

Independent Examiners '
Report of the Hope-under-
Dinmore and Newton '
Neighbourhood
Development Plan '

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SECTION 1'

SECTION 1'

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SECTION 2

Summary

As the Independent Examiner appointed by Herefordshire Council to examine the Hope-under-Dinmore and Newton Neighbourhood Development Plan, I can summarise my findings as follows:

- 1. ' I find the Hope-under-Dinmore and Newton Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. ' I am satisfied that the Referendum Area should be the same as the Plan Area, should the Hope-under-Dinmore and Newton Neighbourhood Development Plan go to Referendum.*
- 3. ' I have read the Hope-under-Dinmore and Newton Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. ' I find that the Hope-under-Dinmore and Newton Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. ' At the time of my examination the adopted local plan was the Herefordshire Local Plan Core Strategy 2011-2031 (October 2015).*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Hope-under-Dinmore and Newton Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Hope-under-Dinmore and Newton Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Hope-under-Dinmore and Newton Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Hope-under-Dinmore and Newton Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, 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. Having read the plan and considered the representations I did not require further clarification and was satisfied that the Examination could proceed without the need for a Hearing.

2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check 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.*

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).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. *The Plan can proceed to a Referendum*
2. *The Plan with recommended modifications can proceed to a Referendum*
3. *The Plan does not meet the legal requirements and cannot proceed to a Referendum*

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Hope-under-Dinmore and Newton Neighbourhood Development Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether: - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- Contributes to the achievement of sustainable development; and*
- Is in general conformity with the strategic policies contained in the Development Plan for the area.*

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Herefordshire Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Unitary Authority must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

Herefordshire Council appointed me as the Independent Examiner for the Hope-under-Dinmore and Newton Neighbourhood Development Plan with the agreement of Hope-under-Dinmore Group Parish Council.

2. Qualifying body

I am satisfied that Hope-under-Dinmore Parish Group Pouncil is the Qualifying Body.

3. Neighbourhood Plan Area

The designated Hope-under-Dinmore and Newton Neighbourhood Area covers the parishes of Hope-under-Dinmore and Newton. Herefordshire Council, approved the designation on 28th August 2013.

The Basic Conditions Statement submitted with the Hope-under-Dinmore and Newton Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area of the Hope-under-Dinmore and Newton Neighbourhood Development Plan.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Plan Period

It is intended that the Hope-under-Dinmore and Newton Neighbourhood Development Plan will cover the period 2011-2031.

5. Herefordshire Council initial assessment of the Plan (Regulation 15).

Hope-under-Dinmore Group Parish Council, the qualifying body for preparing the Hope-under-Dinmore Neighbourhood Development Plan, submitted it to Herefordshire Council for consideration. Herefordshire Council has made an initial assessment of the submitted Hope-under-Dinmore and Newton Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. Site Visit

Due to clarity of the Hope Under Dinmore Neighbourhood Development Plan and the supporting information I did not consider it necessary to carry out a site visit.

7. The Consultation Process

The Hope under Dinmore Group Neighbourhood Development Plan was sent for examination on 26 July 2016. The examiner's report was received on 11 October 2016.

On 24 November 2016 Hope under Dinmore Group Parish Council voted to withdraw the Neighbourhood Plan at this stage to reformulate the plan and resubmit within the coming months.

Hope under Dinmore Group Parish Council ran a consultation to address the issues raised during the examination in October 2016 to the revised proposals to designation of land at Hope under Dinmore as local green space and to the village settlement boundary.

The Hope-under-Dinmore and Newton Neighbourhood Development Plan has been submitted for examination with a Consultation Report which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;

(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Examination of the documents and representations submitted in connection with this matter have led me to conclude that the consultation process was thorough, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

8.Regulation 16 consultation by Herefordshire Council and record of responses.

The Unitary Authority placed the Hope-under-Dinmore and Newton Neighbourhood Development Plan out for consultation under Regulation 16 from the 23rd November 2017 to the 11th January 2018.

A number of representations were received during the consultation period and these were supplied by the Unitary Authority as part of the supporting information supplied for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate.

9. Compliance with the Basic Conditions

The Hope-under-Dinmore and Newton Neighbourhood Development Plan working Group produced a Basic Conditions Statement. The purpose of this statement is for the Neighbourhood Development Plan Working

Group to set out in some detail why they believe the Neighbourhood Development Plan as submitted does meet the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Hope-under-Dinmore and Newton Neighbourhood Development Plan:

- 1. ' Has regard to national policies and advice*
- 2. ' Contributes to sustainable development*
- 3. ' Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*

Documents brought to my attention by the Unitary Authority for my examination include:

(a) ' The Hope-under-Dinmore and Newton Neighbourhood Development Plan November 2017(resubmission)

This is the main document, which includes the policies developed by the community.

(b) The Consultation Statement (resubmission:)

This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Hope-under-Dinmore and Newton Neighbourhood Development Plan and is supported by an evidence base which arose from the consultation.

(c) Basic Conditions Statement (resubmission)'

This is a statement setting out how Hope-under-Dinmore and Newton Neighbourhood Development ' Plan Working Group consider that the Neighbourhood Development Plan meets the Basic Conditions. ' This statement also includes the screening report for the Strategic Environmental Appraisal and ' Habitat Regulations Assessment. '

(d)Hope-under-Dinmore Group Parish policies map '

(e)Hope-under Dinmore village policies map '

(f)Environmental Report October 2017 '

(g)Habitats Regulations Assessment Addendum October 2017 '

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Hope-under-Dinmore and Newton Neighbourhood Development Plan does, subject to the recommended

modifications, meet the Basic Conditions.

10.Planning Policy

10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan "must be in general conformity with the strategic policies of the local plan". Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

The Hope-under-Dinmore and Newton Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

I have examined the Hope-under-Dinmore and Newton Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan does meet the Basic Conditions in this respect.

10.2. Local Planning Policy- The Development Plan

Hope-under-Dinmore and Newton is within the area covered by Herefordshire Council. The relevant development plan is Herefordshire Local Plan Core Strategy 2011-2031 (October 2015).

I am however satisfied from examining the plan and the evidence supporting it that the policies in the plan, subject to modification are in general conformity to the Strategic Policies of the appropriate Development Plan.

I have considered the Strategic policies of the Development Plan and the Policies of the Hope-under-Dinmore and Newton Neighbourhood Development Plan and consider that, subject to the recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the Herefordshire Local Plan Core Strategy 2011-2031 (October 2015).

11. Other Relevant Policy Considerations

11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a ‘local plan’, the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

A Scoping Report was published by Herefordshire Council in October 2014 and this concluded that, due to the range of environmental designations in and around the Parish, there may be significant environmental effects and that the Neighbourhood Plan:

“will require further environmental assessment for Habitat Regulations Assessment and Strategic Environmental Assessment.”

An environmental appraisal of the Neighbourhood Plan was subsequently undertaken in line with the Environmental Assessment of Plan and Programmes Regulations 2004. The Environmental Report submitted alongside the Neighbourhood Plan concluded that:

“...the Hope under Dinmore NDP is in general conformity with both national planning policy contained in the National Planning Policy Framework and strategic policies set within the Herefordshire Local Plan (Core Strategy). Nor does it propose any growth that would be over and above that prescribed by strategic policies. Therefore, no changes to the NDP are recommended as a result of the SEA.”

As part of the appraisal process, each of the statutory consultees, Natural England, Historic England and the Environment Agency, were consulted. These consultees were consulted on the Scoping Report, an initial Environmental Report and the Submission version of the Neighbourhood Plan together with the final version of the Environmental Report. The views of the statutory consultees were taken into account and incorporated into the final version of the Environmental Report.

None of the statutory bodies has raised any concerns with the submitted Environmental Report.

A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.

Further to the Scoping Report, a Habitats Regulations Assessment was undertaken, a draft version of which was published in October 2015. This recognised the location of the River Wye (including the River Lugg) Special Area of Conservation (SAC) – a European designation - within the proximity of the Neighbourhood Area and concluded that:

“None of the draft Hope-under-Dinmore NDP (November 2015) policies were concluded to be likely to have a significant effect on the River Wye (including the River Lugg) SAC...all of the NDP policies were found to be unlikely to result in significant effects on the River Wye (including the River Lugg) SAC...It is therefore concluded that the Hope-under-Dinmore NDP will not have a likely significant effect on the River Wye (including the River Lugg) SAC.”

Following changes to the Neighbourhood Plan, made between the draft and Submission versions, Herefordshire Council published a HRA Addendum Report in May 2016. This was submitted alongside the Neighbourhood Plan.

In respect of the changes made, the HRA Addendum Report stated that:

“The refinements are not considered to significantly affect the conclusions of the earlier HRA report”

and went on to conclude that:

“...the earlier conclusion that the Hope-under-Dinmore NDP will not have a likely significant effect on the River Wye SAC remains valid.”

As with the Strategic Environmental Assessment, all of the statutory bodies were consulted on the HRA. None of them disagreed with the above conclusion.

Further to all of the above, national guidance establishes that the local planning authority has the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations.

“The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance6)

Having undertaken all of the work that it has in this regard, Herefordshire Council has considered the Neighbourhood Plan’s compatibility with EU obligations. It has raised no concerns in this regard.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

11.2 Sustainable development

The Basic Conditions Statement sets out how the Neighbourhood plan will contribute to the achievement of sustainable development, in addition the plan and its policies has been subject to an SEA (with an addendum to address the resubmission revisions).

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Hope-under-Dinmore and Newton Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

I am satisfied that the Hope-under-Dinmore and Newton Neighbourhood Development Plan subject to the recommended modifications addresses the sustainability issues adequately.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Hope-under-Dinmore and Newton Neighbourhood Development Plan has done so.

I am therefore satisfied that the Hope-under-Dinmore and Newton Neighbourhood Development Plan, subject to modification meets the basic conditions on EU obligations.

11.3 Excluded development

I am satisfied that the Hope-under-Dinmore and Newton Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

11.4 Development and use of land

I am satisfied that the Hope-under-Dinmore and Newton Neighbourhood Development Plan covers development and land use matters.

11.5 The Neighbourhood Plan Strategic Aims and Policies

The Hope-under-Dinmore and Newton Neighbourhood Development Plan Vision in 2031:

That Hope-under-Dinmore and Newton retain their natural beauty and rural character and that residents feel safe, happy and part of a thriving open community.

To help achieve the Vision, the Project Group formulated a series of objectives to guide the detailed planning policies in the next chapters. They are grouped around the three elements of sustainable development: social, environment and economic:

Social and community (chapter 4)

- New homes will be built in small numbers, in a style and setting sympathetic to the nature of the village and surrounding countryside. Any developments must not have an adverse impact on flooding.*
- Local infrastructure will be improved to reduce flood risk, and roads and footpaths kept safe and well maintained.*
- Community facilities such as the church and village hall will be looked after and respected.*

Environment and heritage (chapter 5)

- New development will be in keeping with the distinctive landscape and respect the setting of the village.*
- Residents will be able to appreciate and enjoy local open spaces for amenity and leisure.*
- Queenswood Country Park will be preserved and open access maintained.*
- Natural and historic features will be safeguarded, and their role in the green*

infrastructure network recognised.

- Renewable energy will be promoted, provided any adverse impacts can be managed. Economy and employment (chapter 6)*

- Local small businesses including farming will be encouraged and supported.
 - Improvements to mobile and broadband communications will be actively sought.
- Hope-under-Dinmore Neighbourhood Development Plan 2011-2031

4. SOCIAL AND COMMUNITY

4.1 This chapter of the Plan sets out planning policies to address the following matters:

- Housing development
- Village settlement boundary
- Flood risk
- Community facilities

COMMENT

Having read the Neighbourhood Plan and the supporting documents I am satisfied that the Vision and objectives have been developed as a result of the consultation carried out and that the policies reflect the vision and objectives.

12. Hope-under-Dinmore and Newton Neighbourhood Development Plan Policies

POLICY HUD1: HOUSING STRATEGY

A MINIMUM OF 26 NEW DWELLINGS WILL BE PROVIDED IN THE PLAN AREA UP TO 2031. THE HOUSING REQUIREMENT WILL BE MET THROUGH WINDFALL SCHEMES.

COMMENT

Policy HUD1 states that a minimum of 26 new dwellings will be provided in the Neighbourhood Area over the plan period. This approach meets the indicative housing growth target set in the Core Strategy.

The Policy sets out a positive approach to supporting sustainable growth. It does not seek to set a maximum figure, or to place a cap on housing development.

Whilst the Policy relies on windfalls, evidence has been provided in respect of there being significant scope for at least 20 dwellings to arise through a single windfall opportunity. Permission was granted in March 2016 for the creation of 21 dwellings at Hampton Court Estate.

This permission will deliver 21 dwellings, not the minimum of 26 however the Neighbourhood Plan states:

“As well as new housing coming forward within the village, other windfall units may be expected to arise in the rural area...”

I have no evidence or reason to conclude that this will not be the case.

It should be noted that there is no requirement for Neighbourhood Plans to make housing allocations.

I am satisfied that Policy HUD1 meets the Basic Conditions and is in general conformity with Core Strategy Policy RA1. It is also in general conformity with Core Strategy Policy RA2 (Housing in settlements outside Hereford and the market towns), which states that:

“Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity.”

POLICY HUD2: SETTLEMENT BOUNDARY

A SETTLEMENT BOUNDARY IS DEFINED FOR HOPE-UNDER-DINMORE, AS SHOWN ON THE VILLAGE POLICIES MAP.

A SETTLEMENT BOUNDARY IS DEFINED FOR HOPE-UNDER-DINMORE, AS SHOWN ON THE VILLAGE POLICIES MAP, IN ORDER TO ESTABLISH THE MAIN BUILT UP AREA OF THE SETTLEMENT. WITHIN THE BOUNDARY, HOUSING PROPOSALS WILL BE PERMITTED WHERE THEY MEET LOCAL PLAN POLICY RA2 AND RELEVANT POLICIES OF THIS PLAN. LOCAL PLAN POLICY RA3 AND RELEVANT POLICIES OF THIS PLAN WILL APPLY TO HOUSING PROPOSALS OUTSIDE THE BOUNDARY.

COMMENT

Policy HUD2 establishes a settlement boundary around Hope-under-Dinmore.

This policy has been subject to consultation following revision.

In establishing a settlement boundary, Policy HUD2 is in general conformity with the strategic policies of the development plan for the area. Core Strategy Policy RA3 (Herefordshire’s countryside) states:

“In rural locations, outside of settlements, as to be defined in either Neighbourhood Plans or the Rural Areas Sites Allocations DPD...”

Supporting Paragraph 4.8.23 in the Core Strategy establishes that settlement boundaries “will be defined” in Neighbourhood Plans.

I note above that the Neighbourhood Plan provides for sustainable growth in the Neighbourhood Area in a way that is in general conformity with the Core Strategy and meets the Basic Conditions.

POLICY HUD3: CRITERIA FOR NEW HOUSING DEVELOPMENT

HOUSING PROPOSALS SHOULD: '

1 BE IN KEEPING WITH THE CHARACTER OF THEIR SURROUNDINGS BY VIRTUE OF THEIR SITING ' AND LAYOUT, DENSITY, SCALE, MASSING, DESIGN, LANDSCAPING AND CHOICE OF TRADITIONAL ' MATERIALS; AND '

2 HAVE REGARD TO RESIDENTIAL AMENITY; AND '

3 INCLUDE PROPOSALS FOR THE TREATMENT OF WASTEWATER TO MEET WATER '

QUALITY REQUIREMENTS, AND FOR SUSTAINABLE SURFACE WATER DRAINAGE; AND '

4 PROVIDE FOR RECYCLING AND CYCLE STORAGE; AND '

5 ENSURE SUITABLE AND SAFE ACCESS TO THE HIGHWAY BY PEDESTRIANS, CYCLISTS '

AND VEHICLES. '

COMMENT '

I have no comment on this policy. '

POLICY HUD4: FLOOD RISK '

DEVELOPMENT PROPOSALS GIVING RISE TO FLOOD RISK IMPLICATIONS SHOULD: '

1 DEMONSTRATE THAT FLOOD RISK WILL NOT BE INCREASED ELSEWHERE; AND '

2 DEMONSTRATE THAT THE DEVELOPMENT IS SUITABLY FLOOD RESILIENT AND RESISTANT, INCLUDING SAFE ACCESS AND EGRESS ROUTES, TAKING INTO ACCOUNT THE FLOOD RISK TO THE ADOPTED HIGHWAY IN THE VILLAGE OF HOPE-UNDER- DINMORE; AND

3 ENSURE THROUGH SUSTAINABLE DRAINAGE THAT THE EXISTING RATE OF SURFACE WATER RUN-OFF IS NOT EXCEEDED AND THAT BETTERMENT IS ACHIEVED WHEREVER POSSIBLE; AND

4 REDUCE FLOOD RISK BY INCORPORATING FLOOD STORAGE COMPENSATION MEASURES OR OTHER BETTERMENT TO DELIVER POSITIVE ENHANCEMENT TO THE LOCAL FLOOD RISK REGIME, HAVING REGARD TO ASSESSED OPTIONS.

CULVERTING PROPOSALS, PARTICULARLY IN RESPECT OF THE CHERRY BROOK WITHIN OR ADJACENT TO THE VILLAGE OF HOPE-UNDER-DINMORE, SHOULD BE AVOIDED EXCEPT WHERE SHOWN TO BE NECESSARY FOR ACCESS.

COMMENT

I have no comment on this policy

POLICY HUD5: COMMUNITY FACILITIES

PROPOSALS FOR NEW COMMUNITY FACILITIES IN AND ADJACENT TO THE VILLAGE WILL BE SUPPORTED WHERE THEY ARE ACCESSIBLE BY A CHOICE OF TRANSPORT MODES AND DO NOT COMPROMISE RESIDENTIAL AMENITY.

COMMENT

I have no comment on this policy.

POLICY HUD6: LANDSCAPE CHARACTER

PROPOSALS IN OR ADJACENT TO THE VILLAGE OF HOPE-UNDER-DINMORE SHOULD PROTECT AND ENHANCE ITS LANDSCAPE SETTING AND CHARACTER, PARTICULARLY WITH REGARD TO SETTLEMENT PATTERN, TOPOGRAPHY AND THE EXTENT OF ESTABLISHED WOODLAND COVER.

COMMENT

I have no comment on this policy.

POLICY HUD7: LOCAL GREEN SPACE

LAND TO THE REAR OF TAVERN MEADOW IS DESIGNATED ON THE VILLAGE POLICIES MAP AS LOCAL GREEN SPACE. DEVELOPMENT OF THE LOCAL GREEN SPACE WILL NOT BE PERMITTED UNLESS VERY SPECIAL CIRCUMSTANCES ARISE WHICH OUTWEIGH THE NEED FOR PROTECTION.

COMMENT

I have given very careful consideration to this policy. The National Planning Policy Framework sets out very clear tests to be applied to the designation of a Local Green Space:

“77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;*
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- where the green area concerned is local in character and is not an extensive tract of land. “*

It is clear that in order to be able to designate a Local Green Space ALL the tests must be passed. I

have considered the proposed green spaces against these tests:

1. *' Where the green space is in reasonably close proximity to the community it serves.
The area in question lies immediately adjacent to, but outside the revised development boundary for Hope- Under Dinmore. It can therefore be concluded that it is in relatively close proximity to the community it serves.*
2. *' Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife
I have read the representations received in relation to this policy. Public access is limited to public footpaths crossing the land which is similar to various other parcels of land surrounding the village. Although further evidence has been provided as a result of additional community consultation, I have not been provided with any convincing evidence to persuade me that this area has any particular “beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife “which differentiates it from other land around the village. I therefore conclude that this test is not met.*
3. *' Where the green area concerned is local in character and is not an extensive tract of land.
I accept that the land is local in character. I have deliberated as to whether or not it could be considered an extensive tract of land. The area is large however on balance I do not consider it is an extensive tract of land.*

In conclusion, having regard the National Planning Policy Framework I find that the proposed Local Green Space does not pass the tests as set out in paragraph 77 and in order to meet the Basic Conditions Policy HUD7 should be deleted.

POLICY HUD8: BIODIVERSITY

THE CONSERVATION, RESTORATION AND ENHANCEMENT OF BIODIVERSITY WILL BE SUPPORTED, ESPECIALLY WHERE THIS CONTRIBUTES TO LOCAL CHARACTER AND GREEN INFRASTRUCTURE.

COMMENT

I have no comment on this policy.

POLICY HUD9: HERITAGE ASSETS

THE CONSERVATION, RESTORATION AND ENHANCEMENT OF HERITAGE ASSETS, IN A MANNER APPROPRIATE TO THEIR SIGNIFICANCE, WILL BE SUPPORTED.

COMMENT

I have no comment on this policy.

POLICY HUD10: RENEWABLE ENERGY

PROPOSALS FOR SMALL-SCALE RENEWABLE ENERGY GENERATION WILL BE SUPPORTED. PROPOSALS ARE ENCOURAGED TO TAKE INTO ACCOUNT:

1 HERITAGE ASSETS AND THEIR SETTINGS, INCLUDING ASSOCIATED VIEWS; AND

2 LANDSCAPE AND SETTLEMENT CHARACTER, INCLUDING SETTING OF THE VILLAGE;

AND

3 BIODIVERSITY; AND

4 LOCAL AND RESIDENTIAL AMENITY; AND

5 HIGHWAY SAFETY AND CAPACITY.

COMMUNITY-LED RENEWABLE ENERGY PROPOSALS WHERE BENEFITS CAN BE DEMONSTRATED ARE ENCOURAGED.

COMMENT

I have no comment on this policy.

POLICY HUD11: EMPLOYMENT DEVELOPMENT

PROPOSALS WHICH WOULD RESULT IN THE LOSS OF EXISTING EMPLOYMENT LAND AND PREMISES WILL BE REQUIRED TO DEMONSTRATE THAT THE EXISTING USE IS NO LONGER ECONOMICALLY VIABLE.

COMMENT

I have no comment on this policy.

POLICY HUD12: COMMUNICATIONS INFRASTRUCTURE

PROPOSALS FOR THE PROVISION OF COMMUNICATIONS AND BROADBAND INFRASTRUCTURE WILL BE SUPPORTED BY ENSURING:

1 THAT DEVELOPMENT REQUIRED FOR BROADBAND AND COMMUNICATIONS SERVICES IS WELL-DESIGNED AND SITED, CONSISTENT WITH TECHNICAL AND OPERATIONAL REQUIREMENTS AND THE DELIVERY OF SERVICE IMPROVEMENTS; AND

2 THAT NEW DEVELOPMENTS INCORPORATE SUITABLE ADVANCE PROVISION FOR SUCH TECHNOLOGY.

COMMENT

I have no comment on this policy.

SECTION 5

Conclusion and Recommendations

1. ' *I find that the Hope-under-Dinmore and Newton Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
2. ' *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
3. ' *The Hope-under-Dinmore and Newton Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
4. ' *The Strategic Environmental Assessment and Habitats Regulations Assessment screening, meet the EU Obligation.*
5. ' *The policies and plans in the Hope-under-Dinmore and Newton Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Herefordshire Local Plan Core Strategy 2011-2031 (October 2015).*
6. ' *I therefore consider that the Hope-under-Dinmore and Newton Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD

Planning Consultant

NPIERS Examiner

CEDR accredited mediator

28th March 2018

