

Herefordshire Council

Putley
Neighbourhood Development Plan
2011-2031

Independent Examiner's Report

By Ann Skippers MRTPI FRSA FHEA AoU

29 November 2018

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Summary

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

Putley is a rural Parish with a population of about 245 in 2011 which declined from previous Census data but is experiencing an increase in household numbers. It lies to the west of the market town of Ledbury. As well as a number of heritage assets, the area is rich in woodlands, pasture and orchards. Agriculture and farming play an important role.

The Plan is well presented. It takes a sensible approach to development by not seeking to duplicate Core Strategy policies, but rather adding a local dimension to key issues important to the local community. The Plan outlines a clear vision and is supported by a number of objectives. The vision is translated into ten policies. Whilst no site allocations are made, two settlement boundaries for Putley Green and one for Putley Common are defined. The Plan builds on earlier work on a Parish Plan produced in 2009.

The quality of the Plan and its approach has meant that I have recommended relatively few modifications and those that are made are intended to ensure the Plan provides a practical framework for decision-making as required by national policy and guidance.

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

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

Ann Skippers MRTPI
Ann Skippers Planning
29 November 2018



1.0 Introduction

This is the report of the independent examiner into the Putley Neighbourhood Development Plan (the Plan).

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

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

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

2.0 The role of the independent examiner

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

The basic conditions¹ are:

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

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

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

- The making of the neighbourhood plan is not likely to have a significant effect on a European site² or a European offshore marine site³ either alone or in combination with other plans or projects.

The examiner is also required to check⁴ 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.

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

The examiner must then make one of the following recommendations:

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

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

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Herefordshire Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

² As defined in the Conservation of Habitats and Species Regulations 2012

³ As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

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

3.0 Neighbourhood plan preparation

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

The Parish Council resolved to produce a Plan in December 2015. A Steering Group was developed. An Open Meeting was held in July 2016 to publicise the Parish Council's decision and to seek volunteers. It also gathered initial issues and concerns. This meeting was attended by 39 people.

After establishment of the Steering Group, two drop-in events were held in September 2016. These started to explore issues and process. These events were attended by a total of 78 people. These meetings informed the development of a residents' survey. The survey attracted a very high response rate of 64.5% no doubt due in part to the fact it was hand delivered to all households in the Plan area and a prize draw encouraged responses. The survey analysis can be found in two reports; Results Report and Comment listings. Regard was also had to a Parish Plan produced in 2009.

Focused engagement took place with local businesses and the farming community by holding a drop-in event in April 2017. The need for specific engagement was a matter that had arisen from the survey. Nine people attended, but despite personal invites there was only limited representation from the business and farming community.

The Plan's approach to housing delivery including the definition of settlement boundaries was then a focus. A Housing Delivery Report was commissioned and consultation held on the emerging proposals. A drop-in event was held in June 2017 attended by 20 people. A questionnaire was developed to record views.

Pre-submission (Regulation 14) consultation took place between 6 November – 18 December 2017. Copies of the draft Plan were distributed to all households in the Plan area and various individuals and organisations were contacted by letter or email. Copies were available at the Ledbury Customer Service Centre. A drop-in event was held mid way in the consultation period and attended by 14 people.

Section 7 of the Consultation Statement details the responses received at this stage. Following on from the pre-submission responses, a meeting was held in February 2018 with HC to discuss the draft settlement boundaries with a view to ensuring the Plan would deliver its housing requirement.

A range of consultation activities has been used throughout the process. These have included the establishment of a dedicated Plan page on the Parish website, updates in the quarterly newsletter, the Putley Press, use of Parish noticeboards and open day / drop in sessions.

Monthly Parish Council and regular Steering Group meetings have been held and are open to the public. Notes of the meetings are posted on the website.

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

Submission (Regulation 16) consultation was carried out between 9 May – 20 June 2018.

The Regulation 16 stage resulted in 12 representations which I have considered and taken into account in preparing my report.

4.0 The examination process

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

PPG⁸ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.⁹

After consideration of all the documentation I decided that it was not necessary to hold a hearing.

Earlier this year NPIERS published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body, in this case, Putley Parish Council, will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for the Parish Council to make any comments; it is only if they wish to do so. If a qualifying body wishes to make comments, the guidance indicates that any such comments should be made within two weeks after close of the Regulation 16 stage. The Parish Council has not sent any comments.

I am very grateful to officers at HC for ensuring that the examination has run so smoothly.

⁶ PPG para 055 ref id 41-055-20180222

⁷ *Ibid*

⁸ *Ibid* para 056 ref id 41-056-20180222

⁹ *Ibid*

I made an unaccompanied site visit to familiarise myself with the Plan area on 18 September 2018.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***. As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on. I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing carried out.

5.0 Compliance with matters other than the basic conditions

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

Qualifying body

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

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. HC approved the designation of the area on 24 February 2016. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown clearly on page 3 of the Plan.

Plan period

The Plan period is 2011 – 2031. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. The end date aligns with the Core Strategy. This requirement is therefore met.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the

community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹⁰

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. Paragraph 214 in Annex 1 of that document explains that:

“The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.”

Footnote 69 explains that for neighbourhood plans “submission” means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

It is therefore clear that it is the previous NPPF published in 2012 that is relevant to this particular examination. I sent a note to this effect to the Parish Council and HC and this is included as Appendix 2.

Any references to the NPPF in this report refer to the NPPF published in 2012.

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

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They

¹⁰ PPG para 004 ref id 41-004-20170728

¹¹ NPPF paras 14, 16

cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹²

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

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

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

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

Whilst this has formed part of my own assessment, Putley's Basic Conditions Statement sets out how the Plan has responded to national policy and guidance. Table 1 offers detailed commentary on how the Plan aligns with the NPPF's core planning principles.

Contribute to the achievement of sustainable development

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

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains Table 2 which explains how the Plan aligns with each of the three components of sustainable development outlined in the NPPF.

¹² NPPF para 184

¹³ *Ibid* para 17

¹⁴ PPG para 041 ref id 41-041-20140306

¹⁵ *Ibid*

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

¹⁷ *Ibid*

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

¹⁹ *Ibid* para 7

General conformity with the strategic policies in the development plan

The development plan consists of the Herefordshire Local Plan Core Strategy 2011 – 2031 (CS) which was adopted on 16 October 2015 and various other documents including the saved policies of the Unitary Development Plan (UDP) (found in Appendix 1 of the CS). I have taken all the CS policies to be ‘strategic’.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains Table 3 that gives an assessment of how each Plan policy generally confirms to the relevant CS policies.

European Union Obligations

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

Strategic Environmental Assessment

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

An Environmental Report (ER) dated March 2018 has been submitted as an earlier screening opinion in February 2016 concluded that a SEA would be required.

The ER confirms that a Scoping Report dated April 2017 was prepared and sent to the statutory consultees from 12 April – 17 May 2017. Natural England and Historic England responded.

A draft ER underwent a period of consultation alongside the pre-submission version of the Plan.

Following the Regulation 14 stage, the vision and some policies were amended with minor revisions. Policies PUT3 and PUT5 were reassessed as changes to these policies were more significant and the ER of March 2018 includes this review. The ER concludes that the Plan would be likely to ensure sustainable development and would not result in significant effects. It was published for consultation alongside the submission version of the Plan.

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

The ER is a comprehensive document that has dealt with the issues appropriately for the content and level of detail in the Plan. This in line with PPG advice which confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan.²⁰ In my view, it has been prepared in accordance with Regulation 12 of the Regulations. Therefore EU obligations in respect of SEA have been satisfied.

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²¹ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

The initial screening assessment in February 2016 found that the Plan area lies within the catchment of the River Leaddon, but that there are no European sites in or in close proximity to the Plan area. A HRA dated September 2017 concluded that no further work on HRA would be required.

I agree and consider that the basic condition set out in Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) is complied with. In reaching this conclusion I have also considered any implications arising from the judgment in the case of *People Over Wind, Peter Sweetman v Coillte Teoranta*.²² I consider that the Screening Document is legally compliant in the light of the judgment and that no further action is required as a result of this judgment in relation to this particular Plan.

European Convention on Human Rights (ECHR)

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

PPG²³ confirms that it is the responsibility of the local planning authority, in this case HC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is HC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should

²⁰ PPG para 030 ref id 11-030-20150209

²¹ *Ibid* para 047 ref id 11-047-20150209

²² Case C-323/17

²³ PPG para 031 ref id 11-031-20150209

proceed to referendum and when it takes the decision on whether or not to make the plan.

7.0 Detailed comments on the Plan and its policies

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

The Plan is presented clearly and contains 10 policies. There is a useful contents page at the start of the Plan.

1. Setting the scene

This is a helpful introduction to the Plan that takes the reader through the Plan sections and signposts supporting information.

There is just one issue to be updated; reference is made to the NPPF published in 2010 (this should be 2012). A revised NPPF has now been published. A modification is recommended to address this issue.

- **Delete “...published in March 2010...” from paragraph 1.8 on page 2 of the Plan**

2. The neighbourhood area

This is an informative and well-written section that set outs a wealth of useful information about the Plan area. It sets the scene well for the Plan.

3. Vision, objectives and strategy

Vision and objectives

The clearly articulated vision for the area is:

- “A thriving and balanced community meeting the needs of all ages for housing, including for smaller and lower cost housing, public transport, and other services;
- A place which offers opportunities for the next generation to raise their children;

- A place where employment is available, particularly for the young, by positively supporting and encouraging farming enterprises, tourism, and other small businesses to adapt to survive; and
- A tranquil rural parish whose landscape, wildlife and historic heritage is protected and sustainably managed; and
- A place which recognises that human activity and the environment are inter-linked and that promotes best practice in construction, business, and land use to minimise environmental impacts.”

The vision is supported by a number of objectives which are grouped under the headings of housing, the local economy, the environment and the community. All are articulated well and will help to deliver the vision.

Sustainable development

Policy PUT1: Sustainable development

The Plan focuses on how it might deliver sustainable development recognising that the three aspects of sustainable development are mutually dependent. Policy PUT1 sets out four principles that seek to help deliver sustainable development in the Parish. It recognises the costs and benefits of development. It is a positive policy that takes account of national policy and guidance, reflects the principles in the CS and helps to achieve sustainable development. This clearly worded policy meets the basic conditions and no modifications are therefore recommended.

Development needs and requirements

Policy PUT2: Development needs and requirements

The Plan explains that housing is the main type of development for which provision needs to be made.

It is useful for me at this stage to set out the strategic context for the Plan.

The strategy for the rural areas in the CS²⁴ is positive growth. The strategy is based on seven housing market areas (HMA). This Plan falls within the Ledbury HMA. This HMA has an indicative housing growth target of 14% according to CS Policy RA1.

This results in a target of 15 new homes over its Plan period. Only four dwellings have been completed since 2011 and six more have planning permission at 1 April 2018 when this version of the Plan was drafted.

²⁴ Core Strategy Section 4.8

The CS explains that this indicative growth target in CS Policy RA1 will form the basis for the minimum level of new housing to be accommodated in each neighbourhood plan across the County.

The main focus for development is within or adjacent to existing settlements listed in two figures in the CS, 4.14 and 4.15. CS Policy RA2 translates this into policy. Putley is identified in Figure 4.14 as a settlement which will be the main focus of proportionate housing development. No settlements in the Parish are identified in Figure 4.15 of the CS. A report on Housing Delivery has been prepared. This concludes that the main areas of settlement are at Putley Green and Putley Common. This also reflects the approach in an earlier Parish Plan.

Whilst Putley Common is not identified in Figures 4.14 or 4.15 of the CS, the Plan defines settlement boundaries for both Putley Green and Putley Common. This approach is in general conformity with the CS strategy and principles. It also recognises that given the rural nature of the Parish that some housing will be provided in locations outside the settlement boundaries in line with CS Policies RA3, RA4 and RA5 and offers support for these strategic policies.

Table 1 on page 11 of the Plan shows that some 22 dwellings could be provided. This figure is derived from the four dwellings completed since 2011, six with planning permission at April 2018, six to be provided within the settlement boundaries of Putley Green and Putley Common and six windfalls in the rural areas beyond the settlement boundaries. Given that six dwellings have come forward in the rural areas between 2011 and 2018, I consider that an allowance of six in the remaining 13 years of the Plan based on this historic trend is not unreasonable. Therefore this approach demonstrates that the Parish will be able to meet, and very likely exceed, its growth target. HC has not raised any concern with respect to the figures or the Plan's approach.

I commend the approach taken which is appropriate for this Parish.

The Plan then discusses the tenure and type of homes needed. These development needs are then translated into policy.

Policy PUT2 outlines a local approach by focusing development in Putley Green and Putley Common through the definition of settlement boundaries for both settlements. It supports appropriate housing within the settlements and countryside. It seeks housing of a type and size that will contribute to meeting local housing needs including smaller and starter homes and those suitable for older people. It supports employment and rural diversification in appropriate locations. It helpfully cross-references applicable CS policies.

The policy is clearly worded. It supports the objectives of the CS, reflects national policy and guidance and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are suggested.

4. Housing

Putley Green

Policy PUT3: Putley Green

The Plan describes the nucleated form of Putley Green well. It defines a settlement boundary logically, but in two parts.

This policy supports individual houses or small developments of housing on infill sites within the settlement boundary where their scale is appropriate and housing of a size and type that meets local requirements is provided.

The policy takes account of national policy and guidance, generally conforms to CS Policies RA2, H3 and SD1 and will help to achieve sustainable development.

Whilst the policy is worded well, for the avoidance of any doubt, I consider it would be useful if it explicitly defined the settlement boundary. A modification is therefore suggested in the interests of providing the practical framework for decision-making sought by national policy.

- **Add a new sentence at the beginning of the policy that reads: “*Two settlement boundaries for Putley Green are defined and are shown on Plan 4 and the Putley Green Policies Map.*”**

Putley Common

Policy PUT4: Putley Common

Putley Common is an area of woodland and grassland in the northwest of the Parish. The settlement comprises some dwellings grouped around the Common and on both sides of the C1323. Houses generally comprise large plots. The Plan recognises that there are a number of constraints to development in the settlement including tree preservation orders and a local wildlife site. Nevertheless some limited infill on single plots may be appropriate. Given the constraints and the characteristics of the area, the settlement boundary has been defined appropriately.

In order to be consistent with the modification recommended for Policy PUT3, I suggest that explicit reference is made to the plan and Policies Map. Otherwise the policy is clearly worded. It supports housing on infill sites within the settlement boundary where the development would respect the settlement pattern and is of a size and type that meets local requirements and adds to the mix of housing. This takes account of national policy and guidance, generally conforms with CS Policies RA2, H3 and SD1 and will help to achieve sustainable development. Therefore with one modification made in

the interests of providing a practical framework, the policy would meet the basic conditions.

- **Add a new sentence at the beginning of the policy that reads: “A settlement boundary for Putley Common is defined as shown on Plan 6 and the Putley Common Policies Map.”**

5. The local economy

Economic development in Putley

Policy PUT5: Economic development in Putley

Employment in the Parish is in a variety of sectors; agriculture and forestry including apple and soft fruit growing and processing which is a particular feature of the area and has been for many years. In addition there are small businesses and home working with a higher percentage of self-employment than the County or region averages.

Policy PUT5 supports small-scale employment development which is appropriate to and in keeping with the rural location and setting of Putley. Five criteria are included within the policy which particularly support home working, reuse of rural buildings for business and live/work units, the extension of existing premises, development and diversification of rural land-based business and tourism and leisure proposals of an appropriate scale.

The policy will help to achieve sustainable development. It is in line with national policy’s support for the rural economy and the NPPF’s support for economic growth in rural areas and for sustainable tourism and leisure developments that benefit the local community and visitors. It is in line with the general thrust of CS Policies SS5, RA5, RA6, E1, E3, E4 and MT1. This clearly worded policy therefore meets the basic conditions and no modifications are suggested.

Economic and social infrastructure

Policy PUT6: Communications and broadband

Telecommunications infrastructure for both home and business use is supported by this policy. This is in line with the NPPF’s support for high quality communications infrastructure²⁵ and CS Policy SS5. The policy is clearly worded and meets the basic conditions. As a result no modifications are recommended.

²⁵ NPPF Section 5

6. Environment

Natural and historic environment

Policy PUT7: Natural and historic environment

There are a number of environmental and historical features in the Plan area. These include the Mains Wood Site of Special Scientific Interest, ancient woodlands, traditional orchards and parkland, listed buildings and the Putley Conservation Area.

Policy PUT7 seeks proposals to demonstrate that they protect, conserve and enhance the local natural, historic and built environment and makes reference to CS Policies LD1, LD2, LD3 and LD4.

The NPPF is clear that the planning system should contribute to and enhance the natural and local environment.²⁶ The conservation or enhancement of the historic environment is reflected in the NPPF. One of the core planning principles in the NPPF is that heritage assets should be conserved in a manner appropriate to their significance.²⁷

Criterion 6 of the policy refers to the Putley Conservation Area. A modification is recommended to reflect the statutory duty in the Planning (Listed Buildings and Conservation Areas) Act 1990. This indicates that in considering whether to grant planning permission for development in relation to any buildings or other land in a conservation area, the decision maker shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Criterion 6 refers to the protection and enhancement of the character and appearance of the Conservation Areas and this then does not accord with the relevant legislation and legal principles.

Otherwise, the policy is clearly worded. It takes account of national policy and guidance. It generally conforms to CS Policies SS6, LD1, LD2, LD3, LD4 and SD4. It will help to achieve sustainable development. With this modification, the policy will meet the basic conditions.

- **Revise criterion 6 to read: “*preserving or enhancing the character or appearance of the Putley Conservation Area; and*”**

Building design and access

Policy PUT8: Building design and access

Local distinctiveness is recognised throughout the Plan, but reflected particularly in Policy PUT8 which seeks to add a local level of detail to CS policies. Of particular

²⁶ NPPF para 109

²⁷ *Ibid* para 17

concern to residents is the need for new development to be in keeping with its surroundings, avoid noise and light pollution recognising that tranquility is a key attribute of the Parish and provide for wildlife. Access onto rural lanes is also of concern.

This policy therefore sets out eight criteria. All are aimed at ensuring that new development is of a high standard and is appropriate and respects the character and local distinctiveness of the area. In addition innovative design is welcomed where this contributes to local distinctiveness.

The policy reflects CS Policies MT1, SD1 and SD3 whilst seeking to address areas of concern in the locality. It will help to achieve sustainable development. It takes account of national policy and guidance which particularly seeks good design indicating it is indivisible from good planning.²⁸ It meets the basic conditions and no modifications are recommended.

7. Community

Renewable energy

Policy PUT9: Renewable energy

Renewable energy schemes, including community-led renewable energy proposals, are supported by this policy subject to acceptable effects on the natural and historic environments, amenity and highway safety and capacity.

The policy is clearly worded and is a local expression that takes account of the NPPF's drive to meet the challenge of climate change and can be viewed as a positive strategy promoting such energy whilst ensuring that adverse impacts are satisfactorily addressed.²⁹ It generally conforms to CS Policy SD2 adding detail to it at the local level and will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

Community facilities

Policy PUT10: Community facilities

This policy supports provision for new community facilities in accessible locations particularly in and adjacent to Putley Green. It supports the enhancement of existing facilities. It refers to the co-location of services to assist with viability considerations

²⁸ NPPF para 56 and section 7

²⁹ *Ibid* para 97

and is flexible in respect to diversification that will enable or increase viability of services and facilities.

It is a clearly worded policy. It takes account of the NPPF³⁰ which promotes the retention, and development, of local services and community facilities. It generally conforms to CS Policy SC1 in particular which protects, retains and enhances existing social and community infrastructure. It will help to achieve sustainable development. As a result the policy meets the basic conditions and no modifications are suggested.

8. Delivering the Neighbourhood Development Plan

This section explains how the Plan will be used. It sets out how the Parish Council will seek to implement the Plan's objectives including through proactive and collaborative working with other organisations and partners. This is a useful way of bringing the Plan together and linking back to the Plan's vision and objectives.

Appendices

Two appendices are included at the end of the Plan. Appendix A contains details of the evidence base that supports the Plan. Appendix B contains details of national and local planning policies referred to in the Plan. Given the presentation of the Plan, this is helpful in this particular instance.

8.0 Conclusions and recommendations

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

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

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

³⁰ NPPF para 28

I therefore consider that the Putley Neighbourhood Development Plan should proceed to a referendum based on the Putley Neighbourhood Plan area as approved by Herefordshire Council on 24 February 2016.

Ann Skippers MRTPI

Ann Skippers Planning

29 November 2018

Appendix 1 List of key documents specific to this examination

Putley Neighbourhood Development Plan 2011 – 2031 Submission draft April 2018

Basic Conditions Statement April 2018

Consultation Statement April 2018

Environmental Report March 2018

Habitats Regulations Assessment Report September 2017

Putley Parish Policies Map

Putley Green Policies Map

Putley Common Policies Map

Herefordshire Core Strategy 2011-2031 October 2015 and Appendices

Saved Policies of the Unitary Development Plan 2007

Other supporting documents on <http://www.putley.org.uk/neighbourhood-plan/> including Housing delivery report (May 2017), Residents' Questionnaire Survey Results report and Comments listings (January 2017).

List ends

Appendix 2 Note from the examiner about the revised NPPF

Independent Examination of the Putley Neighbourhood Plan

Information Note from the Independent Examiner on the publication of a revised National Planning Policy Framework

The Government published a revised National Planning Policy Framework (NPPF) on 24 July 2018.

I would like to draw your attention to paragraph 214 of the document which states:

“The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted⁶⁹ on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.”

The accompanying footnote 69 explains that:

“For neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.”

It is therefore not my intention to invite or accept any representations or comments on the revised NPPF in relation to this examination.

This note is of course a matter of public record and should be placed on the relevant websites.

With many thanks,

Ann Skippers MRTPI
Ann Skippers Planning
Independent Examiner