

# **Lyonshall Parish Neighbourhood Development Plan**

## **Independent Examiner's Report**

September 2019

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## **Summary**

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

The examination was carried out in May 2018 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Plan area on 2 May 2019.

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. Lyonshall is a predominantly rural parish and the plan provides for new housing development well above the needs identified in the Herefordshire Local Plan Core Strategy, through housing land allocations and infilling within newly defined settlement boundaries.

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

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## **1. Introduction**

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

2. Lyonshall Parish is situated in north Herefordshire, to the north west of Hereford and just to the east of Kington. The Parish's main settlement is Lyonshall village which is located in the centre of the Parish and the smaller settlement of Holme Marsh. The parish has a chiefly rural economy and it is home to around a dozen farms , including six intensive poultry-rearing units and includes many hectares of fruit and cider orchards. Aside from a number of businesses which provide local employment opportunities, the major local employer is Burgoynes which is a haulage, transport and marquee hire firm. The rural character and many significant built heritage assets of the parish are features which are highly valued by local people. Four sections of Offa's Dyke run through the Parish.

3. The purpose of this report is to assess whether the Lyonshall 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 Lyonshall 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 NDP I am required, under Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990, to check <sup>1</sup> 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 conditions<sup>2</sup> 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

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

<sup>2</sup> Set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

site <sup>3</sup> or a European offshore marine site <sup>4</sup> 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 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. Lyonshall Parish Council applied for the Parish to be designated as a neighbourhood planning area on 6 June 2012. On 31 July 2012 Herefordshire Council designated Lyonshall Parish as a

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<sup>3</sup> As defined in the Conservation of Habitats and Species Regulations 2012

<sup>4</sup> As defined in the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007

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 Lyonshall Parish Council. The Lyonshall NDP covers the period from 2018-2031, which is the same plan period as the adopted Herefordshire Local Plan Core Strategy (LPCS) ie up to 2031.

15. The preparation of the plan has been managed by a Steering Group of Parish Councillors and Lyonshall residents, with professional support from Kirkwells. Lyonshall was one of the first parishes in Herefordshire to start work on an NDP, but, as the Background Section to the NDP explains, work stalled while the development strategy in the Herefordshire Core Strategy was evolving. Work on the NDP picked up again once the Core Strategy was adopted in October 2015. The Steering Group has also benefitted from learning from other communities which have already gone through the NDP preparation process.

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 Lyonshall 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 rule<sup>5</sup> 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 Lyonshall 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

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<sup>5</sup> PPG para 004 ref id 41-004-20140306

to the area on 2 May 2019.

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.*<sup>6</sup>

22. As the Lyonshall NDP was submitted for examination on 22 January 2019, just in advance of the 24 January 2019 deadline, the NDP has been assessed against the guidance in the former NPPF.

## **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 2012<sup>7</sup>, 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 around 28% of residents. A second questionnaire followed in 2013, generating a higher response rate of 38%. The new Steering Group commissioned a further consultation on the Issues and Options version of the plan in July 2017, supported by two presentations and drop in sessions in the Memorial Hall in Lyonshall. This generated almost 100

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<sup>6</sup> National Planning Policy Framework: 24 July 2018

<sup>7</sup> Regulation 15 of the Neighbourhood Planning (General) Regulations 2012



responses, representing around a 17% response rate. As the preparation of the plan itself got under way, the public and other interested parties were kept informed by means of an NDP website, including updates on the NDP in the Parish magazine, postcards delivered to all households, posters, presentations and drop-in events.

26. The first formal consultation on the Lyonshall Regulation 14 Draft Neighbourhood Development Plan took place between 25 October and 7 December 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:

*A village which retains its essential rural character while developing services, housing, facilities and opportunities which continue to benefit the village and wider Parish and meet the needs and aspirations of current and future local people*

#### *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 25 October and 7 December 2018. In all, sixty-three representations were received – fifty-four from members of the community, eight from statutory bodies and external consultees and one from Herefordshire Council.

29. I noted that the Table of Representations to the Regulation 14 consultation were not included in the Consultation Statement, although they were included as a separate document (Tables 1-4) on the Herefordshire Council website. In response to my query, an updated version of the Consultation Statement has now been placed on the Herefordshire Council and Parish Council websites.

30. The second consultation on the Submission Draft NDP was managed by Herefordshire Council and took place between 28 January and 8 March 2019. This generated eleven responses – two from local residents, seven from statutory bodies and external consultees and one from Herefordshire Council. Two late representations were received, but these have not been considered as part of the examination.

31. 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.

32. From the evidence in front of me, it is apparent that the Lyonshall 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 over many years 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**

33. In my role as independent examiner I must assess whether the NDP meets the Basic Conditions<sup>8</sup> set out in the Regulations as described in paras 7-9 above.

34. I have considered the Lyonshall 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*

35. National planning policy is set out in the National Planning Policy Framework (NPPF) and in the supporting Planning Practice Guidance (PPG). At the heart of the planning system is a presumption in favour of sustainable development, which applies to all levels of plan making. For neighbourhood plans, this means that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to shape local development. Included in the twelve core principles of the NPPF<sup>9</sup> 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.

36. Table 2 of the Basic Conditions Statement sets out a short assessment of how each of the policies in the NDP has regard to the six plan-making principles of the NPPF. The NDP therefore satisfies the basic condition that it has regard to national policies and advice.

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

<sup>9</sup> NPPF (2012) para 16 and 17

### *Sustainable development*

37. The qualifying body also has to demonstrate how a neighbourhood plan contributes to the achievement of sustainable development as set out in the NPPF<sup>10</sup>.

38. Table 1 of the Basic Conditions Statement provides a comprehensive explanation of how the Lyonshall NDP contributes to the economic, social and environmental aspects of sustainable development. The supporting text also explains how the non-strategic policies in the NDP meet the guidance set out in the NPPF. I therefore conclude that this Basic Condition is met.

### *Development Plan*

39. 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.

40. Table 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.

41. Various departments in Herefordshire Council have provided comments on the plan as it has progressed through each stage of preparation and the Council's Progression to Examination Decision Document dated 13 March 2019 confirms the Council's view that the NDP is legally compliant and can proceed to examination.

42. 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*

43. I have considered the Basic Conditions Statement, the supporting evidence and representations

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<sup>10</sup> NPPF 2012) para 18-219

made to the Lyonshall 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.

44. 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)*

45. 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.

46. A screening opinion was carried out by Herefordshire Council in May and August 2013 during the initial stages of preparing the NDP. This concluded that the Neighbourhood Development Plan for the Lyonshall Parish would require further environmental assessment for Habitat Regulations Assessment and Strategic Environmental Assessment.

47. The Environmental Report produced in October 2018 concluded that, taking into consideration the cumulative effects of policies, options and sites, the plan will have an overall positive impact on environmental assets. The plan is in general conformity with the Core Strategy overall and all of the policies and objectives meet the Core Strategy requirements for the purposes of the SEA. Other issues with a current uncertain outcome have the opportunity to be mitigated by further detail in policies or at planning stage. Overall the plan is positive and would have a positive impact upon the SEA baseline data. Statutory bodies concurred with this conclusion .

48. A Habitat Regulations Assessment (HRA) screening was also carried out in October 2018 as the Parish falls within the catchment for the River Wye (including River Lugg), and is within the River Lugg. The HRA assesses the potential effects of the NDP on the River Wye (including River Lugg) SAC. The HRA screening assessment concluded that the Lyonshall NDP will not have a likely significant effect on the River Wye SAC.

49. Updated versions of these reports were produced for the Regulation 16 consultation on the NDP in January 2019 , both reaching the same conclusions as the earlier reports.

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

#### *Human rights requirements*

51. Section 4 of the Basic Conditions Statement provides a very short 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.

52. 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*

53. 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**

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

55. 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 and the maps which support the plan.

56. 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 Guidance<sup>11</sup> are met.

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

### *Background*

58. This section explains the background to the plan and summarises the various stages which the Plan has gone through. This is very useful background material and I have no comments to make

#### *1.0 Introduction and Background*

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

#### *2.0 Vision and Objectives*

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

*A village which retains its essential rural character while developing services , housing, facilities and opportunities which continue to benefit the village and wider Parish and meet the needs and aspirations of current and future local people*

61. This section also introduces the objectives for the plan and the policies associated with each objective.

62. I have no comments to make.

#### *3.0 Planning Policies*

##### *3.1 Housing*

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<sup>11</sup> Planning Practice Guidance PPG para 004

*Policy LH1: Settlement Boundary and Housing Allocations*

63. Lyonshall Parish lies within the Kington Rural Housing Market Area where the target housing growth rate is 12%, which equates to a minimum of 36 new houses in the Parish between 2011 and 2031. Lyonshall is identified in the Herefordshire Local Plan Core Strategy as a settlement which will be the main focus of proportionate housing development, while Holme Marsh is identified as a settlement where proportionate growth is appropriate.

64. Between 2011 and 2018, 25 homes have been built and there are commitments for a further 53 homes. This means that the indicative housing target for the Parish has already been exceeded.

65. Guidance in the NPPF is that neighbourhood plans should plan positively to support the policies in the Local Plan and should not promote less development than set out in the Local Plan or undermine its strategic policies<sup>12</sup>. Thus, a neighbourhood plan can also plan for more housing development that is set out in the Local Plan, provided the strategic policies set out in the adopted LP and the national policy guidance set out in the NPPF are complied with.

66. The Steering Group has taken a very positive approach to new housing development, reflecting the community's aspirations to maintain Lyonshall's essential character and to enhance it through more development in the village. Five sites were put forward for housing development by local landowners during the course of preparing the NDP. These were subject to public consultation and were subsequently allocated as sites A to E in the Submission version of the NP. In total these would bring a total of an additional 45 dwellings, which combined with existing commitments means that 98 homes could be built over the plan period 2019-31. I note that these sites were not subject to any comprehensive evaluation or assessment, and that the boundary of one site was amended in light of comments from the Environment Agency regarding flooding constraints.

67. Two areas of land – to the rear of recent development at White Lions Meadow and the field opposite Yew Tree Croft – are included within the settlement boundary but not allocated for a particular use. In response to my query, the Parish Council confirmed that the two areas of land were subject of landowner requests and were included as rural expansions of the settlement boundary and to provide better form and limit ribbon development by allowing more cohesive growth close to the village centre. However both sites would add to the already generous existing housing commitments and allocations for the settlement and, given the concerns expressed in representations on the Neighbourhood Development Plan about the scale of growth being planned

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<sup>12</sup> NPPF para 184

in the village, I do not consider that the inclusion of these sites is in line with strategic guidance in the HLPCS which states that in the settlements identified for proportionate growth “ ....carefully considered development which is proportionate to the size of the community and its needs will be permitted.” The settlement boundary should therefore be redrawn to exclude these two sites.

- **Recommendation : Redraw settlement boundary on Lyonshall Village Policies Map to exclude the land to the rear of recent development at White Lions Meadow and the field opposite Yew Tree Croft**

68. My role is limited to assessing the NDP against the basic conditions. In terms of the overall scale of housing growth, the proposals comply with guidance in the HLPCS in that the overall housing requirements will be met and the guidance in the NPPF which says that plans should be positively prepared.

69. Policy LH1 allocates the five sites and defines the new settlement boundaries for Lyonshall village and Holme Marsh. The supporting text at 3.1.13 refers to additional landscaping being agreed with the landowner for Site C. Given that this is a prominent site in the landscape, this requirement should be added to Policy LH1. The Environment Agency has also commented that Sites B and C would require site specific Flood Risk Assessments at the time that planning applications are submitted for these sites. This requirement should be added to Policy LH1 of the NDP.

- **Recommendation : Add as new third paragraph to Policy LH1 “Additional landscaping should be provided on Site C to enhance the transition from open countryside to the built up area village. Site specific Flood Risk Assessments will be required for Sites B and C when planning applications for these sites are submitted.”**

70. Clause 3 of the policy is not sufficiently precise as it is not clear which village centre is being referred to. In response to my query, the Parish Council confirmed that the reference to 12 dwellings per hectare should be to Lyonshall village. An amendment to the policy is therefore required.

- **Recommendation : Add “Lyonshall” before “village centre” in third line of Clause 3 of Policy LH1**

71. An area of land opposite The Close is identified on the Lyonshall Policies Map as both a housing commitment and a Local Wildlife Site. In response to my query, Herefordshire Council has confirmed that a planning consent was granted for 11 dwellings to be built on the site in February 2015. The



officer's report acknowledged that the ecological interest of the Local Wildlife Site had become denuded. In these circumstances, no changes to the NDP are required

### *Policy LH2 House Types and Sizes*

72. This policy deals with house types and sizes. The references to "a suitable proportion" and "a sustainable population" are rather vague and I note that there is no clear guidance on the proportion of affordable housing to be provided on the allocated sites. To comply with the strategic guidance in the HLPCS, therefore, the policy needs to be expressed more precisely in terms that will be useful and understood by future decision-makers. On a point of detail, the numbers denoting each paragraph in the policy are superfluous and should be deleted.

- **Recommendation : Replace second sentence of first paragraph of Policy LH2 to read "Developments on sites of more than 10 dwellings should aim to meet a target of 35% affordable housing provision and developers should ensure proposals respond to the most up to date evidence of local housing need." In second paragraph add "based on an up to date assessment of housing needs" after "A suitable proportion." Delete 1,2,3,4 numbering for each paragraph**

### *Policy LH3 Promoting High Quality Design*

73. This policy seeks to promote high quality design. My only comment is regarding clause 3 which would benefit from a reference to extensions to existing buildings also being in character with the existing building. This should ensure that the guidance is consistent with the guidance for new development given in Clause 1 and Appendix 1 – Housing Character and Density.

- **Recommendation : Add "and in character" after "in scale" in Clause 3 of Policy LH3**

## *3.2 Business*

### *Policy LB1 Protecting and Enhancing Local Employment Opportunities in Lyonshall*

74. This policy deals with the main employment site at Burgoynes Industrial Estate. As this policy is site specific, the location and extent of the site should be marked on the Lyonshall Village Policies Map. On a point of detail, the words "is provided" are repeated in clause 3.

- **Recommendation : Add location and boundaries of Burgoynes Industrial Estate to the Lyonshall Village Policies Map and denote with the notation LB1. Add " as denoted on the**

**Lyonshall Village Policies Map as Site LB1” after “Burgoynes Industrial Estate” in first sentence of Policy LB1. Delete repeated “is provided” from LB1 clause 3**

*Policy LB2 Supporting Rural Diversification*

75. This policy complements HLPCS Policy RA5 which provides detailed guidance on the Re-use of Rural Buildings and I have no comments to make.

*Policy LB3 Large Agricultural Buildings and Extensions*

76. Large agricultural buildings and polytunnels are a notable feature of the agricultural landscape of the northern part of Herefordshire and policy LB3 provides guidance on proposals for new buildings and extensions to existing facilities. As the supporting text explains, the policy draws on the guidance set out in Herefordshire Council’s adopted Supplementary Planning Document on Poly tunnels.

77. The policy conforms generally with the strategic guidance in the HLPCS and the NPPF so the basic conditions are met.

*Policy LB4 Local Energy Schemes*

78. This policy deals with local energy schemes. My only comment is that the wording of the first sentence should be amended to improve clarity.

- **Recommendation : Delete “where” in first sentence of Policy LB4 and replace with “provided”**

*3.3 Environment*

*Protecting and Enhancing Local Landscape Character and Built Heritage*

79. This policy complies with the basic conditions and I have no comments to make.

*Policy LE2 Protecting and Enhancing Local Wildlife*

80. This policy seeks to protect and enhance local wildlife. Herefordshire Council has commented that the final clause of the policy - relating to the Curl Brook watercourse - is unnecessary as it duplicates guidance in Policies SD3 and SD4 of the LPCS. I agree that such duplication is unnecessary

so I recommend that the final clause of the policy is deleted, along with the relevant part of the supporting text.

- **Recommendation : Delete final paragraph of Policy LE2 and paragraph 3.3.11 of the supporting text. Renumber subsequent paragraphs accordingly**

### *3.4 Community*

#### *Policy LC1 Memorial Hall*

81. This policy seeks to support the provision of new recreational, community and educational facilities on or close to the Memorial Hall. In response to my query , the Parish Council confirmed that the policy is intended to apply to all of site D. This needs to be stated more precisely in the policy and some rewording is required.

- **Recommendation : Delete “or close to the site of the existing Memorial Hall” and replace with “Site D”**

#### *Policy LC2 Open Space*

82. This policy seeks to protect the children’s play area opposite the former Royal George Public house from development. In response to my query, the Parish Council has provided a plan of the play area and this should be added to the Lyonshall Village Policies Map as a protected site and marked with the notation LC2.

- **Recommendation : Add Children’s Play Area to Lyonshall Village Policies Map with notation as LC2. Add “as shown on the Lyonshall Village Policies Map as LC2” after “opposite the Royal George Public House” in first line of Policy LC2**

### *Transport and Accessibility*

#### *Policy LT1 Transport and Accessibility*

83. This policy complies with the basic conditions and I have no comments to make.

### *4.0 Next Steps*

84. I have no comments on this section

## **9. Conclusions and Recommendations**

85. I have examined the Lyonshall NDP and I have concluded that, subject to the modifications set out in my report, it meets the basic conditions and other statutory requirements.

86. I am therefore pleased to recommend to Herefordshire Council that, subject to the modifications set out in my report, the Lyonshall NDP should proceed to referendum.

87. I am also required to consider whether the referendum area should be extended beyond the Lyonshall 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 Council in July 2012.

## **APPENDIX 1: Background Documents**

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

- Lyonshall Neighbourhood Development Plan 2018-2031 Submission Draft: January 2019 and associated Policies Maps
- Lyonshall Neighbourhood Development Plan Consultation Statement: January 2019
- Lyonshall Neighbourhood Development Plan Basic Conditions Statement: January 2019
- Herefordshire Council: Lyonshall Neighbourhood Development Plan - Progression to Examination Decision Document: 13 March 2019
- Strategic Environmental Assessment Lyonshall Neighbourhood Area Scoping Report October 2014
- Draft Environmental Report for Lyonshall Neighbourhood Area: Herefordshire Council: October 2018
- Draft Habitats Regulations Assessment Report for Lyonshall Neighbourhood Area: Herefordshire Council: October 2018
- Environmental Report for Lyonshall Neighbourhood Area: Herefordshire Council: January 2019
- Habitats Regulations Assessment Report for Lyonshall Neighbourhood Area: Herefordshire Council: January 2019
- Herefordshire Council : Polytunnels Planning Guide: 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:**

### **Lyonshall Neighbourhood Development Plan Examination**

#### **Request for further information and questions from the Examiner to Herefordshire Council and Lyonshall 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.

##### *Policy LH1 Settlement boundaries*

In clause 3 of this policy it refers to the density of development being “as a maximum of 12 dwellings per hectare of the site for market housing in the village centre”. I am unclear whether this is meant to apply to just one site in Lyonshall or whether it is meant to apply to all sites within the Lyonshall settlement boundary. Please can you clarify?

On a related matter, the settlement boundary for Lyonshall seems to have been drawn rather widely; in particular I would be grateful if you could explain why the field opposite Yew Tree Croft and the land to the rear of the recent development at White Lions Meadow has been included in the settlement boundary.

##### *Lyonshall Policies Map*

The key to the Lyonshall Policies Map identifies an area in a dark brown notation as a Local Wildlife Site, yet it also seems to be identified, by the use of the yellow dot notation, as a commitment site. Please can you confirm what is intended and, if it is to be allocated for a particular purpose on the NDP, which of the policies in the NDP applies?

##### *Policy LC1 Memorial Hall*

This policy refers to development being supported “on or close to” the site of the existing Memorial Hall. I think this is referring to the land within the settlement boundary immediately to the north east of Site D. Please can you confirm this and provide a map showing the exact area which the policy is referring to?

*Policy LC2 Open Space*

This policy refers to a Children’s Play Area opposite the Royal George Public House which is to be protected. Again, please can you provide a map showing the area which the policy is referring to?

*Consultation Statement*

The table of representations to the Regulation 14 consultation are not included in the Consultation Statement, although they are included as a separate document – Tables 1-4 – on the Herefordshire Council website. Please can the tables be added to the Consultation Statement and the updated version put on both the Herefordshire Council and the Neighbourhood Development Plan website?

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

7 May 2019