the requirements of the National Planning Policy Framework (NPPF).

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

34. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

35. The Council carried out a Strategic Environmental Assessment (SEA), culminating in a final report in July 2016. This involved a scoping report, review and analysis of the Plan, preparation and formal consultation on the report and plan and a reassessment of amended policies.

36. The report appraises the objectives of the Plan to ensure they are compatible with and include relevant objectives in the SEA framework at international, European national and local level.

37. Baseline environmental information was collected and the emerging policies assessed on their impact on the environmental characteristics of the area and SEA

objectives. The report establishes that the Plans policies largely scored positive against SEA objectives and would not have an adverse environmental impact. It is noted that this is because the policies are criteria based which strengthen them against environmental risks and highlight mitigation. The report highlights some extra criteria are required including some relating to flood protection on sites within flood risk areas and allocated for school car-parking and an extension to the “Old Forge” industrial area. These criteria require any scheme to be assessed in accordance with national advice to mitigate flood risk and potential impact on the River Dore.

38.The Plan was also assessed with respect to its cumulative impact with other policies and plans. It is concluded that it is in general conformity with the recently adopted Core Strategy, a strategic plan and itself the subject of an SEA. It is considered it will, therefore, subject to the identified amendments jointly contribute to the achievement of SEA objectives.

39.The statutory consultees Natural England and English Heritage made comments at the scoping stage and their comments have been adhered to. The Environment Agency and Natural Resources Wales have not issues any comments.

40.The National Planning Policy Guidance states⁶, “*The strategic environmental assessment should only focus on what is needed to assess the likely significant effects of the neighbourhood plan proposal. It should focus on the environmental impacts, which are likely to be significant. It does not need 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 neighbourhood plan.*”

41.The report identifies that the Council will monitor the environmental effects of the Plan’s policies in its area.

42.I consider the SEA process has been carried out properly and conforms to basic conditions.

43.The Habitats and Wild Birds Directive requires a Habitats Regulation Assessment (HRA) to assess the impact on any wildlife sites protected under European legislation. These are often referred to as “Natura 2000” sites.

44.The Council carried out a HRA screening assessment in October 2015. This built on the screening opinion prepared for the then emerging Core Strategy, as amended at pre-submission stage, which had concluded there would not be any significant effects on “Natura 2000” sites.

45.Each draft policy was screened. The primary consideration was whether the Plan would have an impact on the River Wye (including River Lugg) Special Area of Conservation (SAC). On the basis that much of the neighbourhood area lies outside of the catchment of the River Wye it was concluded the Plan would be unlikely to

⁶ paragraph ref: ID: 11-030-20150209

result in any significant effects. The assessment also concludes there would be no cumulative effects with Plans from neighbouring parishes.

46. A further assessment contained in the Addendum was carried out in July 2016 to take account of amendments to the Plan resulting from feedback from the Regulation 14 stage consultation. It was concluded that these amendments were essentially incorporating additional policy criteria to add clarity and additional safeguards regarding flood risk referred to above. These amendments were not considered to result in any likely significant effects on Natura 2000 sites.

47. The Addendum report indicates that Natural England, Historic England, the Environment Agency and Natural Resources Wales raised no objections to the screening process.

48. I am satisfied the HRA process complies with basic conditions.

49. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a “fair hearing” I consider the consultation process has been effective and proportionate in its efforts to reach out to different groups potentially affected. Community responses have been taken into account in a satisfactory manner during the processing of the plan.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

50. The “Basic Conditions Statement” provides a detailed analysis of the conformity of the Plan with national guidance and local strategic planning policies in the NPPF and the Local Plan respectively.

51. Tables 1 & 2 in the Basic Conditions Statement illustrates detail the manner in which the plan policies have had regard to Secretary of States guidance in the NPPF relating to core planning principles. The Aims and Objectives of the Plan are all consistent with NPPF advice and demonstrate the thread of sustainability, which underpins all the guidance. All the policies, subject to my recommendations, have regard to the Secretary of States guidance in the NPPF and NPPG.

52. It is necessary that the Plan as a whole is in general conformity with strategic development plan policies. Table 3 displays in good detail the manner in which individual policies conform to the Core Strategy and saved Unitary Development Plan policies. Each policy in the plan contains supporting text explaining the background and justification for the policy. This generally makes appropriate connection with the local strategic planning policies. I have suggested modifications where it is necessary for the policies to be in general conformity with development plan policies.

53. I am satisfied that subject to my modifications, the Plan has taken into account the Secretary of States guidance and is in general conformity with local strategic development policies.

RECOMMENDATIONS ON THE PLAN IN RELATION TO BASIC CONDITIONS

54. I have made recommendations below in order that the Plan may conform to “basic conditions”. Where I am suggesting modifications I have given reasons.

55. I have taken into account all the representations received during the Plan process. In most cases I have considered that these do not require specific reference, as they do not relate to the need to conform to “basic conditions”. In some cases due to the specific and detailed nature of a particular representation and its relevance to “basic conditions”, for ease of reference, I have referred to the author of a representation by name.

56. I have not taken into account comments, which do not relate to the need for the Plan to conform to basic conditions and legal requirements.

57. A considerable amount of my recommendations are based on the need for the policies to be clear and precise to allow effective implementation and guidance. This is necessary in order to comply with NPPF guidance in paragraph 154 that “ *Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.*”

General

57. In the interests of clarity in reading the plan I recommend that a glossary be introduced explaining the main technical terms that are used. The NPPF glossary is a useful reference for this.

58. At the hearing it was noted that there were inconsistencies in the Proposals/Policies maps on page 24 of the Plan and the separate sheet, figure 4 “Peterchurch village policies Map”. It is necessary that there are consistent policies maps and it is most appropriate that these are an appendix to the Plan. The Proposals Map on page 24 is of inferior resolution and should be deleted.

59. The separate sheets depicting various designations and the Local Green Space Policies map should also be incorporated as appendices.

RECOMMENDATION 1

Insert a glossary of main technical terms.

Delete the Proposals Map on page 24

Incorporate the amended Village Policies maps as appendices to the Plan. The separate sheets depicting various designations and the Local Green Space Policies map should also be incorporated as appendices.

Section 3 “How long will it take to prepare the Neighbourhood Plan”

60. This section will clearly have to be reworded in the past tense in the final version

RECOMMENDATION 2

Reword the section “How long will it take to prepare the Neighbourhood Plan”, as appropriate in the past tense.

Section 4 Key Issues for Peterchurch

61. This sets out the main policy context and issues for the Plan in a succinct and informative manner.

62. In paragraph 4.8 there is a need to clarify that it is necessary for Peterchurch to, at least, meet the minimum requirements of 54 dwellings as specified by the Council and based on the growth target for this village. It should be emphasized that this is a minimum target.

RECOMMENDATION 3

Amend the first sentence in 4.8 as follows;

“Therefore a key issue for the Peterchurch Neighbourhood Plan is to identify how the village can meet, at least, the minimum target of 54 dwellings.”

Section 5 Aims and objectives of the Peterchurch Neighbourhood Plan

63. This adequately sets out the aims and objectives.

Section 6 policies and proposals of the Peterchurch Neighbourhood Plan

POLICY P1 New Housing Development in Peterchurch Village

Settlement Boundary

64. At the hearing concerns regarding the criteria for drafting the settlement boundary were addressed and the reasons for the exclusion of sites at Dorefield House, the “Old Rectory” and Crossways House and Hinton Fields and the Nags Head were explored.

65. The Parish Council explained that the boundary was based on that in the previously adopted Unitary Development Plan and advice in the Council’s

Neighbourhood Planning Guidance Note 20 “Guide to Settlement Boundaries” April 2013-Revised June 2015. The boundary is fundamentally based on the existing built form and the need to seek to contain development to prevent intrusion into open countryside.

66.The Council’s guidance note contains a number of criteria important to defining a settlement boundary including physical features, planning history, recent developments, important amenity areas and that boundaries should be drawn to accommodate the level of growth envisaged in the plan.

67.The Parish Council explained that Dorefield House, the Old Rectory and Crossways House are separated from the main settlement by a road on the edge of the village. The Parish Council considers this is a transitional area between the village and the countryside. The properties are relatively loosely knit in an informal manner. Mr. Smith on behalf of the land-owner considers these properties are integral to the village particularly since the appeal was allowed for a dwelling on land adjacent to Dorefield House on 6th March 2017. He pointed further to the inconsistency in the proposed boundary, which included open undeveloped land immediately to the north of the proposed school parking area.

68.I consider the boundary should include the appeal site and this therefore requires the inclusion of parts of the area suggested by Mr. Smith. This is in accordance with the Councils guidelines. I consider the land to the south of Dorefield House including the pond is open in nature and has the character of countryside and should be excluded from the settlement boundary. Although not adopted policy the Council’s guidelines, regarding settlement boundaries have formed a basis for the parish council’s submission. These state that “in order to conserve the character and to limit expansion, settlement boundaries can exclude large gardens orchards and other areas. In the interest of relying on robust evidence to conform to basic conditions, as recommended in the National Planning Policy guidelines⁷, I consider the guidelines are relevant and they should be consistently applied to this settlement.

69.The Parish Council confirmed their view that the Hinton Fields and Nags Head sites are beyond the main built form of the village and project out independently into open countryside. They read as separate from the main form of the village. Mr. Smith considers that the pub is a historic community facility and as an essential facility should be within the settlement boundary.

70.I support the Parish Council view on these sites, which have historically not been included in the settlement boundary and in physical terms are a unique projection northwards beyond the established built form of the village.

71.I do not consider there is a case expressed by Mr Perry to include the settlement of Hinton within a settlement boundary. This settlement is separate from Peterchurch

⁷ Paragraph: 040 Reference ID: 41-040-20160211

and not recognised in the Core Strategy as one which should accommodate any significant degree of development other than those exceptional cases requiring a rural location identified in policies RA 3,4 and 5 of the Core Strategy.

72.I have noted the comments by Mr. Richards and Asbri Planning on behalf of Mr. Richards regarding the site between Closure Place and the Old Rectory, which it is submitted, should be allocated for residential development in the interests of certainty. There is no need for the plan to provide extra housing to meet the strategic housing targets so this is not necessary.

73. I support the settlement boundary as proposed, subject to modifications. It meets projected growth targets and allows for the sustainable growth of the settlement and is in accordance with advice in the NPPF and policies in the Core Strategy.

Hawthorn Rise Development

74.Since the consultation on the plan under regulation 16 it has been confirmed that outline planning permission has been granted for 89 dwellings on land adjoining the Hawthorn Rise. The boundaries of the allocated site were discussed at the hearing and, it was agreed that the Policies Map should reflect the boundaries of the site for which planning permission is granted.

75.There was some discussion about the size and configuration of the recreation area, which is required under the terms of a legal agreement attached to the planning permission.

76.The boundary of the planning permission reflects a potential larger area for a recreation area to that shown on the Policies Map. Mr. Smith, on behalf of the developer, submitted that under Council recreation space guidelines an area of 1.2 hectares is required and, therefore, it is not necessary that this area extends to the northeastern and south–western ends of the application site, which would measure approximately 1.7 hectares. Mr. Smith also alerted the hearing to the need to allow an easement across adjacent to the southwestern boundary site for Western Power, as utility provider.

77.Plans were exhibited at the hearing to show the boundary of the planning permission as submitted on 2/5/17, site plan of 5/4/17,as approved, by the Council and an indicative plan provided to the Parish Council, by the developer, to illustrate a football pitch on a recreation area measuring 1.2 hectares.

78.The Council confirmed that it was their view the recreation area should extend to the limits (boundaries) of the planning permission. Whilst technically an area of 1.2 hectares is required there is a need to consider parking and storage provision in association with the recreation area, which the Council confirmed, was not within the area calculated to provide 1.2 hectares.

79. I consider there is a need to consider parking provision given the close proximity of this formal recreation area to residential properties, which may attract a degree of traffic in association with organized sports fixtures. Furthermore, an area for storage is a reasonable requirement. It was pointed out that a public footpath runs along the southwestern boundary but I do not consider this would prejudice the use of this area as indicated.

Policy criteria

80. The policy criteria a. expressing a preference for development of brownfield land (previously developed) is imprecise and unsuitable for inclusion in a policy. I note from the Parish Council's comments on the regulation 14 submissions from Gladman that the intention is not to explicitly prioritise development of brownfield land. The imprecise nature of the term "where possible" could lead to confusion. I appreciate this is an attempt to respond to the advice in the NPPF to encourage development of brownfield land but there are no specific allocations or identified opportunities for development of brownfield land. It is merely a preference. In this case, this should be expressed in the supporting text.

81. The policy criteria b. to e. is covered by policies elsewhere in the Plan, the Core Strategy and national policy. The detailed and nuanced nature of these policies is not fully reflected in the criteria as quoted in the policy P1. For example, there is no reference to the circumstances in which loss of community facilities or local employment opportunities may be acceptable. This would therefore create confusion. To quote these other policy references in sufficient detail would make the policy complex and lack clarity. I recommend that there is a general reference in the policy to the need to comply with Core Strategy policies and, in the interests of providing comprehensive guidance provide an overview of these in the supporting text. This is necessary with regard to paragraph 17 of the NPPF to achieve a practical framework for deciding planning applications. It is not necessary to cross-refer to other policies in the NPPF and this neighbourhood plans as these are self-contained and are not mutually exclusive.

82. There is reference in the policy permitting development adjacent to settlement boundary when there are no sites available within the settlement boundary. I am concerned that this element of the policy is unnecessary and is too vague as to the circumstances and where development would be allowed. The Parish Council explained at the hearing that they were concerned to follow the words of Core Strategy policy RA2 that refers to development adjacent to settlements. However, the Core Strategy allows Neighbourhood Plans to define the location of residential development in accordance with housing targets and the Plan proposals exceed these targets without the need for extra development beyond the settlement boundary. I therefore recommend this element of the policy is removed.

83.Paragraphs 2 and 3 in the Background/justification section are a repeat of the growth strategy information presented on page 11 In the description of “Herefordshire Planning Policy” and do not require repetition in this section.

RECOMMENDATION 4

Amend the settlement boundary to include the appeal site and the properties and their curtilages at Dorefield House, the ”Old Rectory” and Crossways House. The recommended boundary is drawn on the attached appendix 1 as a red line drawn on the policies map.

Delete Policy P1 as written and insert the following amended text.

**“ New housing will be allowed within the settlement boundary shown on the Peterchurch Village Policies map in Appendix 1.
The site at Hawthorn Rise is allocated for residential and associated recreation space as identified on the Policies Map.”**

Amend the Background/Justification supporting text as follows:

Delete paras. 2 and 3 (including the table)

Insert

“The minimum growth target for the village is 54 dwellings as explained above on page 11, which explains the Herefordshire Core Strategy policy regarding rural housing and how this applies to Peterchurch.

It is considered that with the allocated site and scope for development within the settlement boundary there is a reasonable prospect that this figure will be met and possibly exceeded.

Planning policies in the NPPF encourage brownfield development wherever possible and this Plan wishes to underline this objective. This policy establishes that the principle of housing development is acceptable in the settlement boundary. All development will, however, need to comply with policies in this Plan, the Core Strategy and any relevant policies regarding the detail.

In particular, there is a need to ensure development does not result in the loss of viable community facilities and sites providing sustainable employment opportunities employment in accordance with plan policies P5 and P7.

It is important that schemes are designed to enhance the character and local distinctiveness of the area and do not create flooding issues.”

POLICY P2 – New Housing development in the Countryside

84. This policy duplicates parts of Core Strategy policies RA3, RA4 and RA5 and does not add anything. The policy misses out some of the qualifications and nuances of the policies and is, therefore, potentially confusing and contrary to the clarity required to meet basic conditions as expressed in the NPPG⁸. It is important to have reference to the wider policies within the context of the neighbourhood plan and I recommend these be incorporated as background supporting text rather than policies.

RECOMMENDATION 5

Delete the Policy P2. and the title “Background/Justification”

Retain the first paragraph in the Background /Justification section as part of the Background to policy 1.

Delete the last paragraph on page 23 and replace with the following;

“The Core Strategy allows scope for development outside the settlement boundaries under the terms of the following policies;

RA3 Herefordshire’s Countryside- allows residential development exceptionally where it meets criteria including meeting an agriculture/forestry need (subject to policy RA4), it is necessary to serve a rural enterprise, replacement dwelling, sustainable re-use of a building(subject to policy RA5), rural exception affordable housing to serve local needs (subject to policy H2), development which is of exceptional quality and innovative design and development that provides for the needs of gypsies or travellers.”

POLICY P3 Rural Exception Housing

85. My comments are similar to those on Policy P2. This policy repeats Core Strategy policy H2 but although not exactly. It has the potential to create confusion.

86. It introduces the concept of “walking distance” as an alternative to “reasonable access” to a range of service and facilities. In this case, I consider the Core Strategy H2 policy offers a more flexible interpretation of the need for a sustainable location for this type of development, which is more consistent with national advice in the NPPF regarding establishing a range of sustainable travel modes.⁹

87. I consider therefore that Policy P3 should be deleted but there needs to be cross-reference in this Plan to the Core Strategy policy regarding rural exception housing.

⁸ paragraph ID: 41-041-20140306

⁹ section 4 of the NPPF

RECOMMENDATION 6

Delete title “POLICY P3 Rural Exception Housing ”. Replace with the title “Rural Exception Housing”.

Delete the policy text and the title “Background/Justification, retain the remainder.

POLICY P4 Ensuring an appropriate range of Tenures, Types and Sizes of Houses

88.This policy is based on Core Strategy policy H3, which seeks to ensure an appropriate range and mix of housing, based on the latest Local Housing Market Assessment. The proposed policy gives expression to this Core Strategy policy by specifying thresholds for applying the policy to developments of 1 or 2 dwellings and 3 or more. Although policy H3 indicates that housing mix policies will be more rigorously applied to developments of over 50 dwellings I do not consider there is a problem in applying the policy to smaller developments provided it is linked to objective evidence in a local needs housing survey. The need to refer to such a survey should be introduced into the policy. The policy will be in accordance with the NPPF and its advice in section 6 to deliver “a wide choice of high quality homes”.

89.The policy as written includes some inconsistency. The first paragraph requires all development to contribute to maintaining a mix of tenures etc. The third paragraph, however, indicates that in the case of developments of 1 or 2 dwellings, the situation will be monitored and housing mix requirements will only be applied when overprovision of one type is identified. The third paragraph clarifies the situation for development of 3 or more dwellings. These inconsistencies should be rationalised.

90.The requirement in the second paragraph of the policy for adaptable buildings is unclear as to what it actually means. It is not apparent that it is linked to any adopted supplementary design guidance. I, therefore, recommend that this paragraph be deleted.

RECOMMENDATION 7

In the first paragraph of the policy delete the word “All”. Insert at the end of the first sentence “in accordance with the latest local housing needs survey.”

Delete the second paragraph of the policy.

**Insert in Background/Justification as the last sentence ;
“The latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes”**

POLICY P5 Peterchurch Village Centre

91.The title is not entirely relevant as the policies relate to the provision of facilities within the settlement boundary and not just the centre of the village. I recommend that title is amended to reflect this.

92.This policy builds to an extent on Core Strategy policy SC1 regarding Social and Community Facilities. The policy should be re-worded to relate generally to social and community facilities in accordance with policy SC1. There is no apparent justification for restricting criteria a, to only changes of use to residential. For instance, proposals could involve re-development and demolition

93.It is necessary that cross-reference is made to the Core Strategy policy E5 “Town centres”, which establishes the retail hierarchy for the area and ensures town centre development is of appropriate scale to the settlement in which it is located.

94.Criteria b. needs to re-affirm that new development should be within the settlement boundary to ensure it is consistent with criteria a. regarding re-located development. Also, this is necessary to be consistent with policy P1, which restricts housing development in the countryside and to ensure facilities are sustainable development linked to development they serve, in accordance with the underpinning advice in the NPPF.

95.Criteria b ii should be more explicit in its reference to the local traditional design to link with Policy 9, which seeks to protect the “historic” beauty of the area.

96.The proposal to support a “hub’ building needs to include the criteria listed under b.

RECOMMENDATION 8

Amend the title of the policy to “Development relating to Social and Community Facilities”

Amend criteria a. as follows;

“The loss of social or community facilities to other uses will not be supported....) include the remainder of the wording in criteria a. .

In criteria b. add the following as an extra criteria 1;

“ iv. New development should be within the settlement boundary, conform to Core Strategy policy E5 Town Centres and does not have a significant adverse effect on he vitality and viability of other centres”

In point ii of criteria b. reword as follows;

“Their design enhances the character of the immediate surroundings and is sympathetic to the locally distinctive nature of traditional design in the village”

In criteria c. add the following sentence.” Any development should conform to the criteria in b. above.”

In Background/Justification

Add a new first para.

“This policy is aimed at facilities such as shops, the pub, post office and other community facilities”

Add a new second sentence to the existing paragraph.

“ The Core Strategy policy E5 Town centres establishes a hierarchy of town centres to ensure these types of uses are of an appropriate scale and function to the are they serve. Development in the village has to respect this policy”.

Add a further paragraph, as follows;

“Whilst this policy is aimed at protecting services there has to be acknowledgement of Core Strategy policy SC1 which establishes that only those facilities that are viable and in demand can be protected.”

POLICY P6 Peterchurch schools

97. During this examination I asked for the views of the Highway Authority and the Environment Agency, respectively, on the access and flooding issues associated with the allocation of the site under this policy to provide extra parking for the school. It was confirmed by both parties that there were no objections in principle to these matters.

98. I consider this satisfies the concerns regarding flooding raised in the Strategic Environment Assessment.

POLICY P7 To promote local employment and tourism

99. This policy is a partial rendition of the criteria in policy RA 6 Rural Economy of the Core Strategy and could cause confusion, as it does not include reference to all the criteria. Furthermore, the proposed policy is not in conformity with policy RA6, as it does not offer support for rural diversification proposals outside of the village.

100. The two developments which are offered support, namely new foot/cycle paths and enhancements to the Herefordshire Trial are most probably developments which do not requiring planning permission and are outside the scope of this Plan.

101. I do not consider this policy adds to policy RA6 in any significant manner and could confuse people as referred to above. I recommend that it be deleted as a

policy but the commitment to support policy RA6 be highlighted and the specific projects be listed as aspirations.

RECOMMENDATION 9

**Alter title to “Promoting Local Employment and Tourism”.
Delete the policy wording and the title “Background/Justification”.**

Retain the existing paragraph in the “Background/Justification” section and amend as follows:

At the end of the second sentence delete “Policy P7” and insert “Core Strategy policies RA6 Rural economy and E5 Town centres”.

Add an extra paragraphs, as follows;

“The Parish Council is keen to support new foot/cycle paths, bridleways and enhancements to the Herefordshire Trail.

In addition, proposals to create a shared footpath, cycleway and bridleway along the former railway line will be supported. The Parish Council will work with adjoining parishes, Herefordshire Council and others to implement this proposal.

POLICY 8 Old Forge Industrial Area

102.The policy seeks to encourage regeneration of the Old Forge Industrial Area subject to three criteria. These criteria do not encompass all the planning considerations triggered by any proposal including those, which are the subject of policies in this Plan and the Core Strategy. I recommend that an extra criterion is added making reference generally to the need to comply with other policies.

103.During the examination I have sought the comments of the Environment Agency regarding P8/1to ensure that the principle of development and expansion of this site can be supported, if necessary subject to a site-specific flood risk assessment. They confirmed there are no objections in principle to this policy.

RECOMMENDATION 10

**Add a further criterion, as follows;
“d) Conform to other adopted policies in this plan, other development plan policies and adopted supplementary planning documents.”**

POLICY P9 Landscape

104.This policy is based on the “Landscape Character Assessment”, prepared by the Council in 2004. It is in general conformity with the NPPF guidance in section 11 regarding “Conserving and enhancing the natural environment” and Policy LD1 in the

Core Strategy. These links should be emphasized in the supporting text to inform the reader of the comprehensive policy context in accordance with the guidance in paragraph 17 of the NPPF to “provide a practical framework within which decisions on planning applications can be made”.

105. Criteria g. refers to maintaining and limiting impact on views of the Black Mountains. It is not clear why the views of the Black Mountains have been singled out or how the policy would operate in practice. It implies that other views not referred to are of lesser or even no importance. The protection of views is difficult to justify in planning terms unless they are defined and based on evidence. I recommend therefore that this criteria be deleted as it does not conform to the NPPG guidance¹⁰ that policies “should be concise, precise and supported by appropriate evidence”.

RECOMMENDATION 10

Delete criteria g. from the policy.

**Insert a final sentence in the Background/justification section:
“This policy should be read in conjunction with policy LD1 Landscape and Townscape in the Core Strategy.**

POLICY P10 Local Green Spaces and infrastructure

106. This policy is in conformity with the NPPF and Core Strategy policy LD1.

POLICY 10/1 Land off Bazeley lane

107. The boundary of this allocated site was discussed at the hearing and is referred to above in my assessment of policy P1/1 relating to the development of the associated housing site. There is a need to amend the boundary and indicate how vehicular and pedestrian access is to be achieved

RECOMMENDATION 11

Amend the boundary of the site in accordance with the plan and refer in the policy that the vehicular access to the area shall be via the adjacent housing site.

P10/2 and 10/3 Local Green Spaces

108. I am satisfied that the green spaces identified meet the criteria suggested in the NPPF. It is necessary that a short justification is included in the plan, possibly as an

¹⁰ Paragraph ref: 41-041-20140306).

appendix, to justify inclusion of these spaces in accordance with the criteria in the NPPF, paragraph 77.

109.The green spaces need to be marked on a single map for ease of reference.

110.The policy needs to be more explicit as to the restrictions on development as recommended in the NPPF advice on green spaces. There needs to be reference to the ‘very special circumstances’ which are applicable to these green spaces as in the green belt in accordance with NPPF advice in paragraph 78.

RECOMMENDATION 12

Amend the policy as follows;

“The local green spaces shown on the policies map will be protected from development unless such development is ancillary and necessary for the enhancement of the open space or there are very special circumstances which justify such development including the need for utility infrastructure where there are no alternatives”.

Include within the plan a short justification in accordance with NPPF criteria in paragraph 77, which explains the particular merits and value to the community of each of the open spaces.

POLICY 11 Non-Designated Heritage Assets

111.The policy is in conformity with the advice in the NPPF regarding proportionate protection of non-designated heritage assets.

112.The policy seeks to replicate the Core Strategy policy LD4 with respect to the named non-designated heritage assets and yet for those, which are not specified, there is general reference to the need to conform to policy LD4. This is inconsistent and confusing. The policy should be amended to overcome this and further explanation provided in the supporting text to provide clarity.

113.There is a need to Identify location of non-designated heritage assets on the Policies map.

RECOMMENDATION 13

Amend the policy as follows;

“Development affecting non-designated heritage assets listed below will be considered in relation to policy LD4 Historic Environment and Heritage in the Core Strategy. Where other non-designated heritage assets, which are not identified, are affected by development proposals, such proposals will also be assessed in relation to this policy.

Insert the list of identified non-designated heritage assets.”

Insert a new paragraph at the end of the Background/Justification section, as follows:

“This policy is in accordance with guidance in the NPPF and the Core Strategy policy LD4 Historic Environment and Heritage. It identifies sites which merit the status on non-designated heritage assets and allows for other sites to be considered under the terms of this policy when they are also considered of appropriate status.”

Identify location of all non-designated heritage assets on the Policies map. It may be necessary to create a separate policies map for this purpose

POLICY P12 Dark Skies

114.This policy is in conformity with the NPPF paragraph 125 that identifies the scope to protect dark skies. I consider this rural area benefits from dark skies and there is a justification for their protection from light pollution.

115.The policy is proportionate in its requirements and acceptable.

POLICY P13 Traffic and Transport

116.The term encouraged is rather vague and unsuitable for use within a planning policy.

117.The improvement of footpaths, cycleways and bridleways, bus and community transport are aspirations to encourage other agencies and not generally development, which requires planning permission and, therefore, should not be expressed as policies.

RECOMMENDATION 14

Amend the policy as follows;

“In the interests of traffic and highway issues, improved car parking in the village centre, particularly at St. Peter’s Church will be supported.”

In the background/justification section amend the second para. as follows;

“The policy identifies that extra car parking is required in the village centre. Priorities, which have been identified, include improved footpaths, cycleways and bridleways and improved bus and community transport services. A Parish Council working group will identify future priorities and projects. ”

SUMMARY

118.I have completed an independent examination of the Neighbourhood Development Plan.

119.The Parish Council has carried out an appropriate level of consultation and clearly shown how it has responded to the comments it has received.

120.I have taken into account the further comments received as part of the consultation under Regulation 16 on the Neighbourhood Planning Regulations 2012.

121.I have recommended modifications to the policies in order to satisfy the basic conditions and to ensure that they provide a clear basis for decision-making in accordance with the national planning policy and guidance and local development plans policies.

122.Subject to these modifications, I am satisfied that the plan meets the basic conditions, as follows:

- a) has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e)the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012)

123.I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

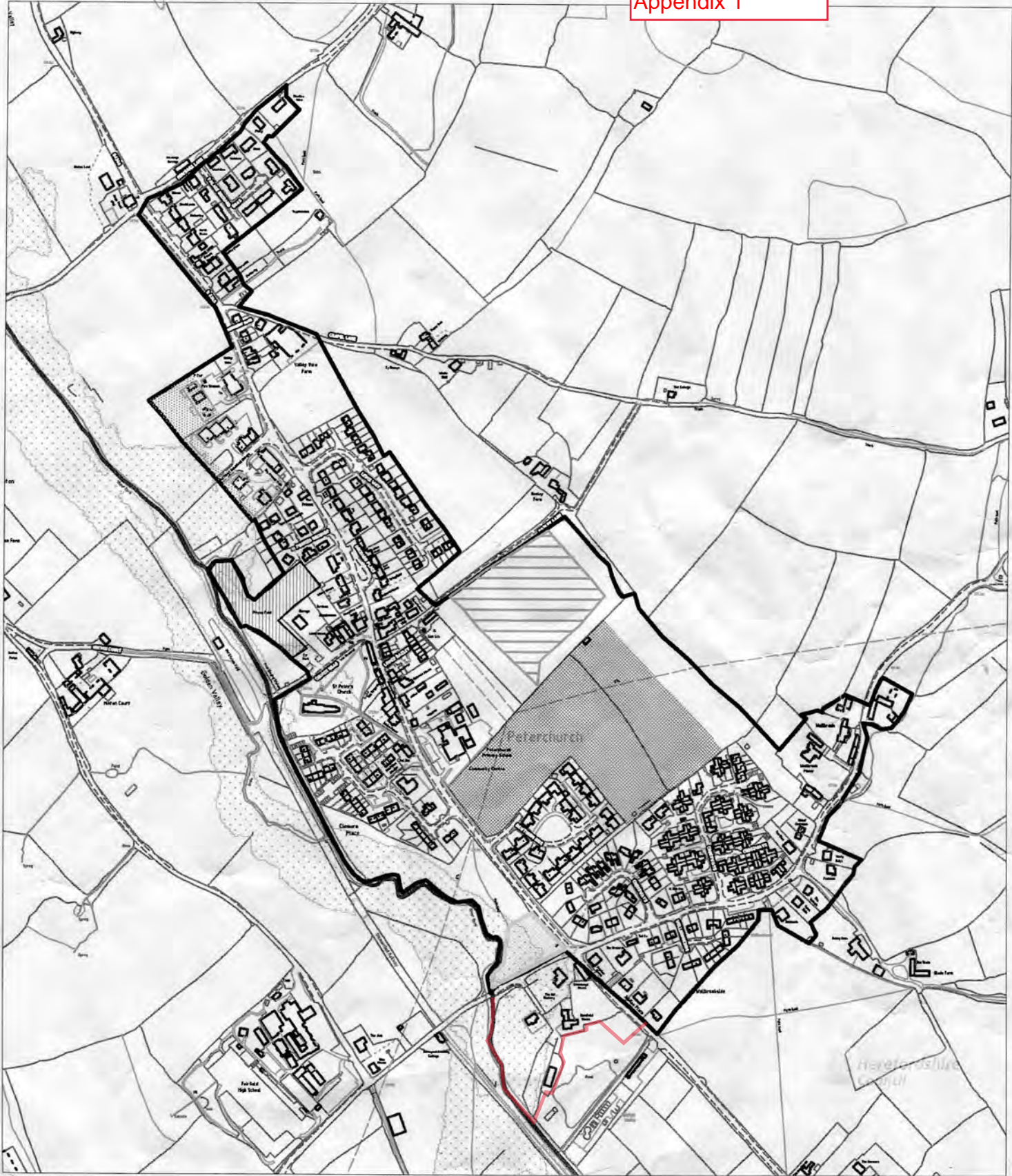
124.I am required to consider whether the referendum area should extend beyond the Neighbourhood Development Plan area and if it is to be extended, the nature of that extension.









125.There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area as they are currently defined.

126.I recommend that the Neighbourhood Development Plan should proceed to a referendum based on the neighbourhood area authorised by Herefordshire Council.


127. I am therefore pleased to recommend that this Neighbourhood Development Plan, as modified by my recommendations, should proceed to a referendum.

Figure 4?



-  Local Green Space (P10/2)
-  Land Liable to Flood
-  Proposed Housing Site (P1/1)
-  Local Wildlife Site (LWS)
-  Peterchurch Settlement Boundary (P1)
-  Improved School Car Parking (P6)
-  Extension to Employment Site (P8/1)
-  Proposed New Recreation Area (P10/1)

Peterchurch village Policies Map

 Amended settlement boundary

Scale 1:6,000
at A4 size



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