

Brampton Abbotts and Foy
Neighbourhood Development Plan
Submission Version 2019 – 2031

Report of Examination

June 2020

**Undertaken for Herefordshire Council with the support of
Brampton Abbotts and Foy Group Parish Council on the
submission version of the plan.**

Independent Examiner:



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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.....	10
5. The Referendum Boundary	19

Abbreviations used in the text of this report:

The Brampton Abbots and Foy Neighbourhood Plan is referred to as ‘the Plan’ or ‘BANP’.

Brampton Abbots and Foy Group Parish Council is abbreviated to ‘Brampton Abbots PC’.

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

The National Planning Policy Framework is abbreviated to ‘NPPF’.

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

The Herefordshire Local Plan Core Strategy 2011 - 2031 is abbreviated to ‘HCS’.

Regulations 14 and 16 are abbreviated to ‘Reg14’ and ‘Reg16’ respectively.

‘Area of Outstanding Natural Beauty’ is abbreviated to ‘AONB’.

Summary

- I have undertaken the examination of the Brampton Abbotts and Foy Neighbourhood Plan during March, April and May 2020 and detail the results of that examination in this report.
- The Group Parish Council have undertaken well-publicised consultation on this Plan, and it complies with legislative requirements in this regard. The Plan is clearly set out, and deals concisely with issues of local concern. The Herefordshire Local Plan Core Strategy 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: My thanks to Local Authority and qualifying body for their assistance with this examination. My compliments to the local community volunteers and Brampton Abbotts and Foy Group Parish Council, who have produced an accessible and targeted Plan for their neighbourhood area.

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 para 29) states that:

“neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can ... help to deliver sustainable development”.

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 Brampton Abbots and Foy that is the Brampton Abbots and Foy Group Parish Council. Drawing up the Neighbourhood Plan was undertaken by a steering group, working to the Parish Council.

1.2 Independent Examination

1.2.1 Once Brampton Abbots 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, Herefordshire Council were required to appoint an Independent Examiner, with the agreement of Brampton Abbots 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 Brampton Abbots and Foy 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 BANP complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on the 29th January 2013 by Herefordshire Council. The plan does not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2019 – 2031 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Brampton Abbots and Foy on the 22nd March 2020 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 Brampton Abbots and Foy is the Herefordshire Local Plan Core Strategy (HCS) adopted in 2015, and some saved policies from the Unitary Development Plan 2007. The latter is not relevant for the BANP however, as the saved policies mainly relate to mineral and waste development, issues that are specifically excluded from consideration in neighbourhood plans. All the policies of the HCS are 'strategic policies' for neighbourhood planning purposes.

1.3.2 The National Planning Policy Framework (NPPF), revised 2019, sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented.

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

- National Planning Policy Framework (NPPF) 2019
- 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
- The Neighbourhood Planning Regulations 2012 (as amended)
- Submission version of the Brampton Abbots and Foy NDP (BANP)
- The Basic Conditions Statement submitted with the BANP
- The Consultation Statement submitted with the BANP
- The Environmental Report and HRA Report Submitted with the BANP
- Neighbourhood Area Designation (map)
- Herefordshire Local Plan Core Strategy (HCS) Adopted 2015
- Herefordshire Council NPG Note 20 Guide to settlement boundaries Rev 2015
- Wye Valley AONB Management Plan 2015-20
- Herefordshire Council Polytunnels Planning Guide June 2018.
- Representations received during the publicity period (reg16 consultation)

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 Brampton Abbott village and smaller settlements including Foy are located in the Wye valley just north of Ross-on-Wye in Herefordshire. A Group Parish covers both parishes and is the designated neighbourhood area and Qualifying Body. Much of the Parish is farmed, and nearly all of it is within the Wye Valley AONB.

2.1.2 A Steering Group, made up of local residents and parish councillors, progressed the BANP on behalf of the Group Parish. Their meetings were public and advertised on the Parish Council website. Minutes of steering group meetings and other neighbourhood plan information was also posted on the neighbourhood planning section of the website.

2.1.3 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. Options for the Plan were discussed in public meetings, and a Preferred Option consultation was undertaken in Spring 2018 with an open day event and comments sought by email, post and telephone as well.

2.1.4 As required by regulation 14 (Reg14) of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the pre-submission BANP ran from the 28th January to the 9th March 2019. The draft BANP and response form could be downloaded from the parish website and the LPA website. Hard copies were available at several local venues. Statutory bodies were notified of the consultation by letter, as were other stakeholders, as detailed in the Statement. A local drop-in session was run during the consultation, and a flyer advertising it was distributed in the Parish.

2.1.5 Representations were received from fifteen residents, statutory bodies (including the LPA) and developers during the Reg14 consultation period, 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. The Consultation Statement details all consultation activities, and the record of comments and objections received during the Reg14 consultation shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.8 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Screening Opinion and a plan showing the neighbourhood area was submitted to the LPA on the 20th November 2019.

2.2 Regulation 16 Consultation Responses

2.2.1 Herefordshire Council undertook the Reg16 consultation and publicity on the BANP for six weeks, from the 25th November 2019 to the 20th January 2020. Thirteen Representations were received during this consultation, four from various departments of Herefordshire Council. Two statutory bodies had no specific comments to make on this Plan but offered general guidance. The other comments and objections from local residents, landowners and statutory bodies have been considered. Where issues they raise are pertinent to my assessment of whether the Plan meets the basic conditions, they are discussed further in sections 3 and 4 of this report below.

2.2.2 One response received was not directly naming the individual or organisation on whose behalf the agent was submitting the response. I have been assured by the LPA however that this person or persons can be identified if necessary. It is not normally legitimate for anonymous responses to be considered in planning consultation processes. The Parish Council have offered me comments on the Reg16 responses, in response to my invitation to do so. A late response was received from a local resident, and as far as this response is dealing with matters of accuracy, specifically in relation to the Settlement Boundary, I will take it into consideration.

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 BANP 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 including the habitats basic condition (2017 as amended) and comply with human rights law.

3.2 The Basic Conditions Statement discusses how the Plan promotes the social, economic and environmental goals of sustainable development in section 3.1 (page 4). The Plan supports the development of small-scale business and social sustainability of the local community, while also protecting the natural and historic assets of the area and AONB. I accept that the Plan does contribute to sustainable development in line with the Basic Conditions.

3.3 An Environmental Report and Habitat Regulations Assessment (HRA) Report have been submitted with the BANP as both Strategic Environmental Assessment (SEA) and HRA were required for the Plan. Brampton Abbots and Foy Group Parish is within the catchments of the Wye Valley and Forest of Dean Bat Sites Special Area of Conservation (SAC), the River Wye (including River Lugg) SAC and the Wye Valley Woodlands SAC. The Environmental Report states in the summary (page 1) that the BANP is likely to have a positive impact on environmental assets, and no significant cumulative effects have been identified.

3.4 The HRA Report has considered the site allocations and policies for likely significant effect on the European sites (SACs), and found there were none. Thus together with the Environment Report, compliance with the EU obligations with regards to habitat protection have been met.

3.5 The BANP in my view complies with Human Rights Legislation, as stated in the Basic Conditions Statement. It has not been challenged with regard to this, and the Consultation Statement showed that the need to consult fully 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 BANP 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 (2019) 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.

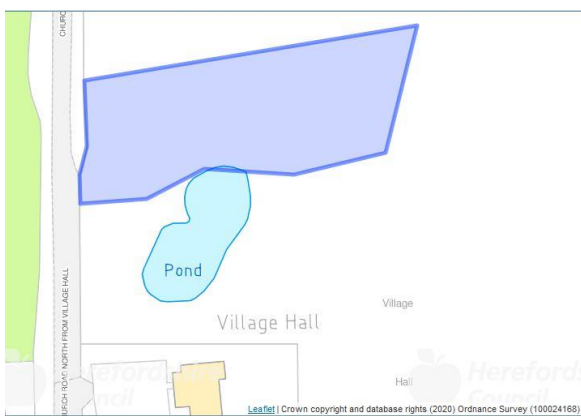
4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended.

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 and layout of the Plan is generally very good and readable. The guiding vision is positive, and objectives flow clearly from it. My only comment is that the policies need to be defined with more than just a change of font colour. This does not work when printed in black and white, and is not very clear online either. I will not make this a formal recommended modification, but would recommend that some further demarcation is provided – a text box perhaps.

4.4 **Policy POLICY BAF1 - NEW HOUSING DEVELOPMENT IN BRAMPTON ABBOTTS** This Policy is designating a settlement boundary and criteria for development within and outside of it. For clarity, as required by the NPPF (para 16d) the policy wording needs to formally designate the boundary. The boundary has been determined with reference to Herefordshire Council's Guidance Note 20, and states that included within it are existing commitments including planning permissions. I note that a very recent appeal decision (APP/W1850/W/19/3232124, permission P163755) has allowed a development of 10 homes in the neighbourhood area, but that this permission was too recent to be included within the settlement boundary shown. The criteria for inclusion stated in the BANP and the LPA's 'Guide to Settlement Boundaries –Neighbourhood Planning Guidance Note 20 Rev 2015' require that the settlement boundary include this site, and for clarity and consistency of policy the boundary should be amended to include the site.

4.4.1 A late submission to the Reg16 consultation raised two other issues with the current settlement boundary. Firstly that it excluded a recent planning permission for a storage container (P172305F), proposed for the corner of a field opposite dwellings that are within the boundary. I consider the decision to exclude this site and permission was correct, the development has not expanded the settlement and exclusion is in line with the LPA guidance. Secondly the boundary in the vicinity of the development currently under construction (permission P172040F) and a further permission for an extra home (P182085F) is felt by the same late Reg16 submission to be inaccurate. This permission should also be included within the settlement boundary, but with the level of detail on the OS mapping used for Figure 6 it is not clear what boundaries are determining the boundary generally. The LPA website shows this permission's location in relation to the pond as follows:



There would seem to need to be a minor adjustment needed at this point. More generally, ideally the map showing the boundary needs to include more detail so that the features used to define the boundary are clearer and comply with the NPPF requirement that policy is clearly understandable (para 16d). I appreciate that this will depend on information on the OS base being available.

4.4.2 Policy BAF1 has three sections, one concerning development within the boundary and two dealing with the situation where development proposals fall outside of the boundary. The second section of Policy BAF1, deals with 'development' - assumed to refer to 'residential development' (although this is not specified) - outside of the settlement boundary but within the AONB. Criteria e) has been suggested in Reg16 responses to introduce an absolute limit to development, with use of the LPA and HCS target for new homes being used as a maximum limit contrary to government guidance. The inclusion of the Core Strategy growth target in the policy has also been criticised as being irrelevant in a situation where the growth target has already been met, something the LPA have provisionally confirmed to me in supplementary answers to my questions. While both of these positions have some merit, there is a further problem with both criteria e) and f): they offer support for development in the AONB without requiring landscape visual impact assessment of that development, and its impact on the AONB. The NPPF (para 172) affords protection of an AONB and its landscape and scenic beauty great weight. There is a stated need to conserve the landscape and scenic beauty of the AONB in this section, but in my view, introducing additional criteria whereby

some development may be acceptable without a clear requirement for assessment of the landscape implications of the development proposal risks undermining policy protecting the AONB within the NPPF and the HCS (Policy SS6). The evidence for criteria f) has not been adequately assessed for landscape impact. Is a location adjacent to the settlement boundary ever acceptable in terms of visual impact? I consider section 2 to be contrary to the Basic Conditions in that it could result in inappropriate development in the AONB and has not paid due regard to the government policy in the NPPF regarding the protection of nationally protected landscapes.

4.4.3 Policy RA3 in the HCS applies to any part of the neighbourhood plan outside of the defined settlement boundary, and it is not accurate to make a distinction between land within and outside the AONB in Policy BAF1 with regard to Policy RA3. In the case of section 3 of Policy BAF1, the statement is effectively repeating HCS Policy RA3, but it also has a role clarifying the new situation with the designation of the settlement boundary. In the HCS there is only a future intention that settlement boundaries in neighbourhood plans will also define the countryside for the purposes of Policy RA3. Thus the statement that development must comply with Policy RA3 of the HCS is not just unhelpful repetition but useful clarification. Given that Policy RA3 applies to any land outside of settlement boundaries, irrespective of whether or not they are within an AONB or not, section 3 of Policy BAF1 should apply to any land outside of the settlement boundary.

4.4.4 The settlement boundary itself has been criticised for not being based on landscape considerations, but as it has been drawn around existing residential development and permissions, this has to be assumed to have been undertaken as part of the previous development and planning application process. Section 1 of Policy BAF1 rightly requires that any development within the settlement boundary needs to conserve the landscape and scenic beauty of the AONB. There were requests in some Reg16 submissions for site allocations, but as the Parish Council pointed out in their response to the Reg16 comments, there is no requirement on neighbourhood plans to allocate sites. Suggesting that this examination could make an allocation misunderstands the remit of this examination – which is to deal only with ensuring the Basic Conditions have been met. Making site allocations in the neighbourhood area, and including land within the boundary for future development, would also be contrary to the protection of the AONB required by national policy, unless detailed visual impact analysis has been undertaken.

4.4.5 In order that the BANP complies with the Basic Conditions and has due regard to national policy and is in general conformity with strategic policy in the development plan, I recommend that

Policy BAF1 and Figure 6 are amended as shown in Modification 1. Textual alterations recommended to accommodate these changes are set out in Modification 1A.

Modification 1: Policy BAF1 is to be amended as follows:

1. **A settlement boundary for Brampton Abbots is designated as shown on Figure 6.** *Within the Settlement Boundary a balanced mix of new housing development of good design ~~within the defined Brampton Abbots Settlement Boundary, as shown on the Policies Map (Figure 6),~~ will be supported when:*

- a. It is of good design when assessed against Policy BAF2 of this plan and Policy SD1 of the Herefordshire Local Plan Core Strategy and in keeping with the character, appearance and local distinctiveness of the settlement;*
- b. It conserves and enhances the landscape and scenic beauty of the Wye Valley Area of Outstanding Natural Beauty (AONB);*
- c. It does not lead to significant adverse surface water flooding or local road traffic and highway safety impacts; and*
- d. It conserves the linear road side settlement pattern.*

Where possible such proposals should provide a mix of dwelling types, which include lower cost housing that benefit older people, people or families with disabilities, young families and single people, thereby creating a genuine lifetime community.

Delete Section 2.

~~2. Residential Development outside the Settlement Boundary and not within the AONB~~

~~New housing development in those areas outside the defined Brampton Abbots Settlement Boundary and not in the AONB will be subject to the provisions of Herefordshire Local Plan Core Strategy Policy RA3 "Herefordshire's Countryside."~~

Figure 6 to use an OS base with more boundary detail (if available) so that the settlement boundary location is clear in all places. The defined settlement boundary to be amended to include all current residential planning permissions including APP/W1850/W/19/3232124 and P182085F.

4.4.6 Besides the recommended modifications to Policy BAF1, there are alterations needed to the text as a result of these changes required by the need to comply with the Basic Conditions. Modification 1A sets out recommendations for textual changes required for consistency and to ensure the Basic Conditions are met.

Modification 1A: The following textual changes to the document are recommended to ensure that policy justification is consistent with changes to Policy BAF1 set out in Modification 1, and that the Plan as a whole complies with the Basic Conditions:

Para 6.2: a fourth bullet point to be added stating “It preserves and enhances the scenic beauty of the AONB and its setting”.

Para 6.4: The current commitments to be updated to include the recent appeal decision for a further 10 homes, and make any other changes as required.

Para 6.6: delete all text beyond the first four sentences: “...The NPPF places great weight on conserving and enhancing landscape and scenic beauty in the AONB. To provide some degree of flexibility to go...” delete to end of paragraph.

Para 6.7: Amend the first sentence as follows: “Outside the Brampton Abbots Settlement Boundary and in areas that do not adjoin this boundary all new development will be classed as being in the countryside....”

4.5 POLICY BAF2 – GOOD QUALITY DESIGN Complies with the Basic Conditions.

4.6 POLICY BAF3 – PROTECTING LOCAL NON-DESIGNATED HERITAGE ASSETS The policy needs to be clear what assets are covered by the policy in order to Comply with the Basic Conditions and the requirements of the NPPF for clarity of policy (para 16d). As these are listed in Appendix 1, I am recommending that this is added to Policy BAF3 and it is amended as shown in Modification 2. Additionally the first paragraph needs to refer to ‘development proposals’ not ‘proposers’, as development policies relate to land and not to people. This change should also be made, where appropriate for accuracy and consistency, where it occurs in the text.

Modification 2: The first paragraph of Policy BAF3 is to be amended as follows:

*Development proposals should conserve and enhance local non-designated heritage assets as defined in Appendix 1 and their setting in a manner appropriate to the identified asset's significance. In particular, Development ~~proposers~~ **proposals** should take account of the following non-designated heritage assets:*

.....

4.7 POLICY BAF4 – LANDSCAPE AND SCENIC BEAUTY The Policy intent complies with the required level of protection of the AONB and its landscape in most aspects except for criteria b) concerning views. There has not been an assessment of particularly important views and their location indicated, so that the policy is lacking clarity. However the location within an AONB makes the visual environment including views more important, and a general intent to protect attractive views is a reasonable policy. For clarity, as required by the NPPF, and only imposing reasonable burdens on development as required by the NPPG (ID-41-005-20190509), the policy needs to be clearly protecting views that are a significant attractive and positive attribute of the landscape.

4.7.1 The rather muddled text of criteria b) concerning how negative impact will be dealt with, is contrary to the NPPF requirement that the landscape and scenic beauty of the AONB be conserved and enhanced, as it could result in development with negative impact. In order that the policy meets the requirements of the NPPF with regard to protection of the AONB landscape, and thus complies with the Basic Conditions, I recommend that the last sentence of criteria b) is deleted.

Modification 3: Criteria b) of Policy BAF4 to be amended as follows:

... b)) *Impact on **attractive and outstanding** views within the Neighbourhood Development Plan area including, but not limited to, those of the Neighbourhood Development Plan area's settlements, and along the River Wye Valley, together with those to Ross-on-Wye, and views of Goodrich Castle, Hay Bluff and May Hill. Where appropriate, **the potential impact on views of a development proposal should be identified and assessed in a Landscape Visual Impact Assessment to ensure that the development preserves and enhances the scenic beauty of the Wye Valley AONB and its setting.** ~~Where a negative impact is identified, suitable mitigation should be acceptable but only in circumstances where it reduces the impact to a minimal level and enhances landscape features;~~*

4.8 POLICY BAF5 – TO SUPPORT THE GROWTH OF SMALL-SCALE RURAL BUSINESSES

The Policy refers to certain other policies that must be complied with, but in fact all adopted policies of the development plan must be complied with, a position generally understood. For accuracy and clarity, as required by the NPPF, the reference to only some policies needing to be complied with needs to be removed. A comment received from the highway authority emphasised that highway infrastructure as well as traffic volumes would be a potential issue, but I consider this is met in the reference to ‘infrastructure’ in the first paragraph. I recommend that in order to comply with the Basic Conditions and have due regard to national policy, Policy BAF5 is amended as shown in Modification 4.

Modification 4: <u>Criteria e) of Policy BAF5 to be deleted.</u>

4.9 POLICY BAF6 – POLYTUNNELS The Policy has two aspects, the first paragraph is dealing with polytunnel developments generally, and the second deals with major development, which for polytunnel development will be sites of 1ha or more (as defined in the Development Management Procedure Order 1915 No.595). The NPPF (para 172), which generally excludes major development in an AONB, is paraphrased in the second paragraph of Policy BAF6, which then has nothing to add to the NPPF position. The second paragraph is therefore unhelpful repetition of the NPPF, contrary to policy in the NPPF (para 16f) and thus contrary to the Basic Conditions.

4.9.1 The first paragraph of Policy BAF6 is dealing with the need to consider carefully the visual impact of polytunnel development within the AONB. This is a valid and locally relevant issue for the policy to address, but as currently worded the policy is pre-judging any application by stating that ‘development will be restricted’. This is contrary to the requirement that development plans promote positive development (para 16b).

4.9.2 An SPD was issued in 2008 by the LPA on the subject of Polytunnel development, which has been updated and superseded by guidance on the same topic issued in 2018. Policy BAF6 therefore could usefully make reference to the recent LPA guidance to strengthen the weight of this guidance in the neighbourhood area. This would provide the guidance and clarity required of policy by the NPPF without seeming to predetermine all proposed development with an intent to ‘restrict’ such development. A submission at Reg16 suggested that reference should be made to the LPA

guidelines in this policy, and it is a useful proposal in the context of modifying the policy so that it complies with the Basic Conditions and promotes acceptable development positively. The guidance however applies to the whole neighbourhood area, while making reference to the need for particular caution within the AONB as regards landscape protection. There will be no need therefore to restrict policy BAF6 to the AONB, as the neighbourhood area is mostly within the AONB, and where it is not, any development could quite possibly affect the setting of the AONB. I am content that extending the reach of the Policy beyond just the AONB will not materially alter the intent of Policy BAF6. I recommend therefore that in order that Policy BAF6 complies with the Basic Conditions, it is amended as shown in Modification 5.

Modification 5: Policy BAF6 to be amended as follows:

~~Within those parts of the Neighbourhood Development Plan area that are within the Wye Valley Area of Outstanding Natural Beauty (AONB), when planning permission is required for~~ **Development Proposals for polytunnels and their ancillary development, such development will be required to comply with the Polytunnels Planning Guide Herefordshire Council June 2018 or any document superseding this guidance and have due regard to the need ~~restricted~~ to protect the landscape and scenic beauty of the Wye Valley Area of Outstanding Natural Beauty and its setting. ~~this area.~~**

~~Where proposals for polytunnels and ancillary works are considered to be major development such proposals will only be allowed in exceptional circumstances: where it can be demonstrated that such major development is in the public interest when assessed against the criteria in national planning policy paragraph 172.~~

4.10 POLICY BAF7 – COMMUNITY FACILITIES AND OPEN SPACES The policy again lists only three policies that need to be complied with in order for development to be supported, while also in the same sentence mentioning all policies in the BANP. The reference should be to policies in the development plan, for the clarity and accuracy required by the NPPF. In order that the Policy complies with the Basic Conditions, I recommend that it is amended as shown in Modification 6.

Modification 6: The second sentence of Policy BAF7 to be amended as follows:

...”Development assessed to be in line with other policies in ~~the this Neighbourhood~~ Development Plan that would enhance or improve these facilities, or in the case of St Michael & All Angel Church would bring the Church back to a place of worship with a certain level of commercial activity to fund it which would complement the Village Hall, will be supported. ~~subject to compliance with BAF2, BAF3 and BAF4.~~

4.11 POLICY BAF8 – THE MANAGEMENT OF TRAFFIC SAFETY AROUND THE NEIGHBOURHOOD DEVELOPMENT PLAN AREA Policy complies with the Basic Conditions.

4.12 POLICY BAF9 -PUBLIC SEWERAGE NETWORK AND WASTEWATER TREATMENT WORKS Welsh Water has requested that the policy mention the need for a ‘Grampian condition’ date (that has now passed), while generally welcoming the policy. The matter of waste water infrastructure will be dealt with during any planning application, and Policy BAF9 could not prejudice a planning application by requiring any particular condition. The Policy complies with the Basic Conditions.

4.13 POLICY BAF10 – HIGH SPEED INTERNET AND COMMUNICATIONS Complies with the Basic Conditions.

5. The Referendum Boundary

5.1 The Brampton Abbotts and Foy 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 Brampton Abbotts and Foy Neighbourhood Development Plan 2019 – 2031 shall be the boundary of the designated Neighbourhood Area for the Plan.