

HEREFORDSHIRE PLANNING POLICY – Minerals and Waste Local Plan –
Response from
Almeley Parish Council to first draft consultation

Almeley Parish Neighbourhood Plan has identified that there are no known present day workable mineral reserves within the parish and therefore this Council makes no comment upon that issue.

During the public consultation exercise for the NDP (currently approved to proceed to Referendum) it quickly became clear that there was substantial concern regarding one particular matter which should be addressed as part of the above Review. This concerned the effects of disposal to land by surface spreading, of the waste arising from intensive livestock production, particularly chickens.

The deterioration in the quality of the rivers Wye and Lugg had recently been highlighted and reinforced general concern over the effects on residential amenity of smell, dust and flies.

There was a consensus that this form of food production is a departure from traditional farming (which was widely supported) sufficient to be regarded as an industrial process resulting in the production of industrial waste, the disposal of which should be better controlled.

This view was reflected in the draft NDP which was reviewed by the Examiner in November 2018. Paras 81 to 92 of her report refer. The Examiner considered the matter in some detail referring to the Environment Agency guidance “Decide if a material is waste or not”, the guidance for planning applications for intensive livestock units produced by Shropshire Council, the former Herefordshire UDP policy on distances between dwellings and intensive livestock units (where waste would be both produced and stored) and the removal of permitted development rights for such units by the GDPO 2015.

She concluded that such issues were more appropriately addressed by the Local Planning Authority and amended our draft NDP accordingly but included some control over wastes arising from intensive livestock operations requiring planning permission.

In view of the impact upon this County of large scale chicken production this is clearly an important issue to be addressed by the current review.

The Environment Agency guidance helps by advising that material should be regarded as waste if it constitutes a production residue, not produced deliberately in a production process and/or is contaminated.

Clearly faecal material with other ovarian residues such as carcasses or feathers must be regarded as being contaminated both by chemical and biological substances.

The guidance also states that “Where manure or slurry is spread to land in such a way that it exceeds crop requirements, is of no benefit to the land OR provides no ecological improvement it will be waste and spreading it to land simply to get rid of it IS classified as a disposal operation.

You are therefore requested by this parish council to take the above into account during your review of County Waste Disposal. I enclose for your information a copy of the Examiner’s report.

Almeley Parish Neighbourhood Development Plan

Independent Examiner's Report

January 2019

Barbara Maksymiw

Independent Examiner BSc (Hons), MSc, MRTPI

Contents

Summary

1. Introduction
2. Appointment of the independent examiner
3. The role of the independent examiner
4. Compliance with matters other than the basic conditions
5. The examination process
6. Consultation
7. Compliance with the basic conditions
8. Neighbourhood Plan policies
9. Conclusions and recommendations

Appendix 1 Background Documents

Appendix 2 Examiner's questions

Summary

I have been appointed by Hereford Council to carry out an independent examination of the Almeley Parish Neighbourhood Development Plan.

The examination was carried out in November 2018 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Plan area on 9 November 2018.

The plan is based on extensive engagement with the local community and provides a distinct set of policies, relevant to the needs of local people. Almeley is a predominantly rural parish and the plan provides for limited new housing development, as the very modest needs identified in the Herefordshire Local Plan Core Strategy can be met through windfalls and infilling within newly defined settlement boundaries.

Subject to a number of modifications set out in this report, I conclude that the Almeley Parish 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

Independent Examiner

January 2019

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. Almeley Parish is situated in north Herefordshire, to the north west of Hereford. The Parish's principal settlement is Almeley village which is located in the centre of the Parish and Woonton is the next sizeable settlement which lies around one mile to the south east of Almeley. The rest of the parish is made up of a number of scattered hamlets. There are no major employers in the parish and most economically active people have to travel outside the parish for work; an increasing number of people are self-employed and work from home. The rural character and historic environment are important aspects of the parish which are highly valued by local people.

3. The purpose of this report is to assess whether the Almeley Parish Neighbourhood Development Plan (NDP) 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 NDP should proceed to the referendum stage. If there is a positive recommendation at referendum, the NDP 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 Almeley 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 NDP meets the Basic Conditions together with a number of legal requirements.

7. In examining the NP 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 NDP 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 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

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 !

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 NDP 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. Almeley Parish Council applied for the Parish to be designated as a neighbourhood planning area in May 2012. On 6 July 2012 Herefordshire Council designated Almeley Parish as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012. The designated area covers the parish and does not cover any other Neighbourhood Area and the qualifying body is Almeley Parish Council.

15. The preparation of the plan has been managed by a Steering Group of Parish Councillors and members of the community, with professional support from Data Orchard.

16. I am satisfied that the NDP includes policies that relate to the development and use of land and does not include provision for any excluded development. The Almeley NDP 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 Almeley NDP could be examined without the need for a public hearing.

19. During the course of the examination it was necessary to clarify several matters with Herefordshire Council and the Parish Council. These are set out in Appendix 2 to this report. I was provided with prompt and helpful responses to my questions 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 an unaccompanied site visit to the area on 9 November 2018.

21. On 5 March 2018 an updated version of the National Planning Policy Framework (NPPF) was published for consultation and on 24 July 2018 the final version of the NPPF was subsequently published. Paragraph 214 of the Framework confirms the transitional arrangements for plans which were already under examination:

*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.*⁶

22. As the Almeley NP was submitted for examination in summer 2018 and the Regulation 16 consultation was carried out between 27 June and 22 August 2018, well in advance of the 24 January 2019 deadline, the NDP has been assessed against the guidance in the former NPPF.

⁵ PPG para 004 ref id 41-004-20140306

⁶ National Planning Policy Framework: 24 July 2018

6. Consultation

Consultation process

23. 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.

24. In line with the Neighbourhood Planning (General) Regulations 2012⁷, the Steering Group has prepared a Consultation Statement for the NDP which sets out how the group approached public consultation, who was consulted and the outcomes.

25. Throughout the plan preparation process, the Steering Group sought to consult and engage as wide a range of people as possible and feedback has been used to inform the content and scope of the Plan. In the early stages of preparing the plan, a household questionnaire was circulated, generating a response from almost of the local residents. As the preparation of the plan got under way, the public and other interested parties were kept informed by means of an NDP website, the Offa Tree news (local magazine), noticeboards, newsletter, fliers, exhibitions and drop-in events. Steering Group meetings were open to the public and were well attended.

26. The first formal consultation on the Almeley Parish Regulation 14 Draft Neighbourhood Development Plan took place between 19 February and 9 April 2018.

27. 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 community's vision for the Group Parish has been clearly shaped by the views and priorities of the community. This is:

In 2031, Almeley Parish will remain an unspoilt, rural and scenic part of Herefordshire, providing homes for its families and elderly residents, supporting local businesses, such as small family farms and an increase in home working through a fast broadband network.

⁷ Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

Representations received

28. Preparing the NDP has involved two statutory six-week periods of public consultation. The first, on the Regulation 14 Draft Plan, took place between 19 February and 9 April 2018. In all, twenty-eight representations were received – nineteen from members of the community, six from statutory bodies, two from external consultees and one from Herefordshire Council.

29. The second consultation on the Submission Draft NDP was managed by Herefordshire Council and took place between 27 June and 22 August 2018. This generated eleven responses – two from agents on behalf of local residents, four from statutory bodies, two from external consultees and two from Herefordshire Council.

30. 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.

31. From the evidence in front of me, it is apparent that the Almeley NDP has been subject to appropriate and extensive community engagement involving much time and effort by the Steering Group. They are to be congratulated for all their sustained effort and for producing a comprehensive NDP. 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

32. In my role as independent examiner I must assess whether the NDP meets the Basic Conditions⁸ set out in the Regulations as described in paras 7-8 above.

33. I have considered the Almeley Neighbourhood Development Plan Basic Conditions Statement produced by the Steering Group, and other supporting documentation, to assist my assessment which is set out below.

National Policy

34. 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

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

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 NPPF⁹ 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.

35. Section 2 of the Basic Conditions Statement sets out a very comprehensive assessment of how each of the policies in the NP has regard to the twelve core principles of the NPPF. The NDP therefore satisfies the basic condition that it has regard to national policies and advice.

Sustainable development

36. The qualifying body also has to demonstrate how a neighbourhood plan contributes to the achievement of sustainable development as set out in the NPPF¹⁰.

37. Section 3 of the Basic Conditions Statement provides a comprehensive explanation of how the Almeley Parish NDP contributes to the economic, social and environmental aspects of sustainable development, alongside an assessment of how it complies with the relevant Herefordshire Local Plan Core Strategy policies. I therefore conclude that this Basic Condition is met.

Development Plan

38. The NDP also has to demonstrate that it accords with the strategic policies of the Development Plan. 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 (HLPCS), which was adopted on 16 October 2015. There is therefore an up to date development plan in place.

39. Section 3 of the Basic Conditions Statement sets out a very comprehensive assessment of how each of the policies in the NDP conforms generally with the relevant strategic policies in the HLPCS. A number of the policies are designed to support and amplify the policies in the HLPCS so that they are relevant to the particular needs and priorities of the parish.

40. Various departments in Herefordshire Council have provided comments on the plan as it has

⁹ NPPF (2012) para 16 and 17

¹⁰ NPPF 2012) para 18-219

progressed through each stage of preparation and the Council's Progression to Examination Decision Document dated 4 September 2018 confirms the Council's view that the NDP is legally compliant and can proceed to examination.

41. From my assessment of the plan's policies in the rest of my report, it is evident that the strategic policies of the adopted HLPCS have generally been carried through to the NDP. 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 development plan and therefore this basic condition is met.

Basic Conditions – conclusions

42. I have considered the Basic Conditions Statement, the supporting evidence and representations made to the Almeley NDP 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.

43. At a practical level, however, a few of the policies in the Submission NDP need some minor adjustment to ensure that they comply with the NPPF and the strategic guidance in the HLPCS. 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)

44. The SEA 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. The Steering Group's approach is set out in two Environmental Reports, dated January 2017 and March 2018.

45. A screening opinion was carried out by Herefordshire Council in 2013 at the initial stages of preparing the NDP which concluded that the Neighbourhood Development Plan for the Almeley Neighbourhood Area would require further environmental assessment for Habitat Regulations Assessment and Strategic Environmental Assessment.

46. The Environmental Report produced in January 2018 concluded that none of the NDP policies are considered to be in direct conflict with or propose greater levels of growth and development than strategic policies contained in the Local Plan (Core Strategy), which themselves have undergone a full Sustainability Appraisal.

47. A screening report was also carried out in January 2018 to assess whether a Habitats Regulation Assessment (HRA) would be required. This was necessary because the Parish falls within the catchment for the River Wye (including River Lugg) which is designated as a Special Area of Conservation (SAC) under European legislation. This concluded that the Almeley Parish NDP is not have likely to have a significant effect on the River Wye SAC.

48. Updated versions of these reports were produced for the Regulation 16 consultation on the NDP, both reaching the same conclusions as the earlier reports.

49. In light of Counsel Advice on the implications of the recent European judgment in the case of *People Over Wind and Sweetman v Coillte Teoranta (C-323/17)* (“Sweetman”) and the representations from Natural England to a number of Habitat Regulation Assessment consultations undertaken post the judgment, Herefordshire Council issued a Briefing Note to neighbourhood planning bodies. As a result, a rescreening of the Almeley NDP was carried out in August 2018. The purpose of the final HRA Report is to detail the findings of the screening of proposed changes to policies and consider if they significantly affect the conclusions of the earlier HRA Report and reviewed in terms of the implications of Sweetman. The report concluded that the earlier conclusions that the Almeley NDP will not have a likely significant effect on the River Wye SAC remains valid. This reassessment was subject to public consultation between 29 August to 3 October 2018.

50. Only one comment was received in response to the consultation. This was from Historic England and confirmed that they had no objections.

51. I have considered all the relevant background material and I am therefore satisfied that the submitted Almeley Parish NDP meets the requirements set out in the SEA Directive so this basic condition is met.

Human rights requirements

52. Section 4 of the Basic Conditions Statement provides a very brief statement which confirms that it is considered that the NDP is compatible with the requirements of EU obligations in relation to

human rights. In addition, I could see from the Consultation Statement that consultation activities carried out for the NDP have been wide ranging and the Steering Group had sought to engage with all members of the community and relevant stakeholders.

53. I am satisfied therefore that the NDP is compatible with the requirements of EU obligations in relation to human rights and 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 and therefore meets the Basic Conditions.

Other Directives

54. I am not aware of any other European Directives that would apply to this NDP, 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

55. This section of my report considers the NDP policies against the basic conditions.

56. The Plan is clearly written and is very well presented, with a clear structure distinguished by separate sections. The plan policies are grouped by objective and for each policy there is a short introduction followed by the policy, which is set out in a coloured text box and then some supporting text to justify the policy. This is a very clear approach and the Steering Group are to be commended on the presentation of the policies. As a general commentary, however, most of the policies are very long and complex and, in a number of cases, they overlap with the guidance in other policies in the plan. This means that the plan does not provide clear and unambiguous guidance for future users of the plan. In my comments on the policies which follow I have therefore made a number of recommendations which aim to clarify the guidance which the plan provides.

57. 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 Guidance¹¹ are met. I have commented separately on the policy which deals with agricultural waste arising from intensive livestock units.

58. 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.

¹¹ Planning Practice Guidance PPG para 004

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

59. This section introduces the Neighbourhood Development Plan, explains why an NDP is being prepared and the approach taken to community involvement. I have no comments to make.

2. Background to the Plan Area

60. This section outlines the key characteristics and main features of the parish and I have no comments to make.

3. Issues for the Plan

62. This section outlines the key issues for the plan. My only comment relates to the issue of intensive livestock units and I have commented on this in para 83 below.

4. Development Options

63. This section outlines the options for development in the parish which were considered as part of the NDP preparation process, and explains that Option 6 – a small extension to Almeley village settlement boundary with limited further development in Woonton – was selected as it was the most practicable option while respecting the community's wishes. This accords with the strategic guidance in the HLPCS so the basic conditions are met.

5. Vision, Objectives and Strategic Policy

64. This section sets out the vision for the NDP, which is:

“In 2031, Almeley Parish will remain an unspoilt, rural and scenic part of Herefordshire, providing homes for its families and elderly residents, supporting local businesses, such as small family farms, and an increase in home-working through a fast-broadband network”

65. This section also introduces the first two policies which relate to sustainable development.

Policy ALM1: Promoting Sustainable Development

66. This policy seeks to promote sustainable development in the NDP area and complements HPLCS Policy SS1 in that it provides a distinctive sense of what is important to the Parish and its communities.

67. It does however require some fine tuning to improve clarity.

- **Recommendation: Reword ALM1 (c) to read “Support local economic development appropriate to the capacity of the highway network, the local landscape and the existing settlement pattern”**

Policy ALM2: Development Strategy

68. Policy ALM2 sets out the development strategy for the parish. However, the policy overlaps with and, in some cases (notably policies ALM10-13), duplicates other policy guidance later in the plan. This means that there is potentially unclear guidance for future decision takers. In order to meet the requirements of the NPPF at para 154, which confirms the need for clarity in policy, ALM2 and its supporting text should be deleted.

- **Recommendation: Delete ALM2 and paragraphs 5.9 and 5.10. Renumber subsequent policies accordingly**

[6. Environmental Policies](#)

69. This section introduces the environmental policies.

Policy ALM3: Maintaining and Protecting the Landscape and its Features

70. This policy seeks to maintain and protect the rural landscape of the parish and its features. In response to my query, the Steering Group confirmed that the “local sites and green infrastructure” referred to in ALM3(f) are all mapped in the Almeley Parish Biodiversity Conservation and Enhancement Plan which was produced in June 2018. I have looked at this document and I can see that it is important supporting evidence for the NDP, so I suggest that a more prominent reference is made to it in paragraph 6.2.

71. I also suggest some minor rewording of the policy to improve clarity.

- **Recommendation:** Replace “and reinforce” with “restore and enhance” in first line of ALM3. Add “to enhance landscape character” after “schemes” in ALM3(c). Delete “Ensure the integrity of the views by protecting the foreground” and add “Protect landscape views” before “across” in ALM3(d). Add after “traditional orchards” in fifth sentence of paragraph 6.2 “; these are described and mapped in the Almeley Parish Biodiversity Conservation and Enhancement Plan: June 2018.” Amend Footnote 10 on page 26 to read <http://almeleypc.org/wp-content/uploads/2018/07/Almeley-Parish-Council-Nature-Conservation-Plan-June-2018.pdf>

Policy ALM4: Protecting Heritage Assets

72. This policy seeks to protect the heritage assets of the parish. Again, I suggest some rewording to improve clarity. In particular, ALM4(b) needs to be strengthened so that it ties in with the guidance in the supporting text about Heritage Impact Assessments.

73. In response to my query, the Steering Group suggested that the two plans on pages 52 and 53 should be deleted as there were small differences between these maps and those prepared by Herefordshire Council and I agree this would be helpful. I also suggest that both natural and heritage assets are listed in Appendix 2 and the title of the Appendix amended accordingly.

- **Recommendation:** Add “affecting heritage assets” after “proposals” in line 1 of ALM4 (b) and delete “elsewhere”. Add “a Heritage Impact Assessment or” after “accompanied by” in ALM4(b). Add “the significance of” after “affect” in ALM4(f). Delete maps on pages 52 and 53 and substitute Almeley Policies and Woonton Policies Maps prepared by Herefordshire Council. Add list of Natural Assets to Appendix 2 and change title of Appendix 2 to “List of Heritage and Natural Assets”.

74. As there is more detailed guidance on development affecting historic farmsteads elsewhere in the NDP - notably in ALM2(c) and ALM14 - the guidance in ALM4(h) is superfluous and should be deleted. The supporting paragraph 6.4 would then be better located as the first, introductory paragraph below Policy ALM14.

- **Recommendation:** Delete ALM4(h) and renumber ALM4(i) as ALM4(h). Move paragraph 6.4 to become the first paragraph under Policy ALM14 and renumber as paragraph 8.6. Renumber remaining affected paragraphs in sections 6 and 8 accordingly

Policy ALM5: Protection of Local Green Space

75. This policy proposes three areas of local green space. The NPPF at paragraph 77 states;

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

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

76. In response to a related question, the Steering Group confirmed that they had carried out an assessment of the areas for potential inclusion as Local Green Space and that this is set out in supporting documents to the NDP. As this is important evidence I suggest that it is referred to more directly in the supporting text to Policy ALM5.

- **Recommendation: Add new sentence at start of paragraph 6.6 to read. “The Steering Group carried out an assessment of potential areas for inclusion as Local Green Space in the NDP and this is set out in <http://almeleypc.org/local-green-space-assessments/>”**

77. From my site visit I could see that the land at Spearmarsh Common and Pool Common were both open areas of land which were well maintained and used by the community going about their day to day activities. They both contribute to and enhance the character of the settlements of Almeley and Woonton respectively. On the other hand, The Batch at Almeley, is an area of dense woodland, with public access afforded by means of a public footpath. It is also an extensive tract of land which raises questions about whether it complies with NPPF guidance. Furthermore, it is protected through other planning designations, as it is identified as a Local Wildlife Site and is part of the Almeley Conservation Area so development here would be highly unlikely to be permitted. In these circumstances I conclude that it would not be appropriate to designate it as a Local Green Space. The wording of policy ALM5 also needs to be improved so that it provides clearer guidance.

- **Recommendation: Delete ALM5(b) from Policy ALM5 and Almeley Village Policies Map. Renumber ALM5(C) as ALM5(b) and amend Woonton Village Policies Map accordingly. Delete para 6.6(ii) and move Figure 10 to Appendix 2 . Renumber 6.6 (iii) as 6.6(ii) and renumber**

Figure 11 as Figure 10 and renumber all subsequent Figures accordingly. Reword third sentence of ALM5 to read “Proposals for any development on these sites will be resisted unless they are directly related to the retention, management or enhancement of the green space and there is no significant adverse effect on residential amenity.”

Policy ALM6: Design Appearance

78. This policy deals with the design of new development and I have no comments to make, beyond suggesting that the title might be more simply stated as just “Design”

- **Recommendation: Delete “Appearance “from title of policy ALM6.**

Policy ALM7: Sustainable Design

79. This policy deals with Sustainable Design and I have no comments to make.

[7. Economic Development](#)

Policy ALM8: Diversification through Live/Work Units

80. This policy helps support rural diversification which is important to the Parish as it has no major employers or businesses. It includes guidance on the use of historic farmsteads for economic and business purposes, so is distinct from Policy ALM14 which deals with proposals for residential use of such properties. The policies are therefore complementary and I have no comments to make.

Policy ALM9: General Purpose Agricultural Buildings and Intensive Livestock Units

81. This policy covers general purpose agricultural buildings and intensive livestock units, with most of the policy dealing with the latter.

82. A representation from the NFU raised concerns about this policy, suggesting that it is not in line with national or local policy and could unduly restrict the growth of farm businesses and curtail their ability to comply with legislation.

83. I understand from the response I received from Almeley Parish Council to my query, that this policy had been developed in response to local concerns about a number of planning applications for intensive livestock units within and surrounding the parish. I note, however, that it is not mentioned in the Issues for the Plan, which are set out in Section 5, although there is a detailed Appendix

outlining the concerns related to intensive livestock units appended to the Consultation Statement. If such units are an issue of concern to the general community, warranting a standalone policy in the Neighbourhood Development Plan, then this should be referred to in the Issues Section of the plan under the economic development heading in para 3.11.

- **Recommendation: Add as new sentences at the end of paragraph 3.11, “Public consultations, including in relation to the NDP, revealed considerable community concern over the potential harmful effects of intensive livestock operations to public health and the environment. Support for traditional farming is, however, strong.”**

84. The NFU representation expressed concern that the policy not only provides guidance for general agricultural buildings but in dealing with intensive livestock units it also overlaps with Environment Agency regulations, particularly in relation to manure spreading. Policy RA6 of the HLPCS and the NPPF provides guidance on general agricultural buildings so there is no need for the policy to refer to these and thus reference to them should be removed from the policy.

- **Recommendation: Delete “General purpose agricultural buildings requiring planning permission,” from the first sentence of ALM9 and from the title of ALM9**

85. In ALM9 (a) it is not clear what is meant by “full mitigation” and the term “environmental effects” is not sufficiently precise. To meet the basic conditions, revised wording is required to improve clarity.

- **Recommendation: Delete “the environmental” and substitute “adverse visual and landscape” and delete “full mitigation” and substitute “effective mitigation of the adverse impact” in second sentence of ALM9(a)**

86. In response to my queries and in their comments on the responses to the Reg 16 consultation, the Parish Council has explained the background to the policy and I am grateful for this information. Essentially the concerns centre around the disposal of waste associated with intensive livestock units. Manure or slurry spreading is a traditional method of maintaining soil fertility; it is only when it is spread in such a way that it exceeds crop requirements, is of no benefit to the land or provides no ecological improvement that it would be classed as waste¹². There is therefore a question as to whether this is an issue of waste disposal - which a neighbourhood plan would not be expected to

¹² <https://www.gov.uk/government/publications/legal-definition-of-waste-guidance/decide-if-a-material-is-waste-or-not>

cover as it is excluded development - or whether such developments raise planning issues which it would be reasonable for a NDP to address. There is also the matter of potential overlap with Environment Agency guidance and regulation regimes and the extent to which potentially adverse impacts would be managed through the planning application process or permitted through permitted development rights.

87. The situation is complex and I therefore have spent some time considering the background evidence submitted by the Parish Council, adopted Local Plans and Core Strategies, interim guidance from other local planning authorities and considered other Neighbourhood Plans in Herefordshire, notably Pembridge Neighbourhood Plan.

88. It is a concern that some of the wording of policy ALM9 seems to have been copied from the Beverley Borough Local Plan dated 1992, which itself was based on the Humberside Intensive Livestock Units Local Plan which was adopted in 1984 and subsequently amended in 1992. There are inherent risks, therefore, in preparing policies based on evidence from a different local authority area and on dated information which may have been superseded by other, more recent consent regimes or planning guidance. There is particular concern about the lack of evidence to justify the distances from the villages of Almeley and Woonton specified in ALM9(c). The references to precise distances from the two settlements should therefore be deleted from ALM9(c). A policy in the former Herefordshire UDP stated that development within 400m of an intensive livestock unit could potentially be sensitive to adverse effects on amenity, due to the proximity of the unit. Also, the GDPO 2015¹³ removes permitted development rights for intensive livestock units which are located within 400m of a protected building – one usually occupied by people. However, each case will need to be judged depending on the particular circumstances - for example, taking account of the site location and the size of the unit - so some flexibility needs to be incorporated into the policy.

- **Recommendation: Delete ALM9 (c) and replace with “proposals involving intensive livestock units and/or associated walled storage compounds or lagoons should be sited no closer than 400m from a protected building or residential property which is not associated with the operation. Where it can be demonstrated that a small-scale operation will have no impact at a closer distance due to the size of the operation or other factors, then this distance requirement may be reduced”**

¹³ <http://www.legislation.gov.uk/uksi/2015/596/schedule/2/made>

89. Criteria ALM9(d) and sub policies ALM9(d) (i) to (vi) deal with very detailed criteria regarding the handling, collection storage, treatment, transportation and disposal of manure waste. A neighbourhood plan can only deal with land use planning matters, not issues that are more appropriately considered by other consenting regimes, through the planning application process or, in some cases through a method statement submitted alongside a planning application. Amendments to ALM9(d) are therefore required to focus on the land use planning matters relevant to a neighbourhood plan, in order to ensure that it meets the Basic Conditions.

90. Criteria ALM9(d) (iii) deals with potential impacts on the River Wye Special Area of Conservation and “in combination” effects so is a land use planning matter on which the NDP could provide guidance. The SAC is an important national asset which could be vulnerable to nitrate pollution. Development affecting Scheduled Ancient Monuments and archaeological sites are covered by other policies in the plan so do not need be referred to in ALM9. The same applies to Local Nature Conservation Sites, Almeley Conservation Area and archaeological sites of Lesser Regional or Local Importance referred to in ALM9(d)(iv). Clause (v) and (vii) are superfluous as they overlap with other clauses. To provide clarity and to meet the basic conditions, amendments are required.

- **Recommendation: Delete ALM9(d) (iii) and replace with “Require the location of manure disposal or manure spreading areas for waste arising from intensive livestock units to be located where they would not have an adverse effect on the River Wye Special Area of Conservation. The in-combination effects of a number of such operations will also be a consideration”. Delete ALM9(d) (iv) and (v).**

91. Clauses (i) and (ii) deal with other matters which would be relevant when a planning application for an intensive livestock unit was being considered - such as the technological aspects of waste disposal methods - which are, in many cases, subject to other consent regimes. They are also outside the scope of a neighbourhood plan, which must be confined to land use planning issues. In response to my queries, the Parish Council has provided useful information about emerging practice elsewhere, including recent interim guidance for planning applications for intensive livestock units produced by Shropshire Council ¹⁴. I have also considered the approach used in the Pembridge NDP. I therefore suggest that these clauses are deleted and instead reference is made to a working method

¹⁴ <https://shropshire.gov.uk/environment/biodiversity-ecology-and-planning/new-interim-guidance-for-livestock-unit-lsu-applications/>

statement which could be requested by the local planning authority to accompany any planning application for an intensive livestock unit.

- **Recommendation: Delete ALM9 (d) (i), (ii), (vi) and (vii). Insert new final clause to read “Require any planning application for an intensive livestock unit to be accompanied by a working method statement that includes clear details on the number and quantity of animals and by products, methods of dealing with inputs and outputs from the process and pollution controls, transportation requirements and any other relevant matters as specified by the local planning authority. The in-combination effects of a number of such units on the environment should also be considered.” Renumber all clauses of ALM9 accordingly**

92. Consequential changes are required to the supporting text.

- **Recommendation: Delete “Protection zones settlement areas” and “These distancesplan making process” from paragraph 7.4. After “and lighting.” add “A working method statement setting out provisions and appropriate agreements is necessary to ensure the provisions of NPPF paras 120-124 are taken into account and this should cover all forms of pollution including noise, emissions to air and light pollution.” Delete last sentence of para 7.4. In first sentence of para 7.5 change “these protection zones” to “this protection zone”. Delete first and second sentences of paragraph 7.6. Add as new sentence at end of paragraph 7.7 “In addition, it is important that any proposals do not harm the parish’s heritage assets or its community facilities and services in accordance with other policies in this NDP”.**

8.Housing Policies

93. This section introduces the housing policies. As suggested in paragraph 102, below, I suggest that paragraphs 8.9 and 8.10 and Table 1 are moved to this section as they explain the housing requirements for the plan area and the approach taken to the housing allocations.

Policy ALM10: Housing Development in Almeley

94. This policy sets out the general approach to housing development within the defined settlement boundary of Almeley. There is some overlap with Policy ALM11 which allocates the site to the North of West View for housing development and I suggest some rewording to improve clarity.

- **Recommendation: Delete “a site identified for development upon Almeley Village Policies Map” from the first sentence of ALM10 and substitute with “the site allocated to the north of West View (ALM11)”**

95. In response to my query, Almeley Parish Council has pointed out that there is an error in para 8.2; it should be redrafted to take account of the housing allocation at Land to North of West View, Almeley as covered by Policy ALM11.

- **Recommendation: Redraft second sentence of para 8.2 to read “That proposed in this NDP reflects those previous boundaries and a site identified as suitable and available through the assessment if sites put forward within the local “Call for Sites””**

96. A representation sought to allocate an additional area of land within the development boundary to the East of The Manor. The site is located within the Almeley Conservation Area and its development would impact on the settings of nearby listed buildings and ancient monuments. In addition, the plan already allocates sufficient sites to meet its requirement so no change to the NDP is required.

Policy ALM11: Land to North of West View

97. This policy provides detailed guidance for the development of the site to the North of West View. I suggest some minor rewording to improve clarity.

- **Recommendation: In first sentence of ALM11 substitute “allocated” for “proposed” and delete “additional”**

Policy ALM12 : Housing development in Woonton

98. This policy sets out the general approach to housing development within the defined settlement boundary of Woonton. There is some overlap with Policy ALM13 which allocates a site suitable for redevelopment at Woonton Farm and I suggest some rewording to improve clarity.

- **Recommendation: Delete “the retention of sites already granted planning permission and the redevelopment of a site shown upon Almeley Woonton Policies Map” from the first sentence of ALM12 and substitute with “sites already granted planning permission and the site allocated at Woonton Farm (ALM13)”**

99. A representation sought the allocation of a further area of land to the south west of The Orchards. In response to my query, the Parish Council confirmed that the site had not been put forward as part of the Call for Sites exercise and had only recently been granted planning consent. It therefore had not been included in the Reg 16 version of the NDP and should it be developed, it would fall into the category of windfall development. No change to the NDP is therefore required.

Policy ALM13 : Redevelopment of Land at Woonton Farm

100. This policy provides detailed guidance for the redevelopment of land at Woonton Farm. I suggest some minor rewording to improve clarity.

- **Recommendation: Delete “may be redeveloped” and substitute “is allocated for redevelopment”**

Policy ALM14 : Residential Use Associated with Historic Farmsteads

101. Historic farmsteads form an important part of the Parish’s heritage and a number of these have been or are in the process of being sold off. In response to my query, the Steering Group explained that the approach they had taken in the NDP was to set out the strategic guidance for development affecting these properties in policy ALM2 with more detailed guidance on particular aspects of their development elsewhere in the plan. In order to ensure that there is no potential overlap in policy guidance I have suggested in my comments on ALM4 in para 74 above that ALM4(h) is deleted. In terms of policy ALM14 itself, I have no further comments to make.

102. In terms of the supporting text, the last sentence of para 8.8, paras 8.9 and 8.10 and Table 1 all sit rather oddly under ALM14 as they deal with the plan’s housing requirements. I therefore suggest that they are moved so that they sit as introductory paragraphs to the Housing Policies section.

- **Recommendation: Delete last sentence of para 8.8. Move Paragraph 8.9, 8.10 and Table 1 and insert as introductory paragraph under Section 8 Housing Policies on Page 38. Renumber all subsequent policies in Section 8 accordingly**

Policy ALM15: Providing for Local Housing Need

103. This policy provides guidance on how local housing needs will be met. However, it only seems to cover existing dwellings, not any new dwellings which could be provided as part of new housing development proposals which could be permitted as rural exception sites under Herefordshire Local Plan Core Strategy Policy RA2. I therefore suggest that the policy is amended so that it is aligned with the strategic guidance in the HPLCS and thereby meets the basic conditions.

- **Recommendation: Add “provided or” after “dwellings are” in first line of Policy ALM15**

9. Parish Infrastructure

Policy ALM16: Highway Requirements

104. This policy provides guidance on highway requirements and I have no comments to make.

Policy ALM17 : Sewerage Infrastructure

105. This policy requires some minor rewording to improve clarity and to strengthen the requirement on developers to contribute to remedial works at the Eardisley Waste Water Treatment Works (WwWTs), if they wish to advance proposals more swiftly.

- **Recommendation: In second line of ALM17, delete “development, sites” and replace with “the development of sites”. In second sentence of ALM17, add “be required to” after “Developers may”**

Policy ALM18 : Protection from Flood Risk

106. Herefordshire Council has pointed out that this policy requires some amendment as the statement regarding housing development not being permitted in flood zones 2 and 3 does not comply with the NPPF and PPG. I therefore suggest that this sentence is deleted from the policy and a more direct cross reference to HLPCS policy SD3 is added at the end of the previous sentence. With this change, the policy meets the basic conditions.

- **Recommendation: Add “and Herefordshire LPCS Policy SD3” at end of first sentence of ALM18. Delete second sentence of ALM18**

Policy ALM19 : Protection and Enhancement of Community Facilities and Services

107. This policy deals with the protection and enhancement of community services and I have no comments to make.

Policy ALM20 : Contributions to Community Services, Youth Provision and Recreation Facilities

108. This policy deals with developer contributions towards community facilities and I have no comments to make.

10. Delivering the Plan

109. This is a very useful section which sets out how the NDP will be delivered and monitored. I have no comments to make.

9. Conclusions and Recommendations

110. I have examined the Almeley Parish NDP 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 Almeley Parish NDP should proceed to referendum.

112. I am also required to consider whether the referendum area should be extended beyond the Almeley Parish NDP 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 in July 2012.

APPENDIX 1: Background Documents

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

- Almeley Parish Neighbourhood Development Plan 2011-2031 Submission Draft: May 2018 and associated Policies Maps
- Almeley Neighbourhood Development Plan Consultation Statement: June 2018
- Almeley Neighbourhood Development Plan Basic Conditions Statement: June 2018
- Herefordshire Council: Almeley Neighbourhood Development Plan - Progression to ! Examination Decision Document: 4 September 2018 !
- Environmental Report for Almeley Neighbourhood Area: Herefordshire Council: January 2018
- Habitats Regulations Assessment Report for Almeley Neighbourhood Area: Herefordshire Council: January 2018
- Environmental Report for Almeley Neighbourhood Area: Herefordshire Council: June 2018
- Habitats Regulations Assessment Report for Almeley Neighbourhood Area: Herefordshire Council: June 2018
- Habitat Regulation Assessments (HRA) of Neighbourhood Development Plans Statement in relation to CASE 323/1/COURT OF JUSTICE OF THE EUROPEAN UNION People over Wind and Peter Sweetman v Coillte Update following Counsel Advice: Herefordshire Council 13 September 2018
- Habitats Regulations Assessment Final Report for Almeley Neighbourhood Area: ! Herefordshire Council: August 2018 !
- Almeley Parish Biodiversity Conservation and Enhancement Plan: Herefordshire Wildlife Trust : June 2018
- National Planning Policy Framework (NPPF) 2012
- National Planning Policy Framework (NPPF) 24 July 2018

- Planning Practice Guidance March 2014 and subsequent updates !

APPENDIX 2:

Almeley Parish Neighbourhood Development Plan Examination

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

I have carried out a preliminary review of the Neighbourhood Development Plan and the evidence submitted in support of it and there are a few points 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. Local sites and green infrastructure

In Policy ALM3 (f) Reference is made to “local sites and green infrastructure within the parish”. Are these mapped or documented either in the NDP or elsewhere?

2. Heritage Assets

In Policy ALM4(f) reference is made to Nieuport and Broxwood Court Registered Park and Gardens but these are not marked on the two Policies Maps on pages 52 and 53, nor are they listed in Appendix 2 – the List of Heritage Assets. Similarly, ALM4(i) refers to a network of commons but these do not seem to be mapped. Are these the same as or different to the areas at Spearmarsh Common and Pool Common which are proposed as Local Green Space in Policy ALM5? Please can I have your comments?

3. Historic farmsteads

The NDP contains a number of policies that set out guidance on historic farmsteads – notably ALM2(c), ALM4(h), ALM8 (e) and ALM14. I think there is a risk that all this guidance overlaps and

could cause difficulties when the plan is used in future. I am minded to suggest that there is only one overarching policy to cover these – please can I have your views?

4. Intensive livestock units

Policy ALM9 deals with agricultural buildings and intensive livestock units, though the focus of most of the policy is on the latter. I am interested in knowing a bit more about why intensive livestock units are regarded as a concern for the NDP, as I can see no mention of the issue in the Issues for the Plan section or the Consultation Statement. I also note that the Beverley Borough Local Plan, on which I think ALM9 is based, has been superseded by other Local Plan policies in the former Humberside area which are now more up to date. I would appreciate any comments you wish to make.

5. Housing Sites

I have received a representation from Bernard Eatock Ltd regarding land to the East of The Manor in which he mentions correspondence with a representative of the NDP Group regarding the possible inclusion of the site within the settlement boundary. Please can you confirm whether this site was considered as part of the call for sites exercise and any other information that may be relevant to my consideration of this representation?

6. Land at Woonton

I have received a representation from McCartney's regarding land to the south west of The Orchards at Woonton. A planning application was granted for residential development on the site on 27 June 2018. However, the site has not been included within the settlement boundary for Woonton in the NDP. I note that two other sites in Woonton, to the east of Pool Cottage and south of the Hopley's Green junction have also been recently been granted planning consent, yet these are included within the settlement boundary. Please can you explain the differences in approach?

Thank you 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.

Barbara Maksymiw

23 November 2018

Shropshire Council Interim Guidance Note GN2 (Version 1, April 2018)

Assessing the impact of ammonia and nitrogen on designated sites and Natural Assets from new and expanding livestock units (LSUs)

(Please note, for international and national designated wildlife sites this interim guidance is based largely on Natural Resources Wales Guidance Note (GN020), ‘Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units: Technical guidance for determining environmental permit applications or responding to planning application consultations.’)

Why is Shropshire Council producing this interim guidance?

In the past, Shropshire Council has relied on the national guidance and thresholds for ammonia published by the Environment Agency (EA) to be followed when applying for an Environmental Permit for intensive livestock units (LSUs), published in 2012. Since this guidance was issued, a number of changes have occurred. These are:

- The very high number of permitted intensive livestock units in Shropshire (over 100 by 2017) compared with other English counties;
- An increase in the number of planning applications submitted per year for both EA permitted and non-permitted livestock units, which produce ammonia emissions;
- A relatively high number of internationally and nationally designated wildlife sites, together with ancient woodlands and local wildlife sites scattered across this largely rural county, which are protected by law and/or planning policy;
- ‘Clusters’ of LSUs existing and proposed in proximity to designated wildlife sites;
- Very high background levels of ammonia in the county with examples of international wildlife sites already at c. 200% to 600% of their Critical Levels or Critical Loads (i.e. the levels of ammonia and loads of nitrogen deposition above which species will be lost and habitats damaged);
- New guidance has been published (2017) by Natural Resources Wales (the intensive LSU permitting body for Wales) for considering ammonia emissions, which has lowered the significance thresholds used during the initial ammonia screening and in-combination assessments. Shropshire Council LPA must formally consult NRW on any LSU from which ammonia may impact on Welsh wildlife sites, whether or not they have a permit from the Environment Agency (the intensive LSU permitting body for England), i.e. different screening thresholds now apply for environmental permits depending in which country the affected sites lie;
- Recent caselaw (the ‘Wealden Case’ 2017) has called into question how sources of pollution are to be considered ‘in-combination’ for internationally protected wildlife sites;
- Recent research commissioned by Natural England, which has scientifically assessed the impacts of nitrogen pollution on habitats and species (see section 1.3);

- The requirement in the National Planning Policy Framework and the new government 25 year plan to seek biodiversity net gain.

Shropshire Council is currently liaising with Natural England, the Environment Agency, Natural Resources Wales, planning agents, applicants and the Marches Local Enterprise Partnership to seek a way forward for agricultural businesses, whilst complying with legislation and policy to protect Shropshire's wildlife and countryside.

What is this document about?

This document explains how to assess the impacts of ammonia emissions and nitrogen deposition from livestock units on designated sites and Natural Assets (Internationally and nationally designated sites and Natural Assets such as Ancient Woodland, other irreplaceable habitats and Local Wildlife Sites as listed under SAMDev Plan policy MD12: Natural Environment and the NPPF paragraph 118).

Who is this document for?

This guide is for applicants and their planning agents, ecology and air pollution consultants, seeking to apply for planning permission to build and operate livestock units and associated infrastructure (intensive or otherwise) in Shropshire, including changes to existing permissions. It will also serve to help Shropshire planning officers to assess such planning applications.

Contact for queries or feedback: ecology@shropshire.gov.uk

Contents

Paragraph Number	Heading	Page
1	Introduction	4
1.1	Relevant legislation	5
1.2	Relevant planning policy	5
1.3	Related documents	5
2	The assessment process	6
3	Simple distance and critical level/load screening	14
3.1	Screening distance (Step 1)	14
3.1.1	Identifying wildlife sites and sensitive receptors	14
3.2	Simple screening against critical level or critical load threshold (Step 2)	15
3.2.1	Assigning critical levels and loads	15
3.2.2	In-combination effects	15
4	Detailed Assessment requirements and information (Steps 3, 3a and 4)	16
4.1	Information on the proposed LSU	16
4.2	Confirmation of the relevant Ammonia critical level(s) and critical load(s) of sensitive receptor(s)	17
4.3	Confirmation of the background ammonia and nitrogen at the sensitive receptor(s)	17
4.4	Further information on the sensitive sites and other environmental factors	18
4.4.1	Site condition monitoring	18
4.4.2	Habitats Regulations review of consents	18
4.4.3	Conservation objectives and detailed site management objectives	18
4.4.4	Distribution of features within the designated site	19
4.4.5	Ellenberg Values	20
4.4.6	Local environmental factors	20
4.4.7	Shared Nitrogen Action Plans	22
5	Carrying out the detailed assessment (Step 5)	23
5.1	Statutory and planning policy requirements for International Sites (European sites and Ramsar Sites)	23
5.2	Statutory and planning policy requirements for SSSIs	24
5.3	Statutory and planning policy requirements for Natural Assets	24
6	Concluding the detailed assessment and determination of the planning application	25
7	Possible outcomes for planning applications	26
Appendix 1	Abbreviations and terms	27
Tables		
Table 1	Shropshire interim assessment process	7
Table 2	Environmental factors and potential influence on habitats	20
Figures		
Figure 1	Assessment procedure flow diagram	13

1 Introduction

This document explains how Shropshire Council now assesses the impact of predicted ammonia emissions from livestock units (LSUs). An LSU may be classed as ‘intensive’ and require an Environmental Permit from the Environment Agency (EA) as well as planning permission, or it may fall outside the ‘intensive’ livestock criteria but by its nature may generate significant airborne ammonia.

This guidance covers the assessment of direct effects of ammonia and indirect impact from nitrogen deposition (eutrophication) on designated wildlife sites and Natural Assets. The assessment procedure involves the same modelling techniques used by the EA and Natural Resources Wales (NRW) when assessing environmental permits, but the thresholds for screening planning applications, for impacts on international and national designated sites, generally reflect those used by NRW, which have been more recently updated. NRW has introduced revised screening thresholds of insignificance and a new upper threshold for the process contributions of other plans or projects acting in-combination on designated sites (GN020 October 2017). They have also revised the screening distance for European Sites, reducing it from 10km to 5km.

Shropshire Council understands that the EA, Natural England (NE) and NRW are currently reviewing their guidance in the light of recent case law (Wealden Case, see section 1.3). Shropshire Council is actively liaising with these bodies and welcome technical suggestions from the industry and farming advisors to both mitigate the problems caused by high levels of ammonia and support the sustainable development of the farming sector. **This interim guidance will be reviewed at least annually and Shropshire Council will consider any changes in national guidance and scientific evidence as it becomes available. Please check Shropshire Council’s planning website for the most up to date guidance and the Validation Checklist for Livestock Units (LSU).**

<http://shropshire.gov.uk/environment/biodiversity-ecology-and-planning/>

The Validation Checklist also covers information which must be submitted with a planning application to allow the LPA to consider noise and odour impacts on local people.

This guidance describes the information required to be submitted with a planning application and takes you through the steps needed to carry out the assessment on sites with the following designations:

- European designated sites (Natura 2000 sites) - Special Areas of Conservation (SAC), Special Protection Areas (SPA)
- Other internationally designated sites - Ramsar Sites (as a matter of government policy)
- Nationally designated sites - Sites of Special Scientific Interest (SSSI)
- Natural Assets as defined in Shropshire’s Site Allocations and Management of Development Plan, policy MD12: Natural Environment (Local Nature Reserves, Local Wildlife Sites, Ancient Woodland (or Plantation Ancient Woodland) or other irreplaceable habitats, priority habitats and priority species).

N.B. In order to obtain an environmental permit from the Environment Agency (EA), applicants should follow the EA's guidance at: <https://www.gov.uk/topic/environmental-management/environmental-permits> as before.

This guidance document only applies to applications for planning permission from the Shropshire Local Planning Authority. Planning and Environmental Permitting are separate regimes considering differing criteria, and obtaining permission under one regime does not automatically ensure permission will be gained through the other.

1.1 Relevant legislation

Legislation relevant to this guidance note is:

- Environmental Permitting (England and Wales) Regulations 2016
- Conservation of Habitats and Species Regulations 2017
- Countryside and Rights of Way Act 2000
- Natural Environment and Rural Communities Act 2006
- Environmental Protection Act 1990
- Wildlife and Countryside Act 1981
- Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

1.2 Relevant Planning Policy

Planning policy relevant to this guidance note is:

- Shropshire Site Allocation and Management of Development Plan (including policy MD12: Natural Environment)
- Shropshire Core Strategy (including policy CS17 Environmental Networks)
- National Planning Policy Framework (particularly paragraphs 14, 118 and 119)

1.3 Related documents

- a) Government Circular: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system ODPM Circular 06/2005 (England)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf
- b) Guidance on modelling concentration and deposition of ammonia emitted from intensive livestock units. Environment Agency, Air Quality Modelling Assessment Unit, 22 November 2010 v3
<http://webarchive.nationalarchives.gov.uk/20140328103829/http://www.environment-agency.gov.uk/business/sectors/40071.aspx>
- c) SCAIL: Simple Calculation of Atmospheric Impact Limits <http://www.scail.ceh.ac.uk/>
- d) Assessing the effects of small increments of atmospheric nitrogen deposition (above the critical load) on semi-natural habitats of conservation importance (23rd March 2016), Natural England Commissioned Report NECR210.
<http://publications.naturalengland.org.uk/publication/5354697970941952>

- e) Improvement Programme for England’s Natura 2000 Sites (IPENS) – Summary Report. Natural England 2015.
<http://publications.naturalengland.org.uk/publication/5757712073752576>
- f) Atmospheric Nitrogen theme plan – Developing a strategic approach for England’s Natura 2000 sites. Natural England 2015.
<http://publications.naturalengland.org.uk/file/5688662740172800>
- g) Commission Implementing Decision (EU) 2017/302 of 15 February 2017 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs (*notified under document C(2017) 688*)
<https://publications.europa.eu/en/publication-detail/-/publication/968ab1da-f807-11e6-8a35-01aa75ed71a1/language-en>
- h) Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council, South Downs National Park Authority v Natural England [2017] EWHC 351 (Admin)
<http://www.bailii.org/ew/cases/EWHC/Admin/2017/351.html>

2 The assessment process

Table 1 below describes the screening procedure. Figure 1 illustrates the procedure in a flow chart. For each screening Step, additional clarification is provided in the remaining text, headed with the Step number.

Definitions of terms used in Table 1:

Abbreviation	Term	Description
BAT	Best Available Techniques	Measures to reduce ammonia emissions detailed in document 1.3 (g) above.
Cle	Critical level	Level of airborne ammonia above which damage to a specified habitat is likely to occur.
CLo	Critical Load	Amount of nitrogen deposition above which damage to a specified habitat is likely to occur.
PC	Process Contribution	Ammonia released to the air or nitrogen (N) deposited to the ground as a result of the LSU.
PEC	Predicted Environmental Concentration	Process Contribution plus the other PCs being considered in-combination, plus the background level or load at the sensitive receptor.
SC Ecology	Shropshire Council’s Ecology Team	Contact: ecology@shropshire.gov.uk
Sum of PCs	Sum of Process Contributions	The PC of the LSU being applied for plus the PCs of other sources being considered in-combination.

Table 1 Shropshire interim assessment process for livestock units emitting airborne Ammonia, partly based on NRW Guidance Note GN020 with modification to take account of the Wealden Case, legal advice and planning policy.

SIGNIFICANCE SCREENING		
Step 1: Distance screen	<p>Question: Is the livestock unit closer than 5 km from an international or national designated wildlife site (i.e. SAC, SPA, Ramsar, SSSI) and/ or 2km from a Natural Asset (e.g. Local Nature Reserves, Local Wildlife Sites, Ancient Woodland (or Plantation Ancient Woodland) or other irreplaceable habitats, priority habitats and priority species)?</p> <p>All the above are classed as ‘sensitive receptors’. A receptor is sensitive if it contains habitats or species which are adversely effected by airborne ammonia, deposited nitrogen or acidification, from whatever source.</p> <p>Information can be obtained from:</p> <ul style="list-style-type: none"> - http://www.magic.gov.uk/MagicMap.aspx - Natural England https://designatedsites.naturalengland.org.uk/SiteSearch.aspx APIS http://www.apis.ac.uk/src1 - Shropshire Wildlife Trust (for Local Wildlife Sites) https://www.shropshirewildlifetrust.org.uk/contact-us 	
	If...	then...
	Yes, it is within 5km from an international or national site, or 2km from a Natural Asset	Proceed to Step 2
	Yes, it is closer than 250m	Proceed to Step 3a Detailed Assessment. Detailed modelling will be required and must follow the agreed EA AQMAU 2010 v3 guidance (see 1.3 Related documents). (SCAIL/AST

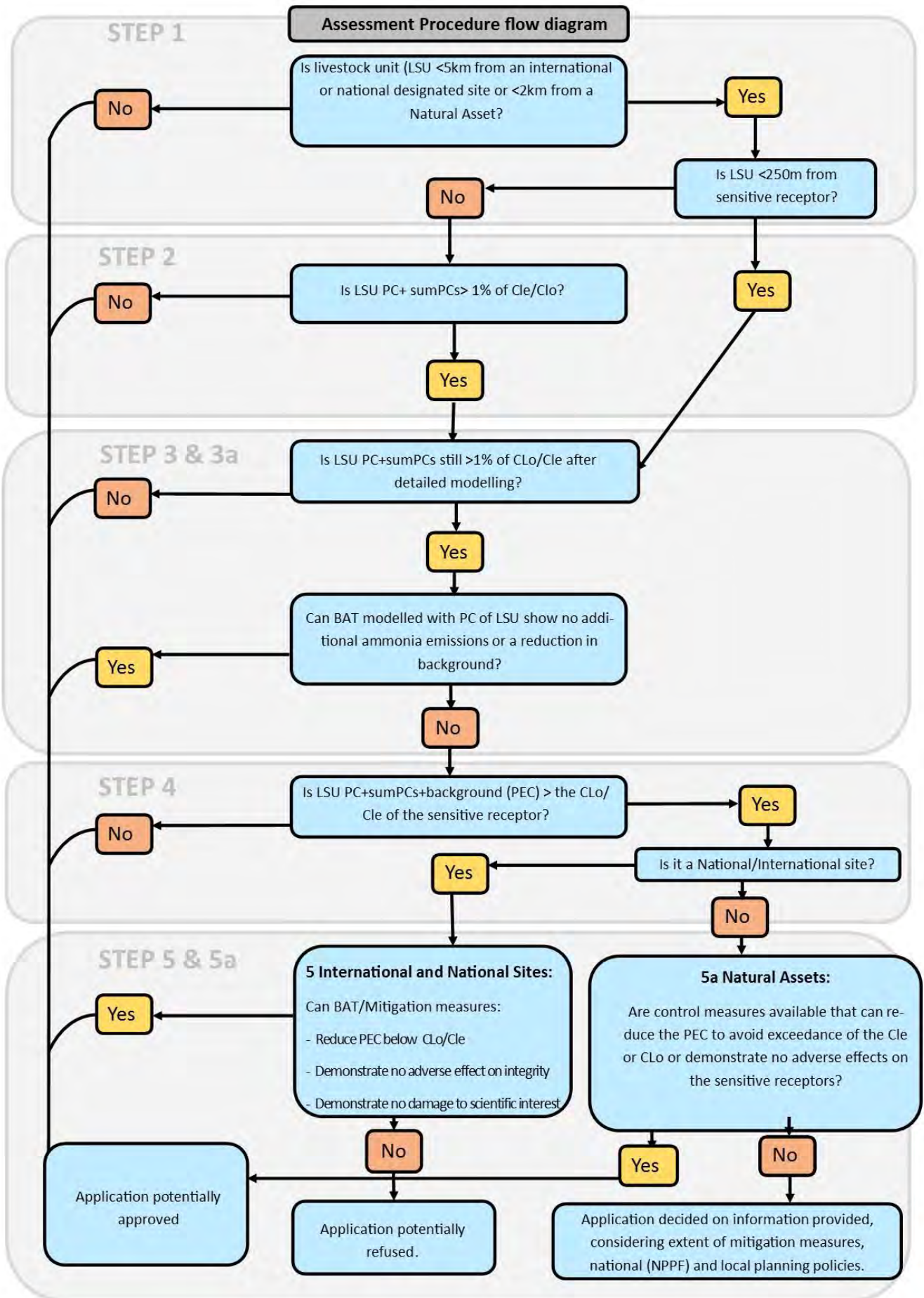
		cannot be used for sites < 250m from a sensitive receptor.)
	No	Further assessment will not be required in support of the application. The application can be determined without the need to assess the impact of aerial emissions of ammonia and nitrogen deposition.
Step 2: Simple screening threshold (based on SCAIL or AST modelling)	<p>Question: Does the process contribution (PC) + Sum of other PCs add up to over 1% of the Cle or Clo of the sensitive receptor?</p> <p>A summary table should be provided by the applicant detailing: The sensitive receptors potentially affected. The ammonia critical level and nitrogen critical load for each sensitive receptor and background levels for the locality. These can be obtained from one or more of the following sources:</p> <ul style="list-style-type: none"> • Air Pollution Information System (APIS); • Sensitive receptors established from site citations; • confirmed by relevant officer within SC Ecology or Natural England. <p>Other sources (other PCs) that could potentially act in combination must be identified such as:</p> <ul style="list-style-type: none"> • <i>Applications for planning or permitting that are submitted but not yet determined;</i> • <i>Developments that have planning permission and/or permits but are not yet (fully) operating;</i> • <i>Developments that started operating after the most recent update of background levels.</i> <p>Contact SC Ecology to identify any relevant sources of PCs in the planning or permitting systems.</p>	
	If...	then...

	Yes	Proceed to Step 3a: Detailed assessment . Detailed modelling will be required
	No	The application can be determined providing avoidance and mitigation measures can be conditioned.
DETAILED OR APPROPRIATE ASSESSMENT		
Step 3a Detailed assessment	Question: Does the PC plus Sum of PCs remain >1% following detailed modelling? A detailed model will be required to complete the assessment from this point forward and must follow the agreed EA AQMAU 2010 v3 guidance	
	If...	then...
	Yes	Proceed to Step 3b .
	No	The application can be determined providing avoidance and mitigation measures can be conditioned.
Step 3b: Avoidance of additional PC	Question: Does modelling of the PC, including BAT (Best Available Techniques) or other avoidance/mitigation measures show either no additional nitrogen Deposition or, a reduction in background nitrogen Deposition?	New sites would have to be N neutral. Extensions to existing sites would need to add no extra N deposition or, ideally, a reduction in the N background level, achieved by use of Best Available Techniques (BAT) or other mitigation measures.
	If...	then...
	Yes	The application can be determined providing avoidance and mitigation measures can be conditioned.
	No , modelling of the PC, including BAT (Best Available Techniques) or other avoidance/mitigation measures does not reduce the nitrogen Deposition by more than or equal to the Process Contribution.	Proceed to step 4

<p>Step 4 Detailed assessment with background</p>	<p>Question: Does the Predicted Environmental concentration, PEC (process contribution (PC) + Sum of other PCs + Background Ammonia concentrations / N deposition) cause an exceedance of the Cle or Clo of the sensitive receptor? Determine the background ammonia concentrations and nitrogen deposition at the sensitive receptors. Note: background levels of ammonia in Shropshire are already over most Critical Levels and Loads for sensitive receptors.</p>	
	<p>If...</p>	<p>then...</p>
	<p>Yes, PC+Sum of PCs + Background levels are above the Cle or Clo of the sensitive receptor(s).</p>	<p>Proceed to step 5 if international or national designated sites are affected. Proceed to step 5a if Natural Assets are effected.</p>
	<p>No</p>	<p>Further assessment is not required (although BAT may be required). A decision can be made on the application.</p>
<p>Step 5: Consideration of control measures for developments affecting SACs, SPAs, Ramsar Sites or SSSIs.</p>	<p>Question: Are control measures available that can:</p> <ul style="list-style-type: none"> • reduce the PEC to avoid exceedance of the ammonia critical level or nitrogen critical load or • demonstrate that there will be no adverse effect on the integrity of an international site or • demonstrate there will be no damage to the scientific interest of a national site? <p>Assessments will be made on a case by case basis with formal consultation with NE (and with NRW for designated sites in Wales).</p>	

	Where the PC or Sum of PCs are above 1% and when added to the background levels create the PEC which results in an exceedance of the CLe / CLo , or where background levels already exceeds the CLe / CLo, control measures will have to be considered to reduce the emissions so that no damage to the sensitive receptors will occur.	
	If...	then...
	Yes	The application can be potentially approved with conditioned control measures.
	No	The application will be potentially refused when all avenues to reduce the contributions are exhausted, and it cannot be shown that damage to the sensitive receptors will not occur.
Step 5a: Consideration of control measures for developments affecting Natural Assets.	<p>Question: Are control measures available that can reduce the PEC to avoid exceedance of the ammonia critical level or nitrogen critical load or demonstrate no adverse effects on the sensitive receptors?</p> <p>Where the PC and Sum of PCs are above 1% and when added to the background levels create the PEC which results in an exceedance of the critical level / load, or where the background level already exceeds the critical level / load, control measures will have to be considered to avoid or reduce the emissions.</p>	
	If...	then...
	Yes	The application can be potentially approved with conditioned control measures.
	No	A balanced planning decision will be taken based on the information

	<p>Provide sufficient information on the ecological impacts of the development by an ecological consultant on the specific sensitive receptor(s).</p> <p>Provide details of avoidance, mitigation and compensation measures proposed.</p> <p>Provide detailed reasoning as to why the socio-economic benefits outweigh the quantified residual harm to the sensitive receptor.</p> <p>Consult SAMDev Policy MD12 and NPPF paragraph 118.</p> <p>Submit written consideration of alternatives, indicating why the chosen project is the least damaging option.</p>	<p>provided, other material considerations and planning policy.</p>
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3 Simple distance and critical level/load screening

3.1 Step 1: Screening distance

Follow the steps below for assessing Livestock Unit (LSU) applications or variations to existing LSUs situated between 250m and 5km from a sensitive receptor. If there are no sensitive receptors within these distances, then there is no need to proceed to the following steps.

Where a livestock unit is **within 250m** of a sensitive receptor, detailed assessment using detailed modelling is automatically required for that development (**Step 3**). In such cases steps 1 and 2 are not required, however the relevant critical levels and loads **must** still be established. The detailed modelling must follow the agreed guidance (Guidance on modelling concentration and deposition of ammonia emitted from intensive livestock units Environment Agency Air Quality Modelling Assessment Unit, 22 November 2010 v3).

3.1.1 Identifying Sensitive Receptors

We expect applicants to carry out screening during pre-application using the most up-to-date information available on the distribution of sensitive receptors, sites, habitats and species important for biodiversity in England (and Wales for cross border receptors). The screening process will involve making a balanced judgement about the environmental and legal risks associated with each type of activity against the sensitivity of the nature conservation interest present in that location.

A map showing internationally (SACs, SPAs and Ramsar sites) and nationally (SSSIs) designated wildlife sites, together with Natural Assets such as Local Nature Reserves (LNRs), Priority Habitats and Ancient Woodland can be found at <http://www.magic.gov.uk/MagicMap.aspx>.

Site citation information stating which habitats and species are important for SACs, SPAs, Ramsar sites and SSSIs can be found through Natural England: <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx> or for EU sites <http://publications.naturalengland.org.uk/category/5134123047845888>.

Site citation information for Local Wildlife Sites (Natural Assets) is available from Shropshire Wildlife Trust (as are Shropshire Ecological Data Network Priority Species data). <https://www.shropshirewildlifetrust.org.uk/contact-us>.

Further information on Ancient and Plantation Ancient Woodlands is available from: [https://www.forestry.gov.uk/pdf/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf/\\$file/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf](https://www.forestry.gov.uk/pdf/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf/$file/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf) or for Wales <https://naturalresources.wales/guidance-and-advice/environmental-topics/woodland-management/woodlands-and-the-environment/ancient-woodland-inventory/?lang=en>.

Shropshire Council may hold additional data on Priority Habitats (contact Ecology@Shropshire.Gov.Uk).

If the application has potential to impact on designated sites in Wales, or other neighbouring English Planning Authorities, then a formal planning consultation will be sent to the appropriate authority to identify ecological constraints and plans and projects which would act in-combination.

3.2 Step 2: Simple screening against critical level or critical load threshold

Screening carried out at the pre-application stage will determine whether detailed modelling is required from the applicant to support their planning application. This basic assessment can be completed using a free on-line tool, Simple Calculation of Atmospheric Impacts Limits (SCAIL <http://www.scail.ceh.ac.uk/>) using the conservative met mode. [NOTE: Other models are available (e.g. ADMS).] This will provide an estimation of the airborne ammonia potentially produced by the development or its Process Contribution (PC).

3.2.1 Assigning critical levels and loads

For all sensitive receptors the appropriate ammonia critical level and nitrogen critical load should be determined. Advice can be obtained from Natural England

<https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>,

or from SC Ecology via pre-application advice

<https://www.shropshire.gov.uk/planning/applications/pre-application-advice-fags/>.

For ammonia critical levels where

- lichens and bryophytes (moss and liverworts) are integral to the sensitive receptor apply a critical level of 1µg/m³.
- lichens and bryophytes are not present then apply a critical level of 3µg/m³.
- Nitrogen critical loads are based on the sensitivity of each habitat and differ accordingly. Nitrogen critical loads are expressed as a range (*e.g.* 10 – 20 kgN/ha/yr). The lower value is used in all screening assessments. A good source of information in assigning a nitrogen critical load to a sensitive receptor is the Air Pollution Information System (APIS <http://www.apis.ac.uk/>), including APIS Site Relevant Critical Loads.

3.2.2 In-combination effects

The simple screening must take account of overlapping in-combination effects with other livestock units and other sources of nitrogen or ammonia. Other sources (other PCs) that could potentially act in combination are as follows:

- *Applications for planning or permitting that are submitted but not yet determined;*
- *Livestock units that have planning permission and/or environmental permits but are not yet (fully) operating.;*
- *Livestock units that started operating after the most recent update of background levels (see APIS website for date of last update).*

Information on the above can be found on the following websites:

https://consult.environment-agency.gov.uk/consultation_finder/,

<https://data.gov.uk/dataset/99ebf94f-5069-4470-9d27-09fe2d3a05c8/environmental-permitting-regulations-industrial-sites-quarterly-summary>,

<https://ea.sharefile.com/share/view/s7b87ee75b2044409>,

and the Planning Register on the Shropshire Council website

(<https://www.shropshire.gov.uk/planning/applications/viewing-planning-applications/>) .

Alternatively, contact SC Ecology to identify any relevant sources of PCs in the planning or permitting systems (an administration charge may apply). Add together the PCs of the other sources identified to obtain the overlapping in-combination concentration (sum PCs).

Shropshire Council Ecology Team will use the latest version of the ammonia screening tool (AST, provided by the EA) to check estimates of ammonia concentrations, and nitrogen deposition from neighbouring livestock units at the maximum concentration point of ammonia/nitrogen on the sensitive receptors derived from the proposed or expanding farm.

Proposed livestock units do not need detailed assessment for their planning application to be determined if they meet one of the following criteria:

- **The proposed LSU is more than 5km away from an international or national designated site, or 2km from a Natural Asset;**
- **the Process Contribution from the LSU, in-combination with PCs of other projects or plans, is less than 1% of the critical load or critical level for the sensitive receptor(s) identified within that radius,**

4 Steps 3, 3a and 4: Detailed Assessment requirements and information

The applicant will need to provide the information below to enable the detailed assessment of the impact of ammonia emissions and nitrogen deposition from their livestock development on sensitive receptors, as identified during screening. See the Validation Checklist for Livestock Units (LSU) <http://shropshire.gov.uk/environment/biodiversity-ecology-and-planning/>

for a summary of the items of information to be submitted with the planning application for a LSU. **The Validation List provides a useful checklist and a copy must be completed and attached to the planning application form for the application to be validated.** At this stage, a detailed ammonia modelling report must be submitted following the EA AQMAU 2010 v3 guidance.

4.1 Information on the proposed LSU

The following information about the proposed development should be supplied with the application:

- modelling input data and results, such as that required by the free on-line screening tool Simple Calculation of Atmospheric Impact Limits

- Ordnance Survey grid reference locations for the proposal and the name, address of the livestock unit
- what type of ventilation system is being proposed, for example fan or natural ventilation
- location of the ventilation, for example roof or side mounted (if roof mounted the height of the vents above the ground must also be provided), the number of fans, the fan diameter and radius in metres, the fan efflux velocity in metres per second and the fan flow rate in cubic metres per second
- area of floor space of the housing in square metres
- the quantity of manure stored on the livestock unit at any one time (in tonnes)
- the surface area in square metres of any slurry storage facility on the site (including lagoons) and the type of cover used
- a breakdown of animal numbers by type and by type of housing (e.g. the number of sows, growers and finishers on fully slatted floorings and the number on partly slatted flooring)
- the most appropriate ammonia emission factors for the type of animals reared
- the most appropriate ammonia emission factors for the housing type
- modelling with isopleth maps covering all relevant sensitive receptors, where pre-application screening indicates it is needed.
- Details of the Best Available Techniques and mitigation measures to be implemented and which of these have been included in the modelling.

4.2 Confirmation of the relevant ammonia critical level(s) and critical load(s) for sensitive receptor(s)

See section 3.2.1. Where there are no lower plant records (lichens, bryophytes), the critical level for higher plants is used, together with the appropriate nitrogen critical load. It is possible that emissions of ammonia between $1\mu\text{g}/\text{m}^3$ and $3\mu\text{g}/\text{m}^3$ would result in deposition above the minimum nitrogen critical loads for nutrient enrichment. Applying the critical level for ammonia only would not provide full protection of the nature conservation site.

Site-relevant critical loads represent the best available information on the sensitivity of individual international and SSSI features and are available from the Air Pollution Information System (APIS) website. The justification for the chosen critical level and (where appropriate) critical load as part of the detailed assessment is required. Where the applicant has proposed a different critical level or load in their detailed modelling report, they must provide a valid and auditable justification.

4.3 Confirmation of the background ammonia and nitrogen at the sensitive receptor(s)

Confirm the background ammonia concentrations and nitrogen deposition at the sensitive receptor and whether there is an exceedance of the ammonia critical level or nitrogen critical load. For most sensitive receptors in Shropshire the background level already exceeds the critical level / load and control measures will have to be considered to reduce the emissions.

Background pollution values can be obtained from DEFRA UK-AIR (<https://uk-air.defra.gov.uk/>), National Atmospheric Emissions Inventory (<http://naei.beis.gov.uk/>) and APIS (search by location to help confirm location specific background levels) (<http://www.apis.ac.uk/>).

Add the background level to the PC and the Sum of PCs to determine the Predicted Environmental Concentration (PEC) and compare this with the ammonia critical level and the nitrogen critical load.

4.4 Further Information on the sensitive sites and other environmental factors

Detailed assessment allows a case-specific investigation of the likely impacts of ammonia emissions and nitrogen deposition from a proposed development, based on the best available information. For a detailed assessment the following information will also need to be considered.

4.4.1 Site condition monitoring

All European sites and SSSIs are surveyed by NE (or NRW in Wales) as part of the Habitats Directive Article 17 reporting or common standards monitoring. See <http://incc.defra.gov.uk/page-2272> for general information on common standards monitoring. See <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx> for condition monitoring of SSSIs. However, currently this monitoring is not designed to identify the specific effects of air pollution.

This information can still be used to inform a detailed assessment, for example the presence and location of sensitive habitats or species. However, even if the status of a feature is considered favourable it cannot be automatically assumed that there is no impact from the current emissions from the unit. Years may elapse before damage becomes detectable. Also, the effects from the ammonia emissions might be masked through the management of the SSSI, or they might not have been assessed.

4.4.2 Habitats Regulations review of consents

General information is available on the susceptibility of European sites to nutrient enrichment from the Habitats Directive review of consents programme. Any actions on air quality identified in the relevant site action plan must be considered, and ensure that these will not be compromised through the permitting of the LSU.

Under National Planning Policy Framework paragraph 122, Shropshire LPA assumes that the conditions of any existing Environmental Permit are fully complied with, to defined timescales, when considering the detailed assessment.

4.4.3 Conservation objectives and detailed site management objectives

Conservation objectives are management objectives developed for each European site (Natura 2000 site) and each feature designated within that site. For European sites the conservation objectives can be found at <http://publications.naturalengland.org.uk/category/5134123047845888>. Further details on

management objectives for EU sites are provided in the relevant Site Improvement Plan (SIP) at: <http://publications.naturalengland.org.uk/category/4879822899642368>, (or Core Management Plans in Wales on the NRW Designated Sites Search webpages). The objectives will allow the protected habitat or species to be restored to, or maintained in 'favourable condition', which is the desired state of the species or habitat. The air pollution conservation objectives for all features are not fully completed. Seek advice from relevant NE or NRW specialists if needed.

For English SSSIs, additional information is provided in in the Views About Management (VAMs) and for Welsh SSSIs in Site Management Statements (SMSs) explaining what is important and what management is required to help protect the site. For each SSSI a list of Operations Likely to Damage the Special Interest (OLDSI) has also been compiled. For these items see <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx> website (or NRW Designated Site Search webpages).

It is important that the detailed assessment only considers the features sensitive to ammonia emissions and nitrogen deposition and their individual conservation objectives. The detailed assessment must ensure that the conservation objectives for each relevant sensitive feature will not be compromised by the proposed livestock unit.

4.4.4 Distribution of features within the designated site

As part of the screening process for livestock units a critical level (ammonia), and nitrogen critical load (nutrient enrichment and acidification) would have been applied to the conservation site based on the presence of sensitive features (lichen and bryophytes). However, no account will have been taken of the location of these features in relation to the pollution footprint from the unit.

The detailed assessment can be used to determine whether the sensitive features present at the nature conservation site fall within the pollution footprint of the unit. Pollution footprint isopleths should be included in the modelling submitted by the applicant.

Species and habitat information can be obtained from various sources, including:

- NE and JNCC (and NRW for Welsh sites) websites: <https://www.gov.uk/government/organisations/natural-england>, <http://naturalresources.wales/?lang=en>, and <http://jncc.defra.gov.uk/>
- NE habitat or species specialists (<https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>)
- NE or NRW site condition monitoring reports
- Independent survey work commissioned/obtained and submitted by the applicant.

The applicant may need to have ecological survey work carried out by an appropriately qualified and experienced consultant if:

- Limited or no site-specific information on the habitat types, or their extent or condition is available;
- the site was surveyed over 5 years ago (or before known changes occurred) and it is required for the detailed assessment of impacts. The survey report must be submitted with the planning application for consideration by the LPA. In this case SC

Ecology should be contacted to discuss the necessary level of survey work as standard surveys for planning applications (Extended Phase 1 surveys) are not appropriate in these cases. If possible, it should be determined if the site has already been surveyed for lichens or bryophytes (mosses and liverworts).

If it appears that there is no further readily available information on a sensitive receptor then, as a precautionary measure, assume that it occurs under the pollution footprint of the LSU.

4.4.5 Ellenberg values

Ellenberg indicator values have been produced for vegetation (ECOFACT Volume 2 <http://nora.nerc.ac.uk/id/eprint/6410/>) and for bryophytes (BRYOATT <https://www.brc.ac.uk/biblio/bryoatt-attributes-british-and-irish-mosses-liverworts-and-hornworts-spreadsheet>) in the British countryside. Bryoatt has also tabulated this information for many British bryophytes. Ellenberg scores can be used in a detailed assessment, where historical survey results are available for comparison, to determine whether:

- the nature conservation site has indicator species associated with nutrient enrichment or acidification;
- the lower plant or other species identified through survey are sensitive to the effects of ammonia.

Further guidance on ecological assessment of ammonia pollution effects can be found at: <http://shropshire.gov.uk/environment/biodiversity-ecology-and-planning/>

4.4.6 Local environmental factors

Local factors, including environmental conditions and site management, are not always considered when setting critical loads. Where they are assigned as a range of values, the lowest end of the range is usually selected to ensure sufficient levels of protection. However, local factors may modify the habitat or species sensitivity and response to a particular pollutant. For example, intensively managed heathland with frequent removal of vegetation may be less sensitive to nitrogen deposition due to the periodic removal of nutrients from the system. In such cases further consideration of which end of the critical load range may be more appropriate. APIS has provided additional information with indicative nitrogen critical loads to use for air pollution impact assessments.

Table 2 is indicative and not comprehensive, and not all factors will be relevant to all sites or all pollutants. It is not possible to quantify the effect these local factors have and to assign a new critical load on the basis of them. However, it may indicate that the higher or lower end of the critical load range is appropriate and further advice should be sought from Shropshire Council's Ecology Team.

Table 2 Environmental factors and potential influence on habitats

Environmental Factor	Habitat type and influence
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<p>Precipitation</p>	<p>UK experts have provided guidance on how to apply the appropriate nitrogen critical load for raised and blanket bog habitats for air quality assessments. APIS has provided a grid reference tool to identify the rainfall range the bog habitat is located in.</p>
<p>Exposure</p>	<p>Woodland edges generally experience higher concentrations and deposition rates of pollutants and are therefore more vulnerable. This must be taken into consideration when assessing the unit’s pollution footprint.</p>
<p>Water supply</p>	<p>When considering nutrient nitrogen (N) deposition for wet habitats, other sources of nutrient inputs, such as diffuse pollution, should be considered which may be more important. In these cases, the relative contribution from atmospheric and land based sources may need to be considered further to inform any judgements. Seek advice from NE specialists as to whether a critical level or critical load is appropriate for the European site or SSSI.</p>
<p>Soil phosphorous (P) status</p>	<p>High P availability increases sensitivity to N whilst low P availability may decrease the response to N. Note that some species such as lower plant communities may be sensitive to direct inputs of N regardless of P availability.</p> <p>For example, alkaline fens and reed beds have low P availability in their systems, which helps protect them from the effects of N eutrophication. They are characterised by species with base rich, nutrient poor characteristics.</p>
<p>Limiting nutrients in freshwater</p>	<p>Many river and lake freshwater systems are often P limited (or N/P co-limiting). However, a number of systems are N limited and in these cases atmospheric sources may be significant. This is most likely to occur in upland catchments where agricultural inputs are lower.</p> <p>Seek advice from NE specialists as to whether a critical level or critical load is appropriate for the European site or SSSI. Critical level and critical load values are currently not provided for some standing waters or rivers. Critical levels and critical</p>

	<p>loads must be applied to any emergent vegetation or terrestrial feature that is within the designated site (e.g. floating water plantain is located on water surface and exposed to ammonia concentrations so the ammonia critical level would apply but not necessarily the nitrogen critical load because it is rooted under the water surface providing some protection.</p>
<p>Habitat management</p>	<p>Management regimes may obscure or modify some of the relationships between atmospheric deposition and habitat change. For example, intensive management of calcareous grassland can offset higher N inputs, to a certain extent, by removal through grazing, mowing or harvesting. Poor or infrequent management may increase vulnerability to N inputs.</p> <p>Consider whether there is active management of the nature conservation site in your detailed assessment and the level of commitment for its continuation in the future. If there is active management seek advice from NE specialists to determine which part of the nitrogen critical load range may be more appropriate to use. Are there any opportunities to provide wildlife site management in the long term as a mitigation measure?</p>

The exact nature and magnitude of these factors is not fully understood but it is important to take site-specific information into account where it is available.

4.4.7 Shared Nitrogen Action Plans

Shared Nitrogen Action Plans (SNAPs) were developed under the Improvement Programme for England’s Natura 2000 Sites (IPENS) by Natural England in partnership with the Environment Agency and they are described in the 2015 Atmospheric Nitrogen Theme Plan. (<https://www.gov.uk/government/publications/improvement-programme-for-englands-natura-2000-sites-ipens/improvement-programme-for-englands-natura-2000-sites-ipens>).

There are a number of pilot projects currently testing the SNAP approach. The Atmospheric Nitrogen Theme Plan states:

‘The intention is that SNAPs would demonstrate what appropriate measures are in place to secure the integrity of the Natura 2000 sites and would coordinate possible future local measures. By providing a timetabled trajectory towards favourable condition status, future SNAPs can have the potential to clarify what ‘headroom’ might be available for future developments, thereby providing a firmer basis for habitats regulations assessments. They can also help to inform a balanced and

proportionate approach to reduction measures across different emission source sectors.’

If Nitrogen Action Plans are developed for any sites in Shropshire these may enable additional mitigation measures to be undertaken and these will be taken into account during the detailed assessment of LSU proposals.

5 Step 5: Carrying out the detailed assessment

Particular habitat types or species are likely to react to atmospheric ammonia and nitrogen deposition in much the same way, whatever the site designation. This is why no distinction is made between international and national designated sites and Natural Assets until step 5 in the process. At step 5 the different legislation and planning policy governing the hierarchy of designated sites and other natural assets are taken into account, balanced against the likely impacts of Ammonia pollution.

5.1 Statutory and planning policy requirements for International Sites (European sites and Ramsar Sites)

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) Shropshire Council has a legal obligation to carry out an appropriate assessment of any plan or permission that is ‘likely to have a significant effect’ on an international site (either alone or in combination with other plans or projects). An “appropriate assessment” is a term used under Habitats Regulations to describe an assessment that is more detailed than a screening exercise.

The appropriate assessment using detailed ammonia modelling and the other information under section 4 of this document will determine whether it is possible to conclude no adverse effect on the integrity of the International site. The assessment is carried out on the livestock unit alone, and where necessary in-combination with other plans and projects, in the context of prevailing environmental conditions. Prevailing environmental conditions include diffuse or background contributions to the European site and the residual effects of plans and projects that have been completed or implemented. The appropriate assessment must consider the conservation objectives for the features of the International site, and the associated favourable condition targets.

The appropriate assessment will need to determine whether an exceedance of 1% of the ammonia critical level or nitrogen critical load (alone or in-combination with other plans or projects) would result in an adverse effect, when considering the information set out in this document. The applicant must provide Shropshire LPA with the required information to allow officers to write the appropriate assessment and draw its conclusions. Failure to provide this information will lead to a conclusion of ‘uncertainty due to lack of information’ and planning permission will be refused. (See Validation Checklist – link.)

Natural England, the Environment Agency and where appropriate Natural Resources Wales will be consulted on the appropriate assessment. Representations made by Natural England, the Environment Agency or NRW must be taken into account before determining the application. **An application must be refused where it is not possible to conclude no**

adverse effect on site integrity, and there are no achievable options available to mitigate an effect.

The National Planning Policy Framework under paragraph 14 indicates that the presumption in favour of sustainable development does not apply if specific policies in the Framework indicate development should be restricted. Paragraph 119 states that ‘The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.’

5.2 Statutory and planning policy requirements for SSSIs

Sites of Special Scientific Interest are nationally designated nature conservation sites that have statutory protection under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). Therefore, an assessment of an activity that could have the potential to damage the scientific interest of SSSIs is required.

The detailed assessment using detailed modelling will determine whether the emissions of ammonia and nitrogen from the intensive livestock unit are to be regarded as an OLDSI for the SSSI. Due to the nature of emissions from intensive livestock units and their rural setting, they need to be considered in combination with other activities and the background levels to ensure damage does not occur to the SSSI. The detailed assessment will need to determine whether an exceedance of 1% of the ammonia critical level or nitrogen critical load would damage the scientific interest of a SSSI, when considering the information set out in this document. A record of the applicant’s detailed assessment must be made and provided to Shropshire LPA with the planning application and any additional information requested by the LPA must be provided. The LPA will consult NE and EA (and NRW for sites in Wales). Representations made by Natural England, the Environment Agency or NRW must be taken into account before determining the application. **The application will normally be refused where the conclusion is that the proposal is an OLDSI, and there are no options available to mitigate against the expected damage.**

The National Planning Policy Framework under paragraph 14 indicates that the presumption in favour of sustainable development does not apply if specific policies in the Framework indicate development should be restricted. Paragraph 118 states that ‘proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.’

5.3 Statutory and planning policy requirements for Natural Assets

Natural Assets are defined in Shropshire Council’s Site Allocations and Management of Development (SAMDev) Plan (in Development Management policy MD12: Natural Environment) <https://shropshire.gov.uk/planning-policy/local-planning/samdev-plan-2006-2026/>

Relevant Natural Assets are Local Nature Reserves, Local Wildlife Sites, Ancient Woodland (or Plantation Ancient Woodland) or other irreplaceable habitats, priority habitats, priority species, important woodlands and ecological networks.

Under policy MD12 harm to Shropshire's Natural Assets will be avoided by:
'Ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on any of the following' Natural Assets 'will only be permitted if it can be clearly demonstrated that:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;*
- b) the social or economic benefits of the proposal outweigh the harm to the asset. In all cases, a hierarchy of mitigation then compensation measures will be sought.'*

Hence, under Step 5a in Table 1, the LPA require a report to be submitted on the alternatives considered for the development and its socio-economic benefits as well as the information detailed in section 4 above. The report should provide detailed reasoning as to why the socio-economic benefits out-weigh the quantified residual harm to the sensitive receptor(s). The balance between residual adverse impacts on sensitive receptors and the benefits of the development will be considered by the LPA when making its planning decision.

The National Planning Policy Framework will also be applied to Natural Assets, particularly paragraph 118 which states:

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;'

Shropshire Council has a Biodiversity Duty under the NERC Act 2006 when considering LSU planning applications.

6 Concluding the detailed assessment and determination of the planning application

Once the impact of the ammonia emissions from the proposed LSU has been fully assessed, determination will be undertaken in the context of the appropriate legislation (for example Habitats Regulations, CRoW Act, Environment Act, Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015. Planning policy in the Local Plan and the National Planning Policy Framework will also be applied.

Where it can be shown that there will be no, or insignificant, adverse effects on designated wildlife sites or other important conservation features, Shropshire LPA can grant planning permission, providing all other material considerations have been addressed.

However, the LPA must consider refusing the application where an applicant is unable to supply sufficient information (see section 4 and the Validation List), or there are insufficient measures to reduce emissions, or following the assessment of their proposals there is a continued risk of adverse effect or damage on an international or national designated wildlife site. The LPA may also consider refusing permission for proposals affecting Natural Assets, if the alternatives have not been considered and/or the socio-economic benefits do not outweigh the residual harm. The decision as to whether the proposals are robust will be made taking into account any representations from NE and EA (or for Welsh sites from NRW).

7 Possible outcomes for planning applications

The following possible outcomes are not exhaustive and only indicative. They will only be considered once steps 1 to 5 listed above have been completed and a detailed assessment carried out and submitted where required.

1. Planning permission granted without conditions relating to ammonia emissions

2. Planning permission with additional conditions or legal agreements

- Conditions should mitigate against the effect of releases at the nature conservation site.
- Conditions could also include a requirement for emissions and/or biological monitoring near to or within the conservation site (depending on legislative regime).
- Where an existing farm is expanding it may be necessary to include a commitment to improvements linked to a legal agreement (s106) to ensure existing sheds are retrofitted with agreed ammonia abatement equipment within a specified timescale.

3. Planning permission refused

Planning permission is likely to be refused if:

- it is not possible to conclude no adverse effect on site integrity for international designated sites;
- if the activity is an operation likely to damage the scientific interest for nationally designated sites.
- Significant adverse impacts are likely to occur on Ancient Woodlands, other irreplaceable habitats, Local Wildlife Sites and other Natural Assets, despite avoidance, mitigation and compensation measures and where the socio-economic benefits of the development are considered not to outweigh the residual harm.

The assessment is likely to have been based on the outcome of a modelling exercise. Consideration will be given to alternatives to refusal if the predicted impacts are lower than the uncertainties in the assessment. If refusal is based on nature conservation grounds,

consultation responses from NE, the EA and NRW will be carefully considered to ensure all possible steps to reduce ammonia impacts have been considered by the applicant, prior to refusal.

Published by Shropshire Council (Version 1, April 2018)

This interim guidance is largely based, with gratitude, on the NRW guidance note GN020 and consultations with NE and EA.

However, any queries or feedback on this document should be addressed to Ecology@shropshire.gov.uk

Appendix 1

Abbreviations and terms;

AST – Ammonia Screening Tool
APIS – Air Pollution Information Site
AW – Ancient Woodland
BAT – Best Available Techniques
Cle – Critical Level
CLo – Critical Load
EA – Environment Agency
JNCC – Joint Nature Conservancy Council
LNR – Local Nature Reserve
LPA – Local Planning Authority
LSU – Livestock Unit
LWS – Local Wildlife Site
NE – Natural England
NPPF – National Planning Policy Framework
NRW – Natural Resources Wales
PAW – Plantation Ancient Woodland
PC – Process Contribution
PEC – Predicted Environmental Contribution
SAC – Special Area of Conservation
SAMDev – Shropshire’s Site Allocations and Development Management Plan 2016-2026
SCAIL – Simple Calculation of Atmospheric Impacts Limits
SPA – Special Protection Area
SSSI – Site of Special Scientific Interest
SumPCs – sum of process contributions from sites ‘in -combination’.

Aymestrey Parish Council

Forward Planning Team MWLP
Plough Lane
Hereford
HR4 0LE

BY EMAIL ldf@herefordshire.gov.uk

3 March 2019

Dear Sir or Madam

Re: Draft Minerals and Waste Local Plan consultation 2019

Aymestrey Parish Council is deeply concerned by the proposals to extend both the lifespan and extent of Leinthall Earls quarry and to search for additional quarrying opportunities within the area. It notes that the draft Minerals and Waste Local Plan seeks to reduce the dependence on aggregate quarrying through its proposed “circular economy”: Policy S8 Resource Management. Aymestrey Parish Council could find no evidence in the Plan of a method to expedite this aspiration or to create the facilities to do so. The requirement for Waste Audits for large developments carries no obligation to use recycled resource in place of finite natural resources, the quarrying of which have major adverse environmental consequences. In the absence of genuine and deliverable measures to reduce and replace the use of natural resources, the continuation and expansion of quarrying cannot be deemed sustainable.

The operation of Leinthall Earls quarry already has a severe impact on the residents of Aymestrey through the noise levels, speeding and traffic volumes on the A4110. This was to have ceased from 2027, but is now envisaged not only to continue indefinitely but also to be expanded due to the absence of any realistic steps to require the use of less environmental damaging alternatives.

The Waste and Minerals Plan has been drafted without any regard to national and local planning policies or the LPA’s statutory duties, including those under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, s.40 of the Natural Environment and Rural Communities Act 2006 or Schedule 9 28G (2) of the Countryside and Rights of Way Act 2000.

The quarry is adjacent to an Ancient Woodland Site (Gatley Long Coppice), a Grade II* listed church and a registered park and garden.

Should any extension of the quarry - in time or size - be permitted, Aymestrey Parish Council considers that a very substantial s.106 should be paid to provide compensatory measures for the highways impact and loss of amenity and that significant environmental net gains should be delivered. No extension of the quarry should be permitted until a full restoration scheme covering the extant workings has been carried out.

The Parish Council also notes the proposal to use former quarry sites for landfill and would seek assurance that this is not envisaged for Leinthall Earls quarry, due to the very large highways impact and the risk it may pose to the nearby River Lugg Site of Special Scientific Interest, part of the River Wye SAC catchment, which is in unfavourable chemical and ecological condition.

Lark Rise, Birtley, Bucknell, Herefordshire. SY7 0DT
07398222310
clerk@aymestrey.org

Policy W3: Agricultural waste management

Aymestrey Parish Council has grave concerns about Policy W3.

On-farm anaerobic digesters (ADs) are very far from environmentally-friendly and Policy W3 of the draft Minerals and Waste Plan should be deleted in its entirety.

ADs address neither of the concerns they were intended to. They increase rather than reduce pollution, they generate huge volumes of traffic negating any reduction in fossil fuel use from energy generation and they contribute to climate change through large scale soil loss and the removal of agricultural land from food production. In order to generate energy from farm manure, an AD requires input of green feedstock - usually maize, sometimes silage or food crops - in a proportion of four or more times the quantity of the manure. This is in part because the manure on its own generates little energy - the renewable heat incentive (RHI) subsidy is paid according to the energy produced.

ADs do not address the problem of management of manure and, especially in Herefordshire, poultry litter. The process leaves liquid and dry digestate equivalent to the volume of the manure, feedstock and water that went into the digester. This has to be removed for disposal. The growing of crops purely as feedstock is effectively growing of waste because they have to be disposed of once converted to digestate.

The RHI subsidy promoting AD has led to huge swathes of the country planted with maize, about the worst possible crop for soil loss because the soil is left bare over the winter. Soil loss is both a cause of pollution to the water courses and disastrous for our ability to produce food. Digestate contains higher levels of phosphorus than the undigested manure and so poses a bigger risk to water quality than the manure did in the first place.

The harvesting of maize and delivery of manure to ADs generates huge volumes of traffic. The removal of digestate produces a similar number of vehicle movements, but these are spread over the year. The digestate can be used as fertiliser, but so could the manure have been.

Should the report, post-consultation, contain any policy suggesting approval of anaerobic digesters, given the undisputed environmental impact by reason of physical size, vehicle movements, storage of green fuel and manures and need for disposal of digestates, it is not in the public interest for approval of such digesters to by-pass normal planning application processes and considerations, including Neighbourhood Development Plans.

Yours faithfully

Maggie Brown

Mrs Maggie Brown
Clerk to Aymestrey Parish Council

Latham, James

From: clerk@burghillparishcouncil.org
Sent: 14 March 2019 16:12
To: Gilson, Susannah
Subject: FW: Draft Minerals and Waste Local Plan - Additional information

Follow Up Flag: Follow up
Flag Status: Completed

Dear Susi

Apologies for my late reply, the below comment was discussed at the Parish Council meeting on 12th March, and it was agreed by all Parish Councillors.

Can you please add this comment to the Draft Minerals and Waste Local Plan.

Kind Regards

Paulette

Clerk to Burghill Parish Council

From: clerk@burghillparishcouncil.org <clerk@burghillparishcouncil.org>
Sent: 04 March 2019 10:29
To: 'Gilson, Susannah' <Susannah.Gilson@herefordshire.gov.uk>
Subject: Draft Minerals and Waste Local Plan - Additional information

Hi Susi

Please see below the draft response being presented to Burghill Parish Council at the next meeting (Tuesday 12th March). I will email you the agreed response on 13th March.

The main comments would relate to HGV traffic on the A4110.

A large percentage of HGV's from the northern quarries take the A4110 route. There are frequent contra-flow blockages on the highway at Portway and Bewdley Bank where the carriageway is not wide enough for the smooth passage of wide vehicles. Verges have been eaten away and now lorries are entering driveways to use as passing places. There is also break up of the road surface at the edge of the carriageways and highway drainage runs have been damaged.

The BPC would suggest restrictions on transport routes to direct HGV traffic to the trunk road network and onto highways where the maintenance is funded by Highways England. Also the introduction of a one way weight limit, for access only, on the A4110 between the A4103/A4110 intersection north of the city and the northern junction between the A4110 and the A44(T). This would make HGV's take a route capable of accommodating such use"

Kind Regards

Paulette

Clerk to Burghill Parish Council

Draft Minerals and Waste Plan Consultation Jan – March 2019

We would like to know what you think of the draft plan. Your views will help to shape the pre-submission draft, which will be sent for independent examination.

Please read the draft plan and accompanying background documents before answering the following questions:

1. Do you consider that the evidence gathered to underpin the Draft Minerals & Waste Local Plan is sufficiently comprehensive?

Yes No

If no, please explain why

If our many concerns relating to Perton Quarry are an indicator of a comprehensive evidence gathering for all areas named in the Draft Plan, then much more work is needed before we could approve the draft plan.

Plans for consultation with residents: We would advocate extensive consultation with local residents who live adjacent to the areas named in the plan and who would be affected directly by proposed changes.

2. The Draft Minerals & Waste Local Plan's vision (in section 4) is focussed on achieving sustainable development through: the efficient use of minerals; the minimisation and effective use of wastes; and enabling self-sufficiency and resilience. Do you consider this to be an appropriate, yet deliverable approach?

Yes No

If no, please explain why

This depends on whether the materials extracted are used outside Herefordshire - in other words, the county becomes a supplier of aggregate for other parts of the UK, which may not be an effective use of County resources.

3. Evidence shows that there will be a need for additional sand and gravel reserves to be permitted over the lifetime of the Minerals & Waste Local Plan. Do you consider the policy approach of 3 allocated sites, 2 preferred areas of search and other areas of search to be appropriate? (Policy M3)

Yes No

If no, please explain why

4. Seeking to increase levels of self-sufficiency and to make a contribution to the Managed Aggregates Supply System of crushed rock (limestone), Policy M4 sets out where new permissions for its extraction shall be permitted (2 allocated sites, 2 areas of search and other areas of search). Do you consider this to be an appropriate approach?

Yes No

If no, please explain why

Noise, other emissions and effects on borehole water quality

Additional quarrying and subsequent use for landfill, will result in additional vehicle movements and road damage, reduction in quality of life, additional noise, smoke, fumes, dust, and in the case of quarrying, possible loss of borehole function providing natural drinking water are all potential effects of the proposed changes. We would like assurance on the provision of ongoing and independent monitoring of all associated effects, and on who will be accountable in the long term.

Perton: why is further extension needed? With regard to Perton, the map of Perton Quarry attached to the Draft is not current, and fails to outline the recently started SOUTHERN extension of the quarry. This gives a misimpression of the size of the existing site and needs to be amended. This existing southern extension has about 25 years of stone, therefore we are concerned that there is a need to extend the quarry to the northwest if this plan is meant to take us up to 2031.

SSSI: Whilst the habitats regulations assessment for Perton Quarry considers the effect on the River Wye SAC, it makes no apparent mention of the Peregrine Falcons nesting on the north-western quarry face, or of several different bats species, insects including the rare silver washed fritillaries and wood white butterflies; barn owls, tawny owls and little owls. The plan makes only passing reference to the fact it is a SSSI.

6.7 Annexe A: Additional requirements needed before expansion is undertaken. We question the findings of the Habitats Regulations Assessment Screening Report (P27 and P60), which does not find any reason why not to use the Quarry. We therefore believe that an independent body i.e. the Hereford Wildlife Trust, should undertake a survey of each area covered in the plan.

Archaeology: An archeological survey needs to be undertaken for each area before any quarrying or building or land movements are undertaken.

Unstable geology: Silurian Limestone is notoriously unstable: there has already been one large landslip immediately adjacent to the quarried area (in 1844 which carried away a chapel); At Old Sufton ¾ mile N. from Mordiford, there is an extensive roadside cutting which was formerly a portion of a quarry. A part of this fell across the road in 1940 causing considerable damage. Ongoing assessment of land and local housing building stability would need to be undertaken particularly in the light of climate change and severe weather events (a cycle of drought followed by heavy rain).

5. The waste strategy (Policy W1) seeks to see Herefordshire reduce its wastes produced, re-use, recycle and recover energy more and decrease the amounts going for disposal. Do you consider this and the subsequent policies on waste management development are suitable and deliverable?

Yes

No

If no, please explain why

There are associated impacts on the immediate and surrounding parishes which in our opinion have not been fully considered in the Draft Plan. However we recognise the need for change, and also that waste management also creates employment.

1. **Incinerators, Biomass-digestion plants and associated vehicle movements.** Impacts include loss of land that could be used for food-production, unpleasant smells, associated bonfires and vehicle movements, potential pollution of watercourses. Smoke and fumes from existing fires/bio-mass digesters on Hampton Bishop road already impact on Dormington and the surrounding valley.
2. **Agricultural waste:** We fully support the better management of agricultural wastes to protect the river systems and of anaerobic digestion systems to capture the methane from natural agricultural wastes, to be used as a source of energy or fuel, and produce a digestate that is less harmful to soil and water-run offs than raw manure. However, there is also potential impact on local residents from changes in farming practices (traffic, smells, noise etc).

For a long term plan such as this, we believe that these improvements must be mandatory rather than "best practice" and that the infrastructure should support even the smallest farm in such an undertaking; and that this change must include the recovery and re-use of plastics such as those from poly tunnels, plastic fencing materials etc

3. **Construction wastes** – Lugg Bridge Quarry. If this expands and has more vehicle movements (off the Bromyard road), this may have an indirect impact on the parish, although we welcome any opportunity to reduce the amount of fly-tipping of all wastes.

4. **Groundwater contamination:** If wastes are to be stored in new landfill sites such as Perton Quarry, then groundwater supplies may become contaminated as limestone is notoriously permeable. We would like assurance on long-term accountability should this arise and assurance on the provision of funds for landscape restoration.

6. The draft Minerals & Waste Local Plan has been prepared flexibly, to enable appropriate development to occur within the context of local and national changes in circumstances, and will undergo 5-yearly reviews. Do you consider this is an appropriate and considered approach to minerals and waste management provision over the plan period (up to 2031)?

Yes No

If no, please explain why

Yes, but only providing the Parish Councils and local residents are consulted should there be any significant change as a result of any reviews conducted.

7. Do you have any other comments on the draft Minerals & Waste Local Plan, its evidence base, or its soundness?

Yes No

If YES, please explain why (Use continuation box on page 4 if necessary)

About you:

Name: David Lloyd, Chair for Dormington and Mordiford Parish Council

Address:

Email:

Do you wish to be informed of future planning policy consultations?

Yes No

(You have the right to withdraw your consent at any time by notifying us.)

Access to Information

All personal data will be treated in line with our obligations under the Data Protection Act 2018, which includes the provisions of GDPR. This means your personal data will not be shared. The data collected will not be used for any other purpose. We do publish representations but email addresses, telephone numbers and signatures will be removed beforehand.

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Details of our privacy notice can be found at: www.herefordshire.gov.uk/privacynotices

If you would like any further assistance, please contact us in one of the following ways:

Email: ldf@herefordshire.gov.uk or telephone 01432 383357

Questionnaires can be returned by post to:

Forward Planning, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE

Or by email to ldf@herefordshire.gov.uk

Please return this questionnaire by **midnight on 4th March 2019**

Thank you for taking time to share your views with us.

Further comments (Please indicate the question you are referring to).

Latham, James

From: Idf
Sent: 14 February 2019 09:12
To: Gilson, Susannah
Cc: Eaton, Victoria
Subject: FW: Kingsland PC RE: Draft Minerals and Waste Local Plan

Follow Up Flag: Follow up
Flag Status: Flagged

M&W comment

From: clerk.kingslandpc@gmail.com <clerk.kingslandpc@gmail.com>
Sent: 13 February 2019 10:53
To: Idf <ldf@herefordshire.gov.uk>
Cc: Clerk, Kingsland PC <clerk.kingslandpc@gmail.com>
Subject: Kingsland PC RE: Draft Minerals and Waste Local Plan

Dear Sir,

Kingsland Parish Council considered the Draft Minerals and Waste Local Plan yesterday evening and has a single comment to make: To consider re-opening local quarries.

Regards,

Richard Hewitt,
Clerk to Kingsland Parish Council.

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Latham, James

From: Idf
Sent: 14 March 2019 08:17
To: Eaton, Victoria; Gilson, Susannah
Subject: FW: Orleton PC Re: Draft Minerals and Waste Local Plan

Follow Up Flag: Follow up
Flag Status: Completed

[For info](#)

From: Orleton Parish Council <clerk.orletonpc@gmail.com>
Sent: 13 March 2019 18:22
To: Idf <ldf@herefordshire.gov.uk>
Cc: clerk.orletonpc@gmail.com
Subject: Orleton PC Re: Draft Minerals and Waste Local Plan

Dear Sir,

After considering the Draft Minerals and Waste Local Plan, Orleton Parish Council agreed to comment that consideration should be given to re-opening small old quarries to use local stone to restore local buildings.

Regards,

Richard Hewitt,
Clerk to Orleton Parish Council

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Latham, James

From: ldf
Sent: 04 March 2019 15:13
To: Gilson, Susannah; Eaton, Victoria
Subject: FW: Mineral & Waste DPD consultation response
Attachments: Mineral & Waste DPD - Pembridge Examination Rport Dec18.pdf

From: clerk@pembridgeparishcouncil.gov.uk <clerk@pembridgeparishcouncil.gov.uk>
Sent: 04 March 2019 14:40
To: ldf <ldf@herefordshire.gov.uk>
Cc: Andrew Pace
Subject: Mineral & Waste DPD consultation response

Hello,

Pembridge NDP sought to include waste from intensive livestock units within one of its policies. Upon examination, references were removed but some helpful comments about what might be covered in the Minerals and Waste DPD were suggested.

Parish Council has decided to forward the Examiner's report as part of the consultation response hoping it would take the Examiner's comments into account.

I have attached the final examiners report with the relevant policy PEM11 pages 17-20 highlighted to save reading the whole document.

Kind regards,

Rebecca Bissell
Pembridge Parish Clerk
Email: Clerk@pembridgeparishcouncil.gov.uk

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Pembridge
Neighbourhood Development Plan
Submission Version 2011 – 2031

Report of Examination

December 2018

**Undertaken for Herefordshire Council with the support of
Pembridge Parish Council on the submission version of the plan.**



Independent Examiner:

Liz Beth BA (Hons) MA Dip Design in the Built Environment MRTPI

Contents

Summary	3
1. Introduction and Background.....	4
1.1 Neighbourhood Development Plans	4
1.2 Independent Examination	4
1.3 Planning Policy Context.....	6
2. Plan Preparation and Consultation.....	7
2.1 Pre-submission Process and Consultation.....	7
2.2 Regulation 16 Consultation Responses.....	8
3. Compliance with the Basic Conditions Part 1.	9
4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan.....	11
5. The Referendum Boundary	27

Abbreviations used in the text of this report:

The Pembridge Neighbourhood Development Plan is referred to as ‘the Plan’ or ‘PNDP’.

Pembridge Parish Council is abbreviated to ‘Pembridge PC’.

Herefordshire Council is also referred to as the Local Planning Authority ‘LPA’.

The National Planning Policy Framework (2012 version) is abbreviated to ‘NPPF’.

The National Planning Practice Guidance is abbreviated to ‘NPPG’.

The Herefordshire Local Plan Core Strategy 2015 is abbreviated to ‘HCS’.

The Regulation 14 Consultation is abbreviated to ‘Reg14’ Consultation.

The Regulation 16 Consultation is abbreviated to ‘Reg16’ Consultation.

Summary

- I have undertaken the examination of the Pembridge Neighbourhood Development Plan during November and early December 2018 and detail the results of that examination in this report.
- The Pembridge Parish Council have undertaken extensive consultation on this Plan, and it complies with legislative requirements. The Plan is a generally well-written and formatted document, with a wide range of locally responsive policies included. The Herefordshire Local Plan Core Strategy 2011 – 2031 provides a comprehensive strategic policy framework.
- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have to an extent informed some of the recommended modifications.
- Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

Acknowledgements: Thanks to Local Authority and qualifying body staff for their assistance with this examination. My compliments to the local community volunteers and Pembridge Parish Council, who have worked hard to produce a well-evidenced and comprehensive Plan.

1. Introduction and Background

1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowered local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF) states that:

“neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Pembridge that is the Pembridge Parish Council. Drawing up the Neighbourhood Plan was undertaken by a Steering Group, formed from the Planning and Housing Committee of the Parish Council and interested volunteers.

1.2 Independent Examination

1.2.1 Once Pembridge PC had prepared their neighbourhood plan and consulted on it, they submitted it to Herefordshire Council (the LPA). After publicising the plan with a further opportunity for comment, the LPA were required to appoint an Independent Examiner, with the agreement of Pembridge PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am independent of any local connections to Pembridge and Herefordshire Council, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the Plan meets the 'Basic Conditions', which I consider in sections 3 and 4 below. The Plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The Pembridge Neighbourhood Development Plan (PNDP) complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on 28th August 2012 by the LPA. The Plan does not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2011 – 2031 and has been submitted and prepared by a qualifying body and people working to that qualifying body. With the modifications recommended, particularly with regard to Policy PEM11, It will not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Pembridge to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

1.3 Planning Policy Context

1.3.1 The Development Plan for Pembridge, not including documents relating to excluded mineral and waste development, is the Herefordshire Core Strategy 2011-31 adopted by the LPA in 2015 and some saved policies from the Herefordshire Unitary Development Plan. The latter are not relevant for the PNDP however being mainly concerned with minerals and waste issues, development that is excluded from consideration by neighbourhood plans. The Policies of the Core Strategy are considered 'strategic' for the purposes of the Basic Conditions.

1.3.2 The National Planning Policy Framework (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented. Although the NPPF has been revised recently, that document makes clear (para 214 of Appendix 1 and footnote 69) that neighbourhood plans submitted to the LPA before January 2019 will need to have regard to the previous 2012 version of the NPPF.

1.3.3 During my examination of the PNDP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- General Permitted Development (England) Order 2015 - [GDPO 2015]
- The Neighbourhood Planning Regulations 2012 (as amended)
- Written Ministerial Statement March 2015
- 'Decide if a material is waste or not: general guide' DEFRA/Environment Agency 2016
- Submission version of the Pembridge Neighbourhood Development Plan
- The Basic Conditions Statement submitted with the PNDP
- The Consultation Statement submitted with the PNDP
- The Environmental Report (SEA) for the PNDP
- Neighbourhood Area Designation (map) – in Basic Conditions Statement
- Site Assessment Report for Pembridge Data Orchard April 2017
- Herefordshire Core Strategy 2011 – 2031: Adopted 2015
- Herefordshire Unitary Development Plan (archive) 2007
- NP Guidance Note 20 Herefordshire Council 2015: "Guide to settlement boundaries"
- Herefordshire Renewable Energy Study 2010
- Representations received during the publicity period (reg16 consultation)

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 Pembridge is a village in the County of Herefordshire, to the west of Leominster, located on the main A44 trunk road. The village is the only settlement of any size in the Parish of Pembridge. It is a mainly rural area, although on the edge of the parish a significant employment site is located adjacent to the Shobdon Airfield. The neighbourhood area includes the whole parish, an area with extensive historic and environmental assets.

2.1.2 A Steering Group made up of Parish Councillors and volunteers from the local community led the production of the Plan. They started slowly as they wished their Plan to be guided by strategic policy in the HCS – which was adopted in 2015. The local community was kept informed of progress via the parish council website, a facebook page, updates in the Parish Magazine and the events that were organised. Steering Group meetings were open to the public, who were able to ask questions in them and make comments.

2.1.3 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. In 2014 two open meetings were held, the first to introduce the Plan and explain how people could get involved. The second meeting was to publicise and progress the questionnaire for the Residents' Survey, which achieved a 35% response rate. A call for sites was also undertaken at the end of 2014, and in 2015 as the results of the survey were worked into draft vision and objectives, topic working groups were set up to explore the issues for the Plan in greater detail.

2.1.4 Further consultation work and an extended call for sites was undertaken in 2016, and working with a planning consultant, the draft Plan and site allocations were the subject of further consultation until a draft was agreed by Pembridge PC for the Reg14 consultation.

2.1.5 As required by regulation 14 (Reg14) of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the pre-submission Pembridge Draft NDP ran from Friday 11th August 2017 to Monday the 25th September 2017. The draft Plan and SEA and HRA reports were available for this consultation online and in hardcopy at various locations in the village. The consultation was advertised in the Parish Magazine and on facebook.

2.1.6 Representations to the Reg14 consultation were received from residents, statutory bodies and developers. A considered response to each is detailed in the Consultation Statement, and

several amendments have been made to the Plan as a result of constructive suggestions for changes. I am satisfied that due process has been followed during the consultation undertaken on the Plan, and that it was extensive and aimed to reach as many people as possible. The Consultation Statement details all consultation activities, and the record of comments and objections received during the regulation 14 consultation shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.7 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the SEA and HRA documentation and a plan showing the neighbourhood area was submitted to Herefordshire Council on the 24th July 2018.

2.2 Regulation 16 Consultation Responses

2.2.1 Herefordshire Council undertook the Reg 16 consultation and publicity on the PNDP for six weeks, from the 1st August to the 26th September 2018. Thirteen representations were received during this consultation; four from different sections of the LPA. Two statutory respondents had no specific comments to make on this plan but offered general guidance. Historic England indicated that they were pleased with the Plan. Issues raised in the other responses that are pertinent to this examination of whether the Plan meets the basic conditions, are considered in sections 3 and 4 of this report below.

2.2.2 A response from the National Farmers' Union (NFU) complained that they had not been consulted at Reg14 stage, and this meant the agricultural community's interests were not properly considered. However after enquiries of the LPA and qualifying body, I am satisfied that consultation undertaken prior to, and during, the Reg14 consultation offered sufficient opportunities for the farming community and relevant landowners to comment. Issues raised on the document by the NFU during the Reg16 consultation will be considered during the consideration of policies in Section 4 below, particularly Policy PEM11 and its justification.

3. Compliance with the Basic Conditions Part 1.

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the PNDP has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with and not breach European Union (EU) obligations and human rights law.

3.2 The PNDP has a policy specifically promoting sustainable development (PEM1), and states in the justification for this policy that it forms the basis for the overall approach of the Plan. The sustainability of policies has been tested comprehensively in the Basic Conditions Statement. The vision for Pembridge into the future is a vibrant and flourishing community that is retaining its historic character and unique environment. The Plan has allocated more housing than the minimum required, and for all these reasons I find that it is promoting positive sustainable development. An objection to the principle of a settlement boundary was received due to this not being consistent with a positive approach to growth. However a settlement boundary is generally accepted as indicating and providing clarity on where countryside ends and a settlement, with its generally positive promotion of urban development, begins. The setting of settlement boundaries in neighbourhood plans is promoted in the HCS (para 4.8.23) and thus the PNDP is complying with the Basic Conditions in setting a settlement boundary.

3.3 The PNDP needed an environmental report undertaken for the purposes of Strategic Environmental Assessment (SEA), and a full Habitat Regulations Assessment (HRA). These environmental requirements in EU law are the main EU Directives that neighbourhood plans need to comply with. The SEA was required due to the range of environmental designations within and around the Parish. As the area is also within the catchment of the River Wye, a Special Area of Conservation (SAC), and 7.1km away from it, an HRA was also required. The River Arrow that flows through the parish is a tributary of the Lugg and Wye Rivers.

3.4 The Environmental Report for the SEA has concluded that the Plan is compliant with previously environmentally assessed strategic policy at the local level, and that there are no major potential conflicts between the PNDP's objectives and the SEA framework (para 4.5). The policies of the PNDP had mostly a positive environmental impact (para 6.5). A re-screening was undertaken of policies changed after the Reg14 consultation, and this concluded that these would have 'no significant effects towards the surrounding environment.'

3.5 A full screening and assessment of the Plan was required for the purposes of the Habitats Regulations legislation due to the proximity of the River Wye (and Lugg) SAC. None of the PNDP objectives and policies were considered to be likely to have a significant effect on the SAC (HRA para 6.4). Additionally the 2018 HRA Report has also considered whether further work is required in the light of the Sweetman judgement (para 10.1), and the conclusion is that the assessment is compliant with the implications of that judgement.

3.6 The PNDP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the consultation statement showed that the need to consult with a wide cross-section of the community was appreciated.

4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the PNDP meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is the NPPF (2012 version) and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The phrase 'general conformity' allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended.

Modifications are boxed in this report, with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

4.3 The format of the PNDP is generally good. Policies are clearly distinguished, and a projects section is an appendix separate to the Plan. During consideration of the Consultation Statement I discovered that a third appendix to the draft PNDP for the Reg14 consultation was to be excluded from future versions of the Plan. This is acceptable as long as the Site Assessment Report from DataOrchard remains part of the documentation associated with the Plan. Government guidance in the NPPG [ID: 41-040-20160211] requires a neighbourhood plan to be based on robust, proportionate evidence. The Plan and its allocations need to be seen to be based on a criteria based selection process and sound evidence.

4.4 **Policy PEM1: Promoting Sustainable Development** Complies with the Basic Conditions.

4.5 Policy PEM2: Development Strategy This is a general policy setting out the approach to development. Policy PEM3 has further detail on the amended Settlement Boundary, but this policy states in the last line of criteria a) that ‘locations are defined where development would only be permitted should proposals involve enhancement measures to the Conservation Area’. In fact locations where this may apply are not clearly defined, all that is happened is that the settlement boundary has been extended, which would allow development on the same general basis as the rest of the settlement. The statement lacks the clarity required of policy in the NPPF (para 154), and the intent would be better served by a solution where the sites remain outside the designated settlement boundary, in line with what is actually found on the ground. The wording of the rest of criteria a) is not clear: for example is it within the settlement boundary that ‘other appropriate forms of development may take place’ or within the housing sites?

4.5.1 Criteria c) of this policy is not reasonable unless the restriction on traffic through Pembridge is specified as a significant increase. Any development is likely to generate some traffic, if only a few vehicle movements a day, and the NPPF (para173) requires any policy to not unreasonably restrict viability. Thus in order to comply with the Basic Conditions I recommend that criteria a) and c) are modified as shown in Modification 1.

Modification 1: Policy PEM2 criteria a) and c) to be altered as shown:

*a) A settlement boundary is defined for Pembridge incorporating a number of housing sites. ~~and~~ **Within this boundary** ~~which other~~ appropriate forms of development may take place where this would retain the village’s local distinctiveness and the character and appearance of its Conservation Area. ~~In addition, locations are defined where development would only be permitted should proposals involve enhancement measures to the Conservation Area.~~*

... ..

*c) Economic development associated with the complex of Shobdon Airfield falling within ~~the~~ **Pembridge** Parish will be supported provided this does not result in **significant** increased traffic through Pembridge village.*

4.6 Policy PEM3: Housing Development in Pembridge Village This policy deals with the settlement boundary, but does not formally define it. It needs to make reference to the plan that shows the amended boundary for clarity. Additionally there is no need to make reference to the need to address policies in the Herefordshire Core Strategy. I accept that for emphasis and clarity policies in the PNDP relating to the conservation area should be mentioned. The phrase ‘will be permitted’ has been objected to as not a Parish Council action, but this Plan will form part of the development plan subject to a successful referendum, and the LPA will then use it and its policies.

4.6.1 The settlement boundary has been amended from the original boundary defined in the Unitary Development Plan and now incorporates sites allocated for housing and current planning permissions that have sometimes already been built out. There is also a proposal to alter the settlement boundary to include land that is currently agricultural and not allocated for housing. These sites are discussed in the Plan at paras 5.8 – 5.9, together with detailed design criteria. However this land is included within the conservation area boundary, indicating that it is an important part of the setting of the conservation area.

4.6.2 I asked a question of the qualifying body and LPA with regard to the alteration of the settlement boundary to include these two sites, and although I now understand the thinking behind this action, I do not feel able to support it. A settlement boundary should indicate the natural limits of existing and planned development in a settlement, it is not a vehicle to indirectly allocate land for housing or indeed any other development. Given the sensitivity of the sites as open land deliberately included within the conservation area, I do not accept that the proposed solution to encouraging suitable development on these sites has paid sufficient regard to the need to protect heritage assets (NPPF section 12). Inclusion within the settlement boundary would have a similar effect to an outline planning permission, but this is something the Plan, and general practice, discourages within conservation areas.

4.6.3 Thus in order to comply with government guidance on the protection and conservation of heritage assets, I recommend that the proposed boundary is re-drawn to exclude site 8 (Land to the east of Oak View) and site 9 (Land to the north of Trafford Cottages). Modification to the text of the Plan can mention these areas as being potentially available for development as they are adjacent to the settlement boundary and policy RA2 of the HCS allows for development ‘in or adjacent’ to certain settlements including Pembridge. The description of the sites, and the design guidance, can

remain as a useful indication of development potential should constraints to development be overcome or opportunities arise for joint development.

Modification 2: Policy PEM3, the Village Map and its associated justification text is recommended to be amended as shown in order that the Plan meets the Basic Conditions with regard to the clarity and protection of heritage assets requirements of government policy:-

Policy PEM3: Housing Development in Pembridge Village

*New housing within Pembridge will primarily be restricted to sensitive infilling within ~~a~~ the settlement boundary **defined on the Pembridge Village Map** and sites identified for development shown on **the Pembridge Village Map**.*

Within the settlement boundary infilling will be permitted where it meets appropriate design and other criteria set out within relevant policies contained within this plan, in particular, PEM6 and PEM20, ~~and also address policies set out in Herefordshire Local Plan Core Strategy.~~

The Pembridge Village Map to be altered so that site 8 (Land to the east of Oak View) and site 9 (Land to the north of Trafford Cottages) are excluded from being within the settlement boundary.

Paragraph 5.7 is to be amended as follows:

~~A limited number of other areas forming extensions to the previous settlement boundary, although not shown as allocated sites, are also included within the new boundary. These include Land to the east of Oak View and land to the north of Trafford Cottages~~ **may be suitable for development under Policy RA2 of the HCS as land adjacent to the settlement of Pembridge.** *These sites should only be developed however if suitably sensitive access arrangements can be provided and they incorporate measures to enhance the Conservation Area, as discussed in paragraphs 5.8 and 5.9 below.*

4.7 Policy PEM4: Housing Sites in Pembridge This policy allocates sites for development within the village, altering the settlement boundary to accommodate them. A site selection exercise was undertaken by consultants and is separately documented. A call for sites was undertaken to supplement the Herefordshire 2012 SHLAA, and I am satisfied that an adequate site selection process has been undertaken. The Plan is very positive, in that sites have been allocated for more than the required minimum number of dwellings to be accommodated.

4.7.1 The Plan allocates seven sites for residential development. The passage of time has resulted in site iii) having been partially built out already, and for accuracy this site should now be shown with the reduced allocation size for the remaining site not yet developed. Paragraph 5.2 may need correction, although as it jointly mentions 'completions and outstanding planning permissions' it is possible there is no updating correction needed, with regard to this site anyway. For the avoidance of doubt the allocation is described as a continuation of site iii) and not a new allocation.

4.7.2 Consultation responses during Reg16 indicated that incorrect information had been supplied concerning sites within a known closed landfill site, and that in para 5.13 sites v) and vi) should not be included in this statement. In fact the paragraph also needs to refer to the sites that are affected by name, site numbers have changed from the site assessment to those used in Policy PEM4, and confusion could therefore arise with the use of numbers only.

Modification 3: In order that Policy PEM4 meets the Basic Conditions and complies with government guidance with regards to clarity and accuracy of policy, I recommend that it is amended as follows:-

The following areas of land are identified on the Pembridge Village Map where new housing development may take place, provided they meet the requirements set out in relevant design and detailed policies within this plan:

- i) Land of approximately 1.80 hectares to rear and south of the Village Hall, Bearwood Lane;*
- ii) Land of approximately 0.8 hectares off Manley Crescent;*
- iii) Land of approximately **0.2 hectares being the continuation of an original allocation of 0.6 hectares off Sandiford Ploc;***

... ..

The Village Map to be altered to show the reduced allocation outstanding on site iii).

Paragraph 5.2 of the PNDP to be altered if necessary to update the current figure of completions and outstanding planning permissions.

The last two sentences of paragraph 5.13 to be altered as follows:

*Developers should note that housing sites ii) **Land off Manley Crescent;** iii) **Land off Sandiford Ploc;** ~~iv), vi)~~ and vii) **Land west of Manley Lane;** are within 250m of a known closed landfill site which is a use that may be considered potentially contaminative. Policy PEM23 (f) is especially relevant to these sites.*

4.8 Policy PEM5: Meeting Housing Needs There was a request for an additional qualifier to be added to criteria g) with regard to not being ‘adversely impacted by existing agricultural or commercial activities’. However this qualifier has been added to the general design policy PEM6, and in Policy PEM6 it will impact on all proposed new housing. In Policy PEM5 it would only apply to live/work units if added as requested, which is not appropriate. The policy complies with the Basic Conditions as currently written therefore.

4.9 Policy PEM6 – Design Criteria for Residential Development The Policy has been criticised in the Reg16 consultation as being overly prescriptive in places, but I do not agree with this assessment, and find the policy sufficiently flexible to comply with government guidance in this regard. The policy is setting out the quality of development that will be expected in the area, in line with the NPPF para58, and complies with the Basic Conditions.

4.10 Policy PEM7: Affordable and Intermediate Homes Complies with the Basic Conditions.

4.11 Policy PEM8: Reuse of Rural Buildings and Brownfield Land for Employment Enterprises
Complies with the Basic Conditions.

4.12 Policy PEM9: Working from Home Complies with the Basic Conditions when for clarity the following amendment is made to criteria e):

Modification 4: I recommend for clarity criteria e) reads as follows:

... ..

(e) They include dwellings and associated enterprises permitted through Policy PEM8 and Herefordshire Core Strategy policies RA3 and RA4.

4.13 **PEM10: Agricultural Diversification and Tourism Enterprises** Complies with the Basic Conditions.

4.14 Policy PEM11: Intensive Livestock Units This policy has attracted several responses during the Reg16 consultation, and I am grateful to the qualifying body for their response to these comments. The policy deals with development proposals for intensive livestock units and associated infrastructure. Criticism has been made that the policy is effectively duplicating environmental controls on agricultural practices, but I accept arguments that there are planning issues with this development that are separate to environmental controls, and that government guidance acknowledges this. These arguments need to be summarised in the justification for the policy however; they are currently in an annex to the Consultation Statement.

4.14.1 I have considered how far the policy is dealing with waste issues, which as excluded development for the purposes of neighbourhood planning cannot be dealt with in this Plan. The Environment Agency has produced useful guidance in this regard, which I reproduce below from the website accessed on the 4th december:

For example, when manure or slurry is used to spread to land as fertiliser it isn't classified as waste as long as it's used as part of a lawful operation – for example it complies with the [Nitrates Directive](#) and takes place on clearly identified parcels of land without prior processing. The reason for this is that animal faeces are a by-product of keeping animals and make up a traditional fertiliser where other fertilisers may be regarded as a substitute.

However, where manure or slurry is spread in such a way that it exceeds crop requirements, is of [no benefit to the land](#) or provides no ecological improvement, then it'll be waste and spreading it to land simply to get rid of it is classified as a disposal operation.

<https://www.gov.uk/government/publications/legal-definition-of-waste-guidance/decide-if-a-material-is-waste-or-not>

The situation with manure and slurry from an intensive livestock unit is complex therefore in any consideration of whether it is waste or not. But this suggests that there is a planning issue with where and how it is spread, although the nearest a neighbourhood plan can come to dealing with it is to require details of the working method including disposal of manure and slurry to be submitted with any planning application for the LPA to engage with. The detailed requirements of Policy

PEM11 criteria e) may be dealing with waste issues, and if so they could not be included in a neighbourhood plan. This criteria is considered further in para 4.14.4 below.

4.14.2 Criteria a) is not clear on what is referred to as ‘full mitigation’. As the criteria is dealing with landscape issues, the second sentence should refer to landscape and visual effects and mitigation of these. Criteria b) is confused in that the sentence does not read well with the overall qualifier of where units can be sited. Beyond this, other criteria in the policy do not relate back well to the first sentence apart from criteria d). Modification 5 sets out alternative wording and ordering of these criteria, and reformats the policy, so that national guidance on the need for clarity in policy will be met (NPPF para154), and thus the Basic Conditions complied with with regards to clarity.

4.14.3 Criteria c) sets out distances from Pembridge village and other (unconnected) residential property that need to be met in order that any intensive unit and associated infrastructure will protect residential amenity. These distances have been criticised by the LPA as not being justified by evidence, and therefore hard to implement in practice. They have accepted that the policy is in general conformity with strategic policy in the development plan overall. The qualifying body are relying on work undertaken for The Beverley Borough Local Plan (now superseded) in the East Riding. This policy used a distance of 400m separation in the rural areas, or 800m from settlement boundaries for selected settlements – the implication being that these settlements are not considered rural. It should be noted that both the links to the relevant website for this material in the Plan seem to be broken. I have noted that the previous Herefordshire UDP (Policy E16 now superseded) considered development within 400m of intensive livestock units as sensitive to adverse impact to amenity from the units. Additionally the GPDO 2015 [Schedule 2 Part 6 Class A: A1(i)] removes PD rights for intensive livestock development within 400m of a ‘protected building’ (one normally occupied by people). I consider therefore that the case for this distance restriction has been made in accepted practice and other policy. I do not find adequate and robust evidence however to justify the use of the 600m distance required from Pembridge Village. There is a need for some flexibility in this policy restriction around factors such as the size of the unit, the direction of prevailing winds and other site-specific considerations so that the policy is adaptable to individual development circumstances and does not impose unnecessary restrictions on development viability (NPPF para173). Modification 5 sets out alterations to criteria c) so that it is based on a robust evidence base, as required by the NPPG [ID: 41-040-20160211], and does not unreasonably impact on the viability of development.

4.14.4 As noted above, criteria e) is dealing with issues that will sometimes be likely to be waste matters. When they are not however, the criteria is still attempting to impose restrictions and controls on actions that are not subject to planning permission. This is beyond the purpose and remit of a development plan, which must concern itself with land-use issues. Where a new development proposal for an intensive livestock unit is the subject of a planning application however, then a working method statement would be an acceptable requirement and assist the LPA in properly implementing government guidance with regard to potentially polluting development (NPPF para120). It will also be useful in determining whether or not the disposal of manure and slurry is waste disposal or the application of fertiliser. Requiring a working method statement is currently stated in the text of the Plan (para 6.8), but will be more effectively included within the policy. Para 6.8 in the Plan also has comments about the potential requirement for hours of working restrictions on a unit. As this is not a policy requirement given its location in the justification text, it can only be seen as informal advice that the LPA may wish to consider when dealing with planning applications where residential amenity is a particular issue. Criteria f) is protecting nationally important environmental assets that are vulnerable to nitrate pollution, which is a land-use issue.

4.14.5 Modification 5 amends Policy PEM11 so that it complies with the Basic Conditions with regard to government guidance on robust evidence, viability and curbing pollution. Amendments also ensure that the Plan deals with issues a neighbourhood plan is entitled to, namely land-use that is not excluded development. I therefore recommend that Policy PEM11 is amended as shown in Modification 5 in order that it complies with the Basic Conditions.

Modification 5: Policy PEM11 to be amended as follows:

Proposals for intensive livestock units and associated structures should be sited where:

a) *They do not intrude unacceptably into the landscape or adversely affect important views or landscape character more generally. Proposals seeking to utilise tree screening and choice of materials to reduce **adverse visual and landscape** ~~the environmental~~ effects should only be permitted where these can achieve **effective full** mitigation of the adverse impact.*

b) *Any traffic generated can be accommodated safely upon the local highway network, ~~should~~ **does** not adversely affect residential amenity and avoids adverse effects upon the historic environment.*

c) *There are no other potentially polluting effects upon local amenity **and the environment**, including from outside lighting.*

Modification 5 cont.

Proposals, including associated earth walled storage compounds or lagoons, should normally be sited no closer than 600 metres from Pembridge village. Elsewhere, such development should be ~~no closer than 400m~~ from a protected building or residential property not associated with the operation, measurements to be taken between the nearest point of the proposed development and the nearest point of the residential property or protected building. Where an operation can be demonstrated to have no impact at a nearer distance due to the small scale of the operation or other site specific factors then this distance requirement may be reduced.

Any planning application for an intensive livestock unit should be accompanied by a working method statement that includes clear details on the number and quantity of animals and by-products, methods of dealing with inputs and outputs from the process and pollution controls, transportation requirements and any other aspect of the development specified by the LPA.

~~e) Where the disposal of manure waste is proposed within any operational holding through spreading on land then sufficient suitable land should be available for this which is under the applicant's own control in a location where this will not adversely affect residential amenity. The installation and use of an effective purification system will be taken into account when assessing the suitability of available land. Should manure waste disposal be through spreading on land within another ownership or through another means then this should be agreed with the local planning authority whose area is to receive the waste.~~

~~f) Proposals or their related slurry or manure waste spreading areas, should not be sited where they would have a significant adverse effect on the River Lugg SSSI or River Wye Special Area of Conservation, including tributary streams.~~

The 'in combination effect' of such operations in terms of aerial emissions and deposition, including acid and nitrogen will be a consideration. In all these respects, the cumulative effect of such units upon the environment within the Parish should be taken into account, especially the potential polluting effects on residential amenity and biodiversity.

Para 6.8 to include a summary of the evidence supporting the policy currently quoted at length as an Annex to the Consultation Statement and reference the Annex.

4.15 **Policy PEM12: Supporting Infrastructure** Complies with the Basic Conditions.

4.16 **Policy PEM13: Development on Shobdon Airfield** Complies with the Basic Conditions.

4.17 **Policy PEM14: Renewable and Low Carbon Energy Generation** The policy is encouraging appropriate renewable and low carbon energy development. In the case of wind energy, no areas are designated as suitable for large or medium scale generation, but the area is considered suitable for individual small-scale turbines subject to criteria given in the policy. Thus for individual small-scale wind development the requirements of the Written Ministerial Statement March 2015 are met, but there is a need to define what is meant by 'small scale'. I made an enquiry to the qualifying body regarding this point, and they felt that the best definition was that used in the Herefordshire Renewable Energy Study 2010, a maximum power generation rating of 15kW. Thus in order that Policy PEM14 meets the requirements of the Basic Conditions with regard to government guidance on policy clarity, I recommend that it is amended as shown in Modification 6.

Modification 6: The last paragraph of Policy PEM14 to be amended as follows:

... ..

No sites are identified as suitable within the parish for large or medium scale energy generation through wind power but Individual small-scale turbines serving a local need may be permitted where they meet the above criteria and have a maximum power generation rating no greater than 15kW.

4.18 **Policy PEM15: Protection and Enhancement of Community Facilities and Services**

The policy is protecting valued community facilities, that are indicated by name in the text of the Plan, but not in the policy. In order that the Policy has the clarity required of by the NPPF, it should be altered to indicate the facilities that it relates to. I asked the question of the qualifying body as to which facilities it was seen to cover, and the response has informed Modification 7. Areas that

are to be designated as Local Green Space are excluded, as this would set up a conflict of level of protection. The school playing field has been included with the school as a community facility. Sport England indicated, in their Reg16 response, concern that it was not protected. Should the school wish to extend then Policy PEM15 does not preclude some use of open land around the school, as long as a playing field is left, as it would be development enhancing the school's viability.

Modification 7: The first paragraph of Policy PEM15 is recommended to be altered as shown in order that it complies with the Basic Conditions:

Existing community facilities listed in this policy shall be retained and protected from development that might restrict unnecessarily their current use unless alternative provision is made in accordance with this policy. The retention of key services will be supported where possible through enabling development that would enhance their viability. Community facilities to be protected are:-

- Pembridge Primary School and Play Area
- St Mary's Church
- The Village Hall and Community Open Space adjacent to the Village Hall
- The Kings House High Street
- New Inn High Street
- Red Lion High Street
- The current range of village shops as at December 2018

... ..

4.19 Policy PEM16: Safeguarding Local Green Space I visited all the proposed Local Green Space, and could see from my visit and evidence presented in the Plan that they were all worthy of designation with the exception of the Community Open Space adjacent to the Village Hall. There is a need for Local Green Space to be special, as required by the NPPF para77, and this space has no attributes that make such a designation legitimate. It has therefore been transferred to Policy PEM15 and given some protection as a community facility together with the Village Hall. Future development on it that could render the Village Hall more viable is not ruled out by Policy PEM15.

4.19.1 The wording of the policy does not currently give the protection this designation is to be awarded (NPPF para78). A comment from the Strategic Planning section of the LPA has also

indicated concerns with regard to the wording. For reasons of complying with government guidance with regard to the designation of Local Green Space and thus complying with the Basic Conditions, I recommend that Policy PEM16 is amended as set out in Modification 8.

Modification 8: Policy PEM16 to be amended as follows:

The following areas ~~also identified upon~~ in the Pembridge village Map are designated Local Green Space. Development that would result in the loss or damage of these sites or ~~unnecessarily restrict~~ reduce their current use or value will not be permitted. Proposals that will benefit their current utility will ~~however~~ be supported provided they comply with all policies in the development plan including this policy. ~~permitted provided there is no significant adverse effect on residential amenity:~~

- i) Churchyard at St Mary's Church.
- ii) The Millennium Meadow.
- iii) Pembridge Village Green.
- iv) Riverside Walk.
- ~~v) Community Open Space adjacent to the Village Hall.~~
- ~~vi~~ v) The Green surrounding the War Memorial in West Street.

4.20 Policy PEM17: Contributions to Community Services, Youth Provision and Recreation Facilities

The policy complies with the Basic Conditions.

4.21 Policy PEM18: Retaining the Natural Environment and Landscape The policy has been criticised in the Reg16 responses as not differentiating between different levels of protection for national and local environmental assets, as required by the NPPF (para 113). Generally the criteria within the policy distinguish between local and national features well, but criteria e) and f) should have appropriate qualifiers fitting to the status of the local wildlife sites they protect. Criteria a) deals with landscape issues rather than ecological protection and is acceptable as it stands. Criteria b) did not have acceptable clarity, and with reference back to the qualifying body and LPA I have proposed a modification that improves it. Criteria e) did not read well within the format of the policy, and I have thus also recommended a modification for clarity here.

Modification 9: In order that the policy complies with government policy with regard to the hierarchy of protection of environmental sites, and the clarity required of policy, I recommend Policy PEM18 is amended as follows:

... ..

b) *Contribute towards the wider ecological network within the Parish through measures to enhance the ecological corridors and stepping stones identified by the LPA in the Ecological Network Map 2013. In particular ~~to maintain and of~~ the ecological corridors of the River Arrow's tributaries ~~and stepping stones elsewhere throughout the Parish and within Pembridge Village should be Protected and enhanced wherever possible; through its centre;~~*

... ..

e) ~~In addition,~~ **Protect** the biodiversity value of local wildlife sites and green infrastructure within the parish, and in particular around and within Pembridge village, ~~should be protected from unacceptable harm to the asset, particularly~~ from the adverse effects of development. New development should also seek to add to the green infrastructure network where possible;

f) **Retain wherever possible** important features such as ponds, orchards and hedgerows, and maintain and preferably extend tree cover, adding to the natural assets of the Parish where opportunities are available.

4.22 **Policy PEM19: Protecting Heritage Assets** This policy has also been criticised for not distinguishing between different levels of protection at a national and local level, and ruling out development even where there is less than substantial harm on assets of lesser value. The response draws attention to policy in the NPPF (paras 133-4) that set out this requirement. I find the qualifier 'where appropriate' in the first sentence of the policy allows this distinction to be made between assets of varying quality, and the nature of any threat from a development proposal. However criteria d) is vague in the mention of 'other similar heritage assets' as these may not have the status of nationally listed heritage assets. Otherwise I find the policy complies with government guidance in this regard and is suitably more flexible with regard to local heritage assets in criteria e), g) and h).

4.22.1 In order that Policy PEM19 complies with the Basic Conditions with regard to government guidance in the NPPF I recommend that it is amended as shown in Modification 10.

Modification 10: Criteria d) of Policy PEM19 to be amended as follows:

... ..

d) Resisting development that adversely affects features or the setting of Listed Buildings. ~~and other similar heritage assets~~. In particular, the Market Hall and its setting should be protected, including from the impacts of traffic upon its fabric.

... ..

4.23 Policy PEM20: Development within Pembridge Conservation Area Complies with the Basic Conditions.

4.24 Policy PEM21: Protection from Flood Risk Complies with the Basic Conditions.

4.25 Policy PEM22: Sewage and Sewerage Infrastructure Complies with the Basic Conditions and is supported by Welsh Water (Dwr Cymru).

4.26 Policy PEM23: Sustainable Design Complies with the Basic Conditions.

4.27 Policy PEM24: Traffic Measures within the Parish Complies with the Basic Conditions

4.28 **Policy PEM25: Highway Design Requirements** The policy complies with the Basic Conditions, but clarification of the justification text is required in order that the Plan meets the requirements of the NPPF with regard to clarity, and thus complies with the Basic Conditions.

Modification 11: I recommend the second sentence of paragraph 9.3 of the PNDP is amended as follows in order that the document has the clarity required and complies with the Basic Conditions.

*This applies not only in ~~the~~ **Pembridge Village** where growth is proposed, but also elsewhere in the Parish.*

4.29 **Policy PEM26: Protection and Development of Public Rights of Way** Complies with the Basic Conditions.

5. The Referendum Boundary

5.1 The Pembridge Neighbourhood Development Plan has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Pembridge Neighbourhood Development Plan 2011 – 2031 shall be the boundary of the designated Neighbourhood Area for the Plan.

Latham, James

From: Emma Lewis <shobdonparishclerk@gmail.com>
Sent: 26 February 2019 08:02
To: ldf
Subject: Draft Minerals and waste Local Plan

Shobdon Parish Council met on the 28th January and discussed the draft plan and had the following comments: "**The Parish Council noted** that the draft plan includes provision for the re-opening of the quarry at Shobdon, which is currently mothballed. The site is currently very overgrown, and the fence line is in an extremely poor condition causing a potential safety hazard. It was **agreed** that whilst the Parish Council had no objection in principle to the re-opening of the quarry, they would like Herefordshire Council to hold Tarmac to account on timescales for the possible re-opening of the site. If the site is not to be used in the foreseeable future, then Tarmac should be required to manage the rehabilitation of the site to ensure future safety and remove their waste and scrap from the land. "

With best wishes.

--

Emma Lewis
Clerk to Shobdon Parish Council

Latham, James

From: Emma Thomas <clerk@wnlgpc.org.uk>
Sent: 15 February 2019 14:15
To: Gilson, Susannah
Subject: Minerals and Waste Consultation

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Susi

The Parish do not wish to make a comment but would like to be kept informed of any updates or further consultations arising on this matter please.

Kind regards

Emma Thomas

Clerk to Welsh Newton and Llanrothal Group Parish Council