

Yarkhill Neighbourhood Development Plan (

Independent Examiner's Report

May 2018

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Appendix 1 Background Documents

Summary

I have been appointed by Herefordshire Council to carry out an independent examination of the Yarkhill Neighbourhood Development Plan.

The examination was carried out in April/May 2018 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Plan area on 5 April and 2 May 2018.

The plan is based on well-researched evidence, extensive engagement with the local community and provides a distinct set of policies, relevant to the needs of local people. The plan allocates two sites for a combined total of between 10 and 12 new dwellings, which together with existing commitments and planning consents means that the plan will meet the housing requirements of the adopted Herefordshire Local Plan Core Strategy.

Subject to a number of modifications set out in this report, I conclude that the Yarkhill Neighbourhood Development Plan meets the Basic Conditions and I am pleased to recommend that it should proceed to referendum.

I recommend that the referendum should be confined to the Neighbourhood Plan area.

Barbara Maksymiw

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1. Introduction

1. Neighbourhood planning is a relatively new process, introduced by the Localism Act 2011, which enables local communities to develop planning policies to guide development in their area and help to shape the places where they live and work.

2. The parish of Yarkhill is located to the east of Hereford and to the north west of Ledbury, in the county of Hereford. The three main settlements are Yarkhill, Monkhide and Newtown with a few smaller settlements and farmsteads scattered across the more rural parts of the parish. The River Loddon and River Frome help shape the fertile rural valleys of the Parish. Originally a predominantly farming community, the area was well known for its cider orchards and hop picking as well as its distinctive Hereford cattle. Today it is a small parish of around 130 dwellings whose population has gradually declined in recent years, with agriculture continuing to be an important sector for those who are economically active.

3. The purpose of this report is to assess whether the Yarkhill Neighbourhood Development Plan complies with the relevant legislation and meets the Basic Conditions, which such plans are required to meet. Where necessary, the report makes recommendations about changes or modifications to the plan to ensure that it meets the legislative requirements.

4. The report also makes a recommendation about whether the Neighbourhood Development Plan should proceed to the referendum stage. If there is a positive recommendation at referendum, the Neighbourhood Development Plan can be “made” by Herefordshire Council and so become part of the wider development plan and then used by Herefordshire Council to determine planning applications in the plan area.

2. Appointment of the independent examiner

5. I have been appointed by Herefordshire Council with the agreement of Yarkhill Parish Council to carry out this independent examination. The Neighbourhood Planning Independent Referral Service (NPIERS) has facilitated my appointment. I am a chartered town planner with extensive planning experience in local government and therefore have the appropriate qualifications and experience to carry out this examination. I am independent of the qualifying body and have no land interest in the area that might be affected by the plan.

3. The role of the independent examiner

6. The role of the independent examiner is to ensure that the submitted Neighbourhood

Development Plan meets the Basic Conditions together with a number of legal requirements.

7. In examining the Neighbourhood Development Plan I am required, under Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990, to check ¹ that:

- the policies in the plan related to the development and use of land for a designated ! neighbourhood area; and !
- the policies in the plan meets the requirements of Section 38 of the Planning and Compulsory Purchase Act (that is, it specifies the period to which it has effect, does not include provision about excluded development and does not relate to more than one neighbourhood area); and
- the plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body

8. I must also consider whether the Neighbourhood Development Plan meets the Basic Conditions set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). A plan meets the basic conditions² if:

- 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 plan contributes to the achievement of sustainable development
- the making of the neighbourhood plan is in general conformity with the strategic policies of the development plan for the area
- the making of the neighbourhood plan does not breach, and is otherwise compatible with European Union (EU) obligations

9. Regulations 32 and 33 of the Neighbourhood Planning Regulations 2012 (as amended) set out two additional basic conditions. These are:

- the making of the neighbourhood plan is not likely to have significant effects on a European site ³ or a European offshore marine site ⁴ either alone or in combination with other plans or projects and
- having regard to all material considerations, it is appropriate that the neighbourhood

¹ Set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act (as amended)

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

development order is made where the development described in an order proposal is Environmental Impact Assessment development (this does not apply to this examination as it is not about a neighbourhood development order).

10. As independent examiner, having examined the plan, I am required to make one of the following recommendations:

- that the plan as submitted can proceed to a referendum; or
- that the plan with recommended modifications can proceed to referendum; or
- that the plan does not meet the necessary legal requirements and cannot proceed to referendum

11. The independent examiner can only recommend modifications to ensure that the Neighbourhood Development Plan meets the Basic Conditions and other legislative requirements, or for the purpose of correcting errors.

12. If the plan can proceed to 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.

13. Herefordshire Council will consider the examiner's report and decide whether it is satisfied with the examiner's recommendations and will publicise its decision on whether the plan will be subject to referendum, with or without modifications. If a referendum is held and results in more than half of those voting in favour of the plan, the Council must "make" the neighbourhood plan a part of its development plan. The plan then becomes part of the development plan for the area and is a statutory consideration in guiding future development and determining planning applications in the area.

4. Compliance with matters other than the basic conditions

14. Yarkhill Parish Council started the process of preparing a neighbourhood plan in 2016 and a formal submission was made to Herefordshire Council to designate the parish as a neighbourhood area in May 2016. On 5 July 2016, Herefordshire Council designated the parish of Yarkhill as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012. The designated area covers the parish of Yarkhill and does not cover any other neighbourhood area and the qualifying body is Yarkhill Parish Council. The preparation of the plan has been managed by

a Steering Group made up of interested local residents and Parish Councillors which was established in August 2016. The steering group has also been supported in its work by Kirkwells, acting as independent planning consultants.

15. I am satisfied that the Neighbourhood Development Plan includes policies that relate to the development and use of land and does not include provision for any excluded development. The plan period to which it relates is specified as 2017-2031, which aligns with the adopted Herefordshire Core Strategy which runs from 2011 to 2031.

16. The Yarkhill Neighbourhood Development Plan therefore meets the requirements set out in para 7 above.

5. The examination process

17. The documents which I considered during the course of the examination are listed in Appendix 1.

18. The general rule⁵ is that an examination is undertaken by the consideration of written representations only. Having considered all the information before me, including the representations made to the submitted plan (the Regulation 16 responses), I was satisfied that the Yarkhill Neighbourhood Development Plan (NDP) could be examined without the need for a public hearing.

19. During the course of the examination it was necessary to clarify several factual matters with Herefordshire Council and the Parish Council. I was provided with prompt and helpful responses to my requests and I am satisfied that I had all the information I required to carry out the examination.

20. As part of the Neighbourhood Plan Examination process, it is important for the examiner to understand the context of the neighbourhood plan in the wider area and its overall character, as these shape the issues and policies set out in the plan. I therefore made unaccompanied site visits to the area on 5 April and 2 May 2018.

21. On 5 March 2018 an updated version of the National Planning Policy Framework was published for consultation. As this is not yet the final version of the NPPF and there may therefore be subsequent changes in the final document, I have not taken it into account in my consideration of the Yarkhill NDP.

⁵ PPG para 004 ref id 41-004-20140306

6. Consultation

Consultation process

22. Effective consultation and engagement with the local community is an essential component of a successful neighbourhood plan, bringing a sense of public ownership to its proposals and helping to achieve consensus. The policies set out in the NDP will be used as the basis for planning decisions – both on local planning and on planning applications – and, as such, legislation requires neighbourhood plans to be supported by public consultation.

23. In line with the Neighbourhood Planning (General) Regulations 2012⁶, the Steering Group, has prepared a Statement of Consultation for the NDP which sets out how the group approached public consultation, who was consulted and the outcomes.

24. The Parish Council applied to Herefordshire Council to designate the parish as a neighbourhood plan area on 20 May 2016 and the plan area was formally designated on 5 July 2016.

25. A dedicated website for the plan was launched shortly afterwards followed by the formation of the Steering Group on 18 August 2016. A questionnaire survey was circulated to all parish residents in November 2016 and this was used to identify the main issues which the NDP would need to address. This was followed by a Business Survey in early 2017. To ensure that the housing needs identified in the Herefordshire Local Plan Core Strategy (LPCS) could be met, the Group also carried out a Call for Sites and Sites Assessment exercise between Summer 2016 and Spring 2017, to identify potential development sites.

26. A Village Consultation event was held in May 2017, to publicise the Preferred Options Draft Plan. The information gathered was used to inform the scope and content of the next stage of plan preparation.

27. The first formal consultation on the Pre-Submission Draft Neighbourhood Development Plan followed between 21 July and 22 September 2017; wisely, this was a nine-week period to allow for the summer break.

28. It is clear from the Consultation Statement that the Steering Group has engaged widely with the local community and kept people informed as the plan progressed. This consultation process has helped to develop the vision for the plan and ensure that the vision and objectives on pages 17 to 19

⁶ Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

of the NDP have been clearly shaped by the views and priorities of the community. The vision for the plan is:

- 1. By 2031 Yarkhill Parish will have grown by at least 14% to meet the requirements of the Herefordshire Local Plan Core Strategy*
- 2. New development respects and enhances the historical and rural character of Yarkhill Parish and is designed to integrate successfully with the existing built form and the wider landscape*
- 3. Residents in Yarkhill Parish enjoy a high quality of life. Increases in local population growth are supported by a commensurate level of development of employment opportunities, improved access to community facilities, and investment in infrastructure to ensure the future sustainability of our community*
- 4. The Parish should retain its own identity as a very rural community of small scattered * settlements set within attractive Herefordshire countryside **

29. The Regulation 14 version of the plan was modified as a result of the outcome of consultation and further discussion about settlement boundaries at Newtown in autumn 2017.

30. The Submission version of the NDP was prepared in early autumn 2017 and the Regulation 16 consultation was carried out by Herefordshire Council between 5 January and 16 February 2018.

Representations received

31. Preparing the Neighbourhood Development Plan has involved two statutory six-week periods of public consultation. The first, on the Pre-Submission Regulation 14 Draft Plan, took place between 21 July and 22 September 2017. In all, 22 representations were received.

32. The second consultation on the Submission Draft plan was managed by Herefordshire Council and took place between 5 January and 16 February 2018. This generated 14 responses.

33. Occasionally in this report I refer to representations and identify the organisation making that particular comment. However, I have not referred to every representation in my report. Nonetheless, I can assure everyone that each comment made has been looked at and carefully considered.

34. From the evidence in front of me, it is apparent that the Yarkhill NDP has been subject to appropriate community engagement involving much time and effort by the Steering Group, with the support of Kirkwells. They are to be congratulated for all their sustained efforts and achievements and for producing a succinct and well-presented Neighbourhood Development Plan. I am therefore

satisfied that the consultation process which has been followed complies with the requirements of the Regulations.

7. Compliance with the basic conditions

35. In my role as independent examiner I must assess whether the Plan meets the Basic Conditions⁷ set out in the Regulations as described in para 12 above.

36. I have considered the Yarkhill Neighbourhood Development Plan Basic Conditions Statement produced by the Steering Group, with assistance from Kirkwells, and other supporting documentation to assist my assessment which is set out below. On a point of detail, neither the Basic Conditions Statement nor the Consultation Statement are dated and I think it would be helpful if dates were added to the final documentation supporting the NDP so that it is clear when they were produced.

- **Recommendation: Add the relevant date of production to the Basic Conditions Statement and the Consultation Statement**

National Policy

37. National planning policy is set out in the National Planning Policy Framework (NPPF) and in the supporting Planning Practice Guidance (PPG). At the heart of the planning system is a presumption in favour of sustainable development, which applies to all levels of plan making. For neighbourhood plans, this means that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to shape local development. Included in the twelve core principles of the NPPF⁸ is a requirement for neighbourhood plans which provide a practical framework within which decisions on planning applications can be made in a confident and consistent manner. Policies also should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.

38. Table 1 of the Basic Conditions Statement sets out a comprehensive assessment of how each of the core planning principles of the NPPF are taken into account in the Yarkhill NDP. The NDP therefore satisfies the basic condition that it has regard to national policies and advice.

⁷ Para 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

⁸ NPPF para 16 and 17

Sustainable development

39. The qualifying body has to demonstrate how a neighbourhood plan contributes to the achievement of sustainable development as set out in the NPPF⁹.

40. Table 2 of the Basic Conditions Statement briefly sets out how the plan contributes to the three aspects of sustainable development. When considered alongside the assessment provided in Table 1, which also assesses the plan's compliance with the NPPF, I conclude that this requirement is met.

Development Plan

41. In terms of the wider planning of Herefordshire as a whole, the Neighbourhood Development Plan has been prepared in the context of the Herefordshire Local Plan Core Strategy (LPCS), which was adopted on 16 October 2015. There is therefore an up to date development plan in place.

42. The Basic Conditions Statement demonstrates a clear understanding of the relationship between the strategic planning policies of the Herefordshire Local Plan Core Strategy, explaining that the neighbourhood plan has to align with the strategic needs and priorities of the wider area. Section 3 of the Neighbourhood Development Plan explains very clearly how the plan complements and does not duplicate the Herefordshire LPCS policies. It is also evident that a number of the policies are designed to support and amplify the policies in the LPCS so that they are relevant to the particular needs and priorities of Yarkhill. Table 3 of the Basic Conditions Statement sets out a very comprehensive assessment of how the policies in the Yarkhill NDP conform with Herefordshire LPCS and the Steering Group are to be congratulated on how well they have tackled this part of the plan preparation process.

43. Herefordshire Council has provided comments on the plan as it has proceeded through the preparation stages and its very helpful Progression to Examination Decision Document (February 2018) confirms the Council's decision under Regulation 17 that the plan should proceed to examination.

44. From my assessment of the plan's policies in the rest of my report, it is evident that the strategic policies of the adopted Local Plan Core Strategy have generally been carried through to the Neighbourhood Development Plan. Therefore, subject to the recommended changes set out in Section 8 below, I conclude that the NDP is in general conformity with the strategic policies of the

⁹ NPPF para 18-219

development plan and therefore this basic condition is met.

Basic Conditions – conclusions

45. I have considered the Basic Conditions Statement, the supporting evidence and representations made to the Yarkhill Neighbourhood Development Plan and I am satisfied that the Plan as submitted follows the general principles set out in national planning policy and contributes to the achievement of sustainable development. It sets out a positive vision for the parish and policies to protect its distinctive character while accommodating development needs.

46. At a practical level, however, a number of the policies in the Submission NDP are not expressed as concisely and precisely as required and I have therefore suggested a number of modifications in Section 8 below to help ensure that the plan accords with national and strategic guidance and therefore meets the basic conditions.

European obligations and Human Rights Requirements

Strategic Environmental Assessment (SEA)

47. The Strategic Environmental Assessment Directive aims to provide a high level of protection to the environment by ensuring that environmental considerations are included in the process of preparing plans and programmes.

48. Herefordshire Council carried out an initial Strategic Environmental Assessment of the Yarkhill NDP in December 2016 to assess whether it required Strategic Environmental Assessment (SEA) or Habitat Regulations Assessment (HRA). The assessment showed that the Neighbourhood Plan area contains a potentially environmentally sensitive area, in that it is in the hydrological catchment of the River Wye, including the River Lugg, Special Area of Conservation (SAC). In view of this, it concluded that a full HRA Screening would be required. This view was confirmed by Natural England.

49. The HRA Screening report published in August 2017 concluded that none of the objectives and policies in the Yarkhill NDP were likely to have a significant effect on the European site. The proposed amendments to the NDP were subject to further screening in December 2017 and again this concluded that the NDP is not likely to have a significant effect on the River Wye SAC – indeed the revisions help to strengthen the protection of the area. The Yarkhill Environmental Report – December 2017- at Section 5, summarises the options that were considered by Yarkhill parish during

the development of the Plan and were assessed as part of the SEA. All the housing site options which were identified through the Call for Sites process were also subject to SEA.

50. I have considered all the relevant background material and I am therefore satisfied that the submitted Yarkhill Neighbourhood Development Plan meets the requirements set out in the SEA Directive so this basic condition is met.

Human rights requirements

51. Section 3.6 of the Basic Conditions Statement explains that consultation on the Yarkhill NDP has been wide ranging and confirms that it is considered that the NP is compatible with the requirements of EU obligations in relation to human rights. No evidence has been submitted to me to suggest otherwise. I am satisfied, then, that the plan does not breach the European Convention on Human Rights obligations.

Other Directives

52. I am not aware of any other European Directives that would apply to this Neighbourhood Development Plan, and in the absence of any evidence to the contrary, I am satisfied that the plan is compatible with EU obligations.

8. Neighbourhood Plan policies

53. This section of my report considers the text of the NDP and assesses the policies set out in the Neighbourhood Development Plan against the basic conditions.

54. The Plan is clearly written and well-illustrated and the Steering Group are to be congratulated on producing a well-presented plan. All of the policies relate to the development and use of land and none cover excluded development, such as minerals and waste, so the statutory requirements and guidance set out in Planning Practice Guidance¹⁰ are met.

55. The maps in the NP are all well-presented and the areas to which the various policies apply are all very clear. However, Map 1 on page 4 of the plan, which shows Yarkhill Neighbourhood Plan Area and Parish Boundary, is rather difficult to read and place names and road numbers are almost illegible. I therefore suggest substituting this for the Yarkhill Neighbourhood Area map which is on the Council's website. This has the advantage of being on an Ordnance Survey base and shows

¹⁰ Planning Practice Guidance PPG para 004

Yarkhill and its location in relation to neighbouring settlements and parishes. I have also considered whether it would be helpful to have a composite Proposals Map which covers all the proposals and land use designations proposed in the NDP but realise that this would potentially be a complex map with some overlapping designations. I therefore leave it to the Steering Group, with advice from Herefordshire Council, to consider whether such a plan would be a helpful and practical addition to the plan.

Recommendation: Delete Map 1 and replace with Yarkhill Neighbourhood Area Map. Consider adding a composite Proposals Map to the NDP.

56. As part of this examination, my report includes a series of recommended modifications to ensure that the policies are expressed concisely and precisely in order to comply with the basic conditions. Where I have suggested modifications, these are identified in **bold text**. The recommended modifications relate mainly to issues of clarity and precision and are designed to ensure that the plan fully accords with national and strategic policies. I have considered the policies in the order they appear in the Plan, by section and comment on all of the policies, whether I have suggested modifications or not. Where I consider that the supporting paragraphs need amendment to help explain and justify the plan policy, I have made comments to that effect.

1. Introduction and Background

57. This section explains the role of the NDP and how it has been prepared and I have no comments to make.

2. A Portrait of Yarkhill

58. This section provides a very helpful pen portrait of the parish and the issues it faces and again I have no comments to make.

3. Planning Policy Context

59. This section explains the national and more local, Herefordshire, planning policy context in which the Yarkhill NDP is set. My only comment is that the references to Fig 4.14 and Fig 4.15 in para 3.8 are in fact references to Figures in the adopted Herefordshire Local Plan Core Strategy, rather than to Figures in the NDP. As this might not be immediately apparent to those unfamiliar with the LPCS, I suggest that para 3.8 is reworded to make this clear.

- **Recommendation: Insert “(Herefordshire LPCS” before “(Fig 4.14)” and “Herefordshire**

LPCS" before "Fig 4.15" in paragraph 3.8

4. Vision and Objectives

60. This section outlines the vision, ambition and objectives of the plan. I have no comments to make.

5. Yarkhill NDP Planning Policies

61. This short factual section introduces the NDP Planning Policies and Map 4 which is the Policies Map.

62. Map 4 only covers part of the NDP area and is probably better described as a map showing the settlement boundaries and the site allocations. To be useful to future decision-makers, I suggest that it is retitled accordingly. The key also needs to specify that the site allocations are for housing.

- **Recommendation: Change title of Map 4 on page 21 to "Map 4: Settlement Boundaries and Housing Allocations". Add "Housing" before "Site Allocation" in the key**

6. Housing

63. This section outlines the amount of housing growth which the NDP is expected to provide, in line with the adopted Herefordshire LPCS and the approach taken to site selection. The overall requirement is for at least 18 houses to be provided over the period 2011- 31. At the time of drafting the Reg 16 version of the NDP, there had been 4 house completions and 5 houses granted planning consent, leaving a residual requirement of around 9 dwellings. Although the amount of growth required is quite modest, opportunities are limited as only Newtown is identified in the LPCS as a settlement where growth should be focussed, with Monkhide being designated as a settlement where proportionate housing is appropriate.

64. The Steering Group, supported by the consultants, carried out a Call for Sites exercise in winter 2016/17, which resulted in a total of 13 sites coming forward. These sites were subject to a full assessment and 4 of these were identified as suitable proposed allocations in the Sites Assessment Report. These sites were Site 12 at Squirrels Nest, and Site 13 at Rosedale, both in Lower Eggleton(Newtown) and Site 9 Little Woodmanton and Site 10 The Acorns, both at Yarkhill. Views on these proposed allocations were then sought through the Reg 14 consultation process.

65. Following representations from Herefordshire Council, amongst others, two sites were removed

on the grounds of being too remote from the settlement of Monkhide, being located in the open countryside. This left the two sites at Lower Eggleton (Newtown), renumbered as Sites 1 and 2, which were consulted on as potential allocations in the Reg 16 consultation in early 2018. Together they could provide between 10 and 12 houses. Therefore, when added to completions and existing planning consents, these allocations should meet the LPCS housing growth target of at least 18 new houses over the plan period.

66. A number of representations were made about the site allocations and the drawing up of the settlement boundaries.

67. Mr Fry was concerned about the non-allocation of the Old Brickworks site at Newtown which he suggested could be capable of accommodating up to 16 dwellings but was not assessed through the Call for Sites Assessment process, as the developer provided no response to the call for sites process. I note also that the site is subject to a number of constraints which could limit its suitability for housing development, notably highways and drainage constraints which were evidenced in the planning application for the site which was refused planning consent on 3 May 2017. It is also of a scale – at 16 dwellings – which is well above the site threshold for housing sites (six dwellings) which the community had agreed was appropriate for the parish of Yarkhill.

68. Mr Fry, through his agents, made representations at the both at the Reg 14 and Reg 16 stage and was also afforded the opportunity to explain his views about the site at a special meeting of the NDP Steering Group on 12th October 2017. The Special NDP Steering Group meeting on 31st October confirmed its view that the settlement boundary of Newtown should not be extended to include the site. It was therefore not included as an allocation or within the settlement boundary in the Reg 16 version of the plan.

69. In terms of compliance with the Basic Conditions, the issue is whether the allocations in the NDP are sufficient to meet the housing requirements set in the LPCS. I conclude that Site 1 at Squirrels Nest and Site 2 at Rosedale are sufficient to meet the NDP needs and no further allocations are necessary.

Policy Y1: Site Allocations for New Housing

70. This policy allocates two sites for new housing development at Squirrels Nest and at Rosedale, each of which are mapped. Together they can provide between 10 and 12 houses which will meet the housing requirement target set on the LPCS. The policy therefore complies with the Basic Conditions.

Policy Y2: Settlement Boundaries

71. The definition of settlement boundaries is an important task which the Herefordshire LPCS (Policy RA2) delegates to neighbourhood plans and paras 6.16 to 6.24 explain how the Steering Group went about defining settlement boundaries for Newton and Monkhide.

72. Two representations were made about the settlement boundaries at the Reg 16 stage – one regarding the exclusion of land adjacent to Northcroft at Newtown Cross and the other regarding the settlement boundary at Monkhide.

73. Mrs Williams, through her agent, was afforded the opportunity to attend the Special Meeting of the NDP Steering Group on 12th October 2017 to explain their views. A suggested revision to the settlement boundary to include land adjacent to Northcroft was rejected by the Steering Group on 31st October and no changes were made to the settlement boundary in the Reg 16 version of the NDP.

74. I sought clarification from Herefordshire Council and the Parish Council about the settlement boundary changes which were discussed at this meeting - see my questions in Appendix 2.

75. While recognising that the site is well screened and parts of the site appear disused, I share the concerns of the Parish Council about access to the site and, given that other sites have been identified to meet the housing needs in the LPCS, I conclude that no change to the settlement boundary is warranted.

76. Another representation was concerned that the settlement boundary identified for Monkhide meant that there was no capacity to deliver windfall sites. I considered this matter on my site visit and saw that Monkhide consisted of around twenty dwellings scattered along the main street of the settlement, a number of which are on largish plots with gardens and all of these are included within the settlement boundary. In addition, the extensive site at Monksbury Court has its own separate settlement boundary identified, so I conclude that there is scope for some very modest infilling in Monkhide in line with the strategic guidance in RA3.

77. When assessing against the Basic Conditions, the issue in terms of conformity is whether the settlement boundaries have been drawn up in line with the guidance set out in the LPCS. Herefordshire Council sets out detailed guidance on the drawing up of such boundaries in Neighbourhood Planning Guidance Note 20 Guide to Settlement boundaries April 2013 - Revised June 2015.

78. I have carefully considered the points raised by the representors and consider that the NDP has struck an appropriate balance between the need to accommodate modest growth, on the one hand, and the need to maintain the character of the rural settlements, in line with the strategic guidance in the LPCS.

79. In conclusion, I am satisfied that the Neighbourhood Plan has demonstrated that it meets the Core Strategy requirement to provide for a minimum of 18 dwellings between 2011 and 2031 in the two villages through existing commitments and completions and development on the sites allocated.

80. The settlement boundaries therefore comply with the Basic Conditions and I do not propose any amendments.

81. The new settlement boundaries are shown in two separate maps – Map 7 and 8 – with the overarching title Policy Y2 Settlement Boundaries. In practice however, the planning policy which relates to development within the settlement boundaries is Policy Y3, so a separate policy Y2 is not in fact necessary. I therefore suggest that these policies are merged to form one composite policy. This will necessitate some renumbering of the rest of the policies in the plan, from current policy Y3 onwards.

- **Recommendation: Delete “Policy Y2” at the end of paragraph 6.24 and substitute “Maps 7 and 8”. Change title of plan on page 31 to “Policy Y3 Settlement Boundaries”. Renumber Policy Y3 as Y2 and renumber all subsequent policies accordingly**

Policy Y3: Housing Development within the Settlement Boundaries of Newtown and Monkhide

82. Policy Y3 accords generally with the policies in the LPCS and provides local guidance which is relevant to the needs of Yarkhill Parish. My only comment is that clause 11, which says that all development should be in accordance with other policies in the NDP, is superfluous since the NDP will be considered and read as a whole. It therefore should be deleted.

- **Recommendation: Delete clause 11 of Policy Y3**

Policy Y4: Conversion of Former Agricultural Buildings for Residential Use

84. This policy provides guidance on the conversion of former agricultural buildings and is generally aligned with LPCS policies RA3 and RA5. However, the last clause would benefit from being more locationally specific to comply with policy RA5 so I suggest the addition of “rural locations” to the text.

- **Recommendation: Add “rural locations” after “hamlets in” in the fourth paragraph of Policy Y4**

7. Employment

85. This section outlines the key employment issues in the parish and is useful background to the policies which follow. There is a minor typo in para 7.2 which should be corrected.

- **Recommendation: Change “reminder” to “remainder” in line 5 of para 7.2**

Policy Y5: Protecting Existing Areas of Employment and Encouraging Investment in Business Opportunities

86. Protecting existing employment areas is an important objective of the NDP and Policy Y5 seeks to achieve this, as well as supporting new employment development of an appropriate scale and type. Four locations are listed in the policy and I sought clarification from Herefordshire Council and the Steering Group about their location and site area. My questions are appended as Appendix 2 to this report.

87. It is important that the NDP provides sufficient guidance for future decision- makers, so the plan needs to provide a little more information about the areas to which policy Y5 applies.

88. As the Parish Council has noted, the plans that they supplied are indicative, and they have made a judgement about the extent of the area of land adjacent to the existing businesses that may have potential for development. I visited each of these sites on a second site visit on 2 May. I could see that the extent of the site at Baddy Marsh Farm was particularly difficult to define and seemed to include one or two dwellings and their respective gardens. As these site areas have not been subject to public consultation through the NDP process, I suggest that the locations of these employment sites are indicated on a plan using a symbol rather than a precise site boundary.

- **Recommendation: Add a new Map 9 between pages 38 and 39 to show the four locations at Acorn Park, Newtown Cross, Baddy Marsh Farm and Whitwick Manor, using a symbol notation**
- **Add “as shown in Map 9” after “Whitwick Manor” in the first paragraph of Policy Y5**

89. Herefordshire Council commented that to comply with policies RA6 and E2, the reference to broadband and other relevant communication networks provision should be qualified by the addition of the words “where appropriate” at the end of the policy.

- **Recommendation: Add “where appropriate” after “communications networks” in the last line of Policy Y5.**

Policy Y6: Supporting Rural Diversification

90. This policy develops the approach to rural diversification set out in the LPCS in the context of the Parish of Yarkhill. My only comment is that the last paragraph of the policy is rather generic and would be better expressed if it linked back to the type of development it covers.

- **Recommendation: Add “appropriate to the scope and type of business use” after “car parking” in the last paragraph of policy Y6**

Policy Y7: Tourism

91. This policy seeks to encourage tourism related development, while recognising that Yarkhill is not a natural haven for tourists to visit. It complies with the Basic Conditions and I have no comments to make.

8. Transport and Infrastructure

92. The NDP acknowledges that traffic and transport are significant issues across the Parish and I could see from my site visit that the junction of the A4103 and A417 at Newtown continues to be a particularly busy point in the road network.

Policy Y8: Traffic and Transport

93. Policy Y8 complements the guidance on the LPCS and sets out the community’s priorities for improvements which could be secured, as and when developer contributions and other sources of funding become available.

94. Network Rail has suggested that an additional reference should be made to ensuring that any new development does not result in any material increase or change in traffic movements across the single level crossing which, although not in the plan area, does serve a road which leads into the village of Yarkhill. It is not however, within my remit to recommend modifications that insert additional policy matters in the Neighbourhood Plan.

95. The policy complies with the Basis Conditions and I have no comments to make.

Policy Y9: Water Supply and Drainage

96. The lack of mains water and mains sewerage systems in the Parish of Yarkhill is recognised as a significant constraint on new development in the NDP and policy Y9 sets out clear criteria limiting development unless suitable infrastructure is in place or will be provided.

97. The policy is aligned with and develops the guidance in the strategic policies of the LPCS and is appropriate to the challenges which the parish faces.

98. The title of the supporting text is “Water Supply and Sewerage”, yet the policy is entitled “Water Supply and Drainage”. For consistency these should be aligned, the former probably being a more accurate title. There is also a typo in the third line of the first paragraph of the policy where the two sentences should be merged and expressed as one sentence.

- **Recommendation: Change title of Policy Y9 to “Water Supply and Sewerage”. Delete full stop after “water resources” and change “And” to “and” in third line of first paragraph of Policy Y9**

Policy Y10: Reducing Flood Risk and Supporting Sustainability

99. Yarkhill is identified in the SFRA as being in the Middle Frome area and has over 40 properties at risk from flooding, so ensuring that this number is not increased is an important objective of the NDP. Policy Y10 complies generally with the strategic guidance in Policy SD3 of the LPCS and I have no comments to make, although I note that there appears to be a word missing from the fourth line of para 8.18.

- **Recommendation: Add “and” between “control” and “means” in line 4 of para 8.18**

9. Community Facilities

100. This section describes the challenges which local residents face in terms of accessing community facilities, being very reliant on services provided outside the plan area which are, for the most part, only accessible by private car.

Policy Y11: Community Facilities

101. Policy Y11 sets out a realistic approach to protecting Yarkhill Village Hall for recreational health and community type uses, in line with strategic guidance. My only comment is that the type of uses

which would be acceptable for re-use of the property are slightly different to those that are listed as being acceptable uses for improvement of the property. I am not aware of any reasons why these should be different so I suggest amending these so that they are consistent.

- **Recommendation: Add “educational” after “health” in the second line and add “health” after “community” in the second last line of Policy Y11.**

10. Agriculture and the Rural Area

102. The local landscape, characterised by gently undulating farmland and scattered settlements, is highly valued by local residents and a group of NDP policies have been devised to protect this character.

Policy Y12: Protecting Landscape Character

103. Policy Y12 provides general guidance on the protection of the landscape character of Yarkhill. In terms of the wording of the policy, while it refers to the “special’ landscape of Yarkhill, there is no justification for this term being used. In order to align more closely with the strategic guidance, set out in policy LD1 - Landscape and Townscape of the LPCS, I suggest that a more generic reference to landscape character is made.

- **Recommendation: Delete “special” from the second line of Policy Y12**

104. There is one area of designated ancient woodland at Ash Coppice, Yarkhill. Representations from the Woodland Trust suggested revised wording, but I consider sufficient guidance is provided in the NPPF and the LPCS so no change is required.

Policy Y13: Large Agricultural Buildings

105. This policy complements the strategic policies in the LPCS and seeks to provide guidance on the development of larger agricultural buildings where planning permission may be required. It also draws on Herefordshire Council’s Supplementary Planning Document (SPD) on Polytunnels.¹¹

¹¹ Herefordshire Council: Polytunnel Supplementary Planning Document: Adopted December 2008

106. In order to provide clarity for future decision-takers, the policy requires some fine tuning. In the second paragraph, reference needs to be made to the potential impacts of such developments on neighbouring residents. In the fourth paragraph, the reference to “short term” landscaping schemes is rather at odds with the text in the adopted SPD which refers to landscaping schemes in the “medium” term. I see no need for such a time limitation and it would be better if the policy made clear that an indigenous landscaping scheme would always be required. Finally, the wording of the sixth paragraph needs to be worded more clearly to avoid repetition.

- **Recommendation: In second paragraph of Policy Y13 insert “potential impacts in terms of” after “consideration to”. In fourth paragraph, delete “in the short term” in the last line. In the sixth paragraph, delete “the siting of” and start the paragraph at “Poly-tunnels, agricultural units....”.**

Policy Y14: Local Energy Schemes

107. This policy supports small scale renewable energy schemes and I have no comments to make.

11. Timescales and Next Steps

108. I have no comments on this section.

Appendices

109. There are four appendices attached to the NDP. Appendix IV comprises e mail correspondence regarding Site 13 at Newtown Cross and does not need to be included in the final version, as it is supporting information to the NDP along with other the other supporting material which is on the Parish Council website. I therefore suggest that the Steering Group consider removing this appendix from the final version of the plan. I note also that Appendix II, which sets out the timeline for the preparation of the NDP, does not include reference to the seventh meeting of the Steering Group on 31st October. I suggest that the Steering Group consider including this meeting in the timeline, for completeness.

- **Recommendation: Steering Group to consider deleting Appendix IV from the final version of the NDP and adding a reference to the October Steering Group Meeting to Appendix II**

9. Conclusions and Recommendations

110. I have examined the Yarkhill Neighbourhood Development Plan and I have concluded that,

subject to the modifications set out in my report, it meets the basic conditions and other statutory requirements.

111. I am therefore pleased to recommend to Herefordshire Council that, subject to the modifications set out in my report, the Yarkhill Neighbourhood Development Plan should proceed to referendum.

112. I am also required to consider whether the referendum area should be extended beyond the Yarkhill Neighbourhood Plan area. I see no reason why it would be necessary to alter or extend the plan area for the purposes of holding a referendum, nor have I received any representations to that effect. I therefore conclude that the plan should proceed to referendum based on the neighbourhood area approved by Herefordshire Council in July 2016.

APPENDIX 1: Background Documents

In undertaking this examination, I have considered the following documents:

- Yarkhill Submission Neighbourhood Development Plan 2017-31: November 2017
- Yarkhill Neighbourhood Development Plan: Consultation Statement
- Yarkhill Neighbourhood Development Plan: Basic Conditions Statement
- Strategic Environmental Assessment: Yarkhill Neighbourhood Area Scoping Report: Herefordshire Council: December 2016
- Environmental Report: Yarkhill Neighbourhood Area: Herefordshire Council: December 2017
- Habitat Regulations Assessment: Yarkhill Neighbourhood Area: August 2017
- Habitat Regulations Assessment: Addendum Report for Yarkhill Neighbourhood Area: December 2017
- Yarkhill NDP: Call for Sites Assessment Report: May 2017
- Progression to Examination Decision Document - Yarkhill Neighbourhood Development Plan: Herefordshire Council: February 2018
- Herefordshire Council: Polytunnel Supplementary Planning Document: Adopted December 2008
- Herefordshire Council: Neighbourhood Planning Guidance Note 20 - Guide to Settlement boundaries April 2013- Revised June 2015
- Herefordshire Local Plan Core Strategy: Herefordshire Council 2011-2031: Adopted October 2015
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance March 2014 and subsequent updates

APPENDIX 2: Examiner's questions and responses from Herefordshire Council and Yarkhill Parish Council

Yarkhill Neighbourhood Development Plan Examination

Request for further information and questions from the Examiner to the Herefordshire Council and Yarkhill Parish Council

I have carried out a preliminary initial review of the Neighbourhood Plan and the evidence submitted in support of it and there are several matters where I need some clarification or further information. I would therefore be grateful if both Councils could assist me, as appropriate, in answering the following questions.

1. Settlement boundaries

Appendix VI of the Consultation Statement includes the minutes of the Steering Group Meeting on 12th October and a further meeting on 31st October 2017 where there was some discussion about two settlement boundary changes in the Newtown area. Please can I be provided with any site plans which were considered at these meetings, including the suggested settlement boundary changes, so that I can be clear exactly which changes were under discussion? Also, please can Herefordshire Council send me any further advice or recommendations which they provided, arising from the 12th October meeting.

2. Employment sites

Policy Y5 seeks to promote new small-scale employment at a number of existing employment areas which are listed as Acorn Park, Newtown Cross, Baddy Marsh Farm and Whitwick Manor. Please can I be provided with site plans for each of these sites so that I can be certain about their exact location and the extent of the areas involved?

Many thanks for your assistance with these questions. Once I have received your responses, I may need to ask for further clarification or further queries may arise as the examination progresses.

Please note that these questions and requests for information is a public document and the answers and any associated documents will also be in the public domain. Both my questions and the responses should be placed on the Councils' websites as appropriate.

Many thanks.

Barbara Maksymiw 9 April 2018

