

GARWAY NEIGHBOURHOOD DEVELOPMENT PLAN

Submission Draft Version

**A report to Herefordshire Council
into the examination of the
Garway Neighbourhood Development Plan
by Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP, MRTPI

NPIERS Independent Examiner

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1.0 Summary

- 1.1 The Garway Neighbourhood Plan has been prepared to set out the community's wishes for the villages of Garway and Broad Oak.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer, including improvements to the mapping of sites referred to in policies to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
 - The inclusion of an introductory section describing the area, the environmental assets and the issues facing the parish;
 - Revisions to the wording of the objectives;
 - Clarification of the wording of policies and combining policies to reduce repetition;
 - Clarification to the supporting text; and
 - Improvements to the mapping of policies.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Garway Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

Background Context

- 2.1 This report sets out the findings of the examination into the Garway Neighbourhood Plan.
- 2.2 The Parish of Garway lies 14 miles south of Hereford. The parish lies on the hillside above the River Monnow. At 2011 there were 430 people living in the parish.

Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the Garway Neighbourhood Plan (GNDP) by Herefordshire Council with the consent of Garway Parish Council in May 2020. I do not have any interest in any land that may be affected by the GNDP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies.

Role of the Independent Examiner

- 2.4 As an independent Examiner, I am required to determine, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether the legislative requirements are met:
- The Neighbourhood Development Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Development Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, that is the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area; and
 - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A.
- 2.5 An Independent Examiner must consider whether a neighbourhood plan meets the "Basic Conditions". The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to

neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
3. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to neighbourhood plans:
 - o Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (various Amendments) Regulations 2018) sets out a further Basic Condition in addition to those set out in the primary legislation: that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

2.6 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.

2.7 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

The Examination Process

2.8 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.

2.9 I have sought clarification on a number of factual matters from the Qualifying Body and/or the local planning authority in writing. I am satisfied that the

responses received have enabled me to come to a conclusion on these matters without the need for a hearing.

- 2.10 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the GNDP dated November 2019.
- 2.11 I have considered the Basic Conditions Statement and the Consultation Statement as well as the Environmental Report and Habitats Regulation Assessment. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.
- 2.12 I have undertaken an unaccompanied site visit to the Plan area.

Legislative Requirements

- 2.13 The neighbourhood plan making process has been led by Garway Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process.
- 2.14 The Basic Conditions Statement confirms that the Neighbourhood Plan area is co-terminus with the parish of Garway and that there are no other neighbourhood plans relating to that area. The area was designated by Herefordshire Council on 16 November 2012 as a Neighbourhood Area.
- 2.15 A neighbourhood plan must specify the period during which it is to have effect. The Basic Conditions Statement states that this is from 2019 to 2031. However, these dates are not shown on the front cover of the Neighbourhood Plan nor in the introduction to the Plan. It would be helpful to plan users for the dates to be shown on the front cover of the Plan and I have made a recommendation to this effect.
- 2.16 The Plan does not include provision for any excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.
- 2.17 The Neighbourhood Development Plan should only contain policies relating to the development and use of land. The GNDP policies are compliant with this requirement.
- 2.18 The Basic Conditions Statement confirms the above points and I am satisfied therefore that the GNDP satisfies all the legal requirements set out in paragraph 2.4 above.

Recommendation 1:

Include the dates of the Plan “2020 – 2031” on the front cover of the GNDP.

The Basic Conditions

Basic Condition 1 – Has regard to National Policy

- 2.19 The first Basic Condition is for the neighbourhood plan “*to have regard to national policies and advice contained in guidance issued by the Secretary of State*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “*consistent with national policy*”.
- 2.20 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
- 2.21 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*
- 2.22 The NPPF of February 2019 (as amended) is referred to in this examination in accordance with paragraph 214 of Appendix 1, as the plan was submitted to the Council after 24 January 2019.
- 2.23 The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the strategic policies set out in the Local Plan or spatial development strategy and should shape and direct development that is outside of those strategic policies*” and further states that “*A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum, the neighbourhood plan becomes part of the statutory development plan.*”
- 2.24 Table 2 of the Basic Conditions Statement includes comments on how the policies of the GNDP have had regard to the six principles for plan-making set out in paragraph 16 of the NPPF. The following paragraphs set out how the GNDP has sought to deliver on various aspects of the NPPF. I consider the extent to which the plan meets this Basic Condition No 1 in Section 3 below.

Basic Condition 2 - Contributes to sustainable development

- 2.25 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government's view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.
- 2.26 Table 1 of the Basic Conditions Statement sets out how the GNDP delivers the 3 overarching objectives of sustainable development.
- 2.27 I am satisfied that the Plan contributes to the delivery of sustainable development and therefore meets this Basic Condition.

Basic Condition 3 – is in general conformity with strategic policies in the development plan

- 2.28 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan relevant to the area comprises the Herefordshire Local Plan Core Strategy 2011-2031 which was adopted in October 2015.
- 2.29 Table 3 of the Basic Conditions Statement sets out the way that the Neighbourhood Plan conforms to the relevant strategic planning policies in the Core Strategy.
- 2.30 I consider in further detail in Section 3 below the matter of general conformity of the Neighbourhood Plan policies with the strategic policies.

Basic Condition 4 – Compatible with EU obligations and human rights requirements

- 2.31 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.32 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (Herefordshire Council) that the plan is not likely to have "significant effects."
- 2.33 A screening opinion carried out by Herefordshire Council in June 2013 determined that the GNDP would require further environmental assessment for Habitat Regulations Assessment due to the proximity to the River Wye Special Area of Conservation (SAC) and the Wye Valley Woodlands SAC. An Environmental Report including a Strategic Environmental Assessment would be required as the Plan may give rise to significant environmental effects due

to the range of environmental designations in and around the parish. The Screening Opinion is set out in Appendix 1 of the Environmental Report.

- 2.34 Consultation was carried out with the statutory environmental bodies on the SEA Scoping Report in September 2014. The responses are included in Appendix 3 of the Environmental Report.
- 2.35 The Environmental Report assesses the objectives and policies of the GNDP against 16 SEA objectives. Two options were assessed: to prepare the Neighbourhood Plan or not to prepare it. The assessments are included in Appendix 4. The Environmental Report assessed three preferred site options that scored best in the revised Site Assessment Table.
- 2.36 The submission GNDP has been revised following the consultation on the draft Plan to include minor changes to Policies GAR1 and GAR2. It was not considered necessary to update the Environmental Report in the light of these amendments.
- 2.37 These assessments demonstrate that the cumulative impact of the GNDP policies over the course of the plan period is generally positive. Although some policies may have a neutral or uncertain impact during the first 5 years of the plan period, there is no reason why they cannot have a positive effect in the medium to long-term due to policy safeguards included in the Local Plan (Core Strategy); these safeguards should avoid or mitigate against unacceptable adverse impacts.
- 2.38 As the objectives and policies contained in the Garway NDP are by and large in general conformity with the Local Plan (Core Strategy), it is considered that the cumulative effect of the plan will contribute to the achievement of the SEA objectives.
- 2.39 Furthermore, the Environmental Report concludes that the policies in the GNDP are not 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.
- 2.40 Consultation was carried out on the Environmental Report alongside that on the Submission Draft Plan. No comments were received from the environmental bodies.
- 2.41 The Habitats Regulations Assessment was carried out in December 2019. Paragraph 6.12 states that *“This review has concluded that the policies (in the Regulation 14 GNDP) are unlikely to result in significant effects on the River Wye SAC and the Wye Valley Woodland SAC. It is therefore concluded that the Garway Plan will not have a likely significant effect on the aforementioned European Sites.”*
- 2.42 A review and rescreening was carried out on the submission draft plan and it was concluded in paragraph 7.5 *“that the modifications made have not*

resulted in any policy changes that would mean that the Garway NDP would not have a likely significant effect on the aforementioned European Sites.”

- 2.43 Paragraph 8.5 further concluded that: *“It is unlikely that the Garway Plan will have any in-combination effects with any plans from neighbouring parish councils as the level of growth proposed is the same as that proposed for the Ross-on-Wye Housing Market Area in the Herefordshire Core Strategy.”*
- 2.44 Consultation on the revised HRA screening assessment was carried out alongside the submission draft GNDP. No comments were received from the environmental bodies.
- 2.45 I am satisfied that the SEA and HRA screening opinions have been carried out in accordance with the legal requirements.
- 2.46 The Basic Conditions Statement considers the impact of the Plan on Human Rights and concludes that: *“The Garway Submission Neighbourhood Development Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels.”*
- 2.47 From my review of the Consultation Statement, I have concluded that the consultation on the GNDP has had appropriate regard to Human Rights.
- 2.48 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the GNDP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

Consultation on the Neighbourhood Plan

- 2.49 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.50 The key stages of consultation on the preparation of GNDP were:
- a) An initial informal consultation was carried out between November 2017 and January 2018. Drop in events were held at Garway Village Hall on 18 November 2017, Garway School on 29 November and Garway Moon Pub on 13 December. All consultation documents were available on the Parish Council website throughout the preparation of the Plan. The issues facing the parish were identified and views were sought on potential themes to be included in the plan. It also included a “call for sites” for potential

allocation in the Neighbourhood Development Plan. Comments were collected verbally and in writing to inform the Steering Group in developing the Plan through the process.

- b) There were 12 written responses to the initial consultation and 15 sites were put forward by landowners to be assessed for potential allocation. Following this initial consultation, the sites were assessed and a Site Assessment report produced in March 2018.
- c) A second consultation was carried out in June 2018 when three events were held in Garway Community Centre to publicise the draft plan, the revised Site Assessment Report Table prepared by the Steering Group, the potential site allocations and the proposed settlement boundaries. There were 26 responses to the consultation event.
- d) The Regulation 14 consultation on the Garway Draft Neighbourhood Development Plan was held between 23 January 2019 and 6 March 2019. An e-mail or letter was sent to all Consultation Bodies providing information about the consultation dates and the locations where the Draft Plan and accompanying documents could be viewed and downloaded.
- e) The consultation process was also promoted to residents through the use of posters on the village notice board and the parish website. Two drop-in events were held at Garway Community Hall on 2 February and 2 March and hard copies were also available at the Community Hall. Responses were received from 23 organisations and individuals, some making several comments.
- f) The Regulation 16 consultation was carried out by Herefordshire Council and ran from the 14 February to 27 March 2020. Responses were received from 12 organisations and individuals, some making several comments.

2.51 It is clear from the evidence presented to me in the Consultation Statement, that extensive consultation has been carried out during the preparation of the GNDP.

2.52 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.

2.53 This report is the outcome of my examination of the Submission Draft Version of the GNDP. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting then the Plan will be made following approval by Herefordshire Council.

3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in Section 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The PPG states that *“a policy should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area”*. I will consider this requirement as I examine each policy.
- 3.5 The GNDP contains policies on housing, the built and natural environments, community facilities, rural employment and tourism, highways and infrastructure.
- 3.6 The Plan is concise and focuses solely on the planning policies and supporting text. Some introductory text describing the area, the environmental assets shown on the Parish Policies Map and the issues facing it would be helpful to set the background to the Plan. The Qualifying Body has provided me with some text which I have supplemented with more details shown on the Parish Policies Map.

Recommendation 2: Include introductory text describing the area, the environmental assets shown on the Parish Policies Map and the issues facing the parish.

“The Parish of Garway lies 14 miles south of Hereford. The parish lies on the hillside above the River Monnow on land rising from 42 to 366 metres. The population was 430 in 2011 in two main communities. The larger village of Garway is a linear village with a mixture of housing of various ages and types. Within the village there is a school, a pub, two

churches and a large area of common land used for recreational purposes. It is also a Local Wildlife Site. The hamlet of Broad Oak contains mainly detached housing clustered around a crossroads, with a garage and shop. There is a significant area of common land at Garway Hill Common in the north west of the parish. There are 5/6 Local Wildlife Sites at.....and XX Scheduled Monuments at..... A small part of the Kentchurch Court Registered Park and Garden lies in the northwest of the parish. There are XX listed buildings in the parish.

- 3.7 The policies are clearly distinguishable from the supporting text by surrounding coloured boxes. Many of the policies repeat or paraphrase parts of the Core Strategy Policies. I have considered whether those policies are necessary and whether they add any local policy approach to the Core Strategy policy. I am satisfied that the GNDP policies highlight the matters of concern in the parish, however, there may be factors set out in the Core Strategy policies that may also need to be taken into account in assessing development proposals. It would be helpful to plan users, therefore, if reference were included in the justification to each policy to the relevant Core Strategy policies.
- 3.8 The Plan contains a map of the plan area and two Proposals Maps for the villages of Garway and Broad Oak. There are also Policies Maps for the two villages which are slightly different to the Proposals Maps in the Plan itself. To avoid any confusion, it is recommended that the Policies Maps for the villages are substituted for the Proposals Map. It would be helpful to plan users if the sites shown as housing commitments and allocations were numbered on the maps and cross referenced to Policy GAR1. Herefordshire Council has confirmed that the Parish Policies Map will form an inset into the overall county development plan map and should show the policies from the Core Strategy and the GNDP.

Recommendation 3: Include the Policies Maps in the Plan and delete the Proposals Maps. Number the site allocations and commitments and link to Policy GAR1 in the key.

Include reference to the relevant Core Strategy policies in the justification to each policy, where appropriate.

The Neighbourhood Plan

Vision and Objectives

- 3.9 The first sentence of the vision states that all development in the parish will be within the settlement boundaries of Garway and Broad Oak. This does not accord with national planning policy which makes provision for housing and business development in the countryside where justified by exceptional circumstances. I therefore recommend that this sentence be deleted.

- 3.10 The vision and several objectives and policies set out requirements for “all” development. It is considered that this is unnecessary and overly prescriptive as there may be some forms of development that are small scale where the policy could not be applied. I am therefore recommending the deletion of the word “all” from the vision and relevant policies.
- 3.11 I have concerns about the way that the objectives are worded. A number of them read as policies or statements rather than higher level objectives. I am recommending that they should be rephrased in the usual format as objectives. To improve the clarity of the objectives, I am recommending that reference to rural character and landscape should be combined in one objective. Subject to the recommended modifications, no provision is made in the policies for the development of affordable housing or the safeguarding of views, so I am recommending the deletion of reference to them from the objectives. The two objectives on community should be combined.
- 3.12 There is no objective on the economy to provide the framework for Policies GAR8 and 9. A new objective is recommended on this subject which the Qualifying Body has agreed to.

Recommendation 4: Revise the Vision and Objectives as follows:

Delete the following from the Vision: “Development in the parish of Garway will be within the settlement boundaries of Garway village and Broad Oak village shown in this plan. All”

Revise Objective 1 to read: “*To seek to locate most development within the settlements of Garway and Broad Oak.*”

Revise Objective 2 to read: “*To conserve and enhance the rural character of the villages and local landscape of the countryside.*”

Revise Objective 3 to read: “*To ensure that new development is well integrated into its setting in the village or countryside.*”

Revise Objective 4 to read: “*To ensure that development is designed to have minimal impact on the distinctive character and environment of the area.*”

Revise Objective 5 to read: “*To ensure that development is located to take account of the layout of the village.*”

Revise Objective 6 to read: “*To ensure that development has adequate access and does not unacceptably impact on road safety.*”

Revise Objective 7 to read: “*To ensure that development makes adequate provision for rainwater and sewage drainage.*”

Revise Objective 8 to read: “*To seek to preserve the dark skies by minimising light pollution.*”

Combine Objectives 9 and 10 to read: “To support the needs of the local community *and safeguard* community facilities.”

Add a new objective: “To support the development of new and expanded businesses appropriate to the rural area.”

Introduction - Strategic Context

- 3.13 Paragraphs 3.2 and 3.5 of the Plan set of the strategic context for planning housing development in the parish. There is a requirement set out in Core Strategy Policy RA1 for 14% growth in the housing market area which equates to a minimum of 25 new dwellings in the plan period up to 2031. The residual target is identified at 15 dwellings at 1 April 2018. It would be helpful to plan users to update these figures when the plan is finalised.
- 3.14 Herefordshire Council has provided me with the updated figures at April 2020 for the table in paragraph 3.3:

Proportional growth	25 dwellings
Built from April 2011 to April 2020	11 dwellings
Commitment as at 1 April 2020	18 dwellings
Residual Target	+4 dwellings

The table in paragraph 3.4 of the Plan should also be updated to show the latest position on all commitments.

- 3.15 Garway village is identified under figure 4.14 of the Core Strategy as a settlement which will be the *main focus of proportionate housing development* whilst Broad Oak village is identified as another *settlement where proportionate growth is appropriate* under figure 4.15 of the Core Strategy.

Policy GAR1: New Housing Development in Garway Village and Broad Oak

- 3.16 The policy defines the settlement boundaries for Garway and Broad Oak. It sets out the criteria that will be used to determine whether the development of a site within the settlement limits will be supported. Paragraph 3.12 states that 19 potential sites were assessed by an independent consultant. The draft Site Assessment Report that has been supplied to me only includes 18 sites.
- 3.17 The Qualifying Body has referred me to the revised Site Assessment Table which is included in Appendix 2 of the Consultation Statement. The Steering Group reviewed the results of the consultants’ draft Sites Assessment Report and decided that they wanted to give greater weight to the scoring on

previously developed land, access and deliverability and revised the scoring of all the sites on these factors. They considered that site 17 was previously developed land and revised the scoring under this factor. The boundary of site 17 was also revised to include the buildings. The revised table (prepared by the Steering Group) shows the three best scoring sites as 16, 18 and 17. The revised Site Assessment Table was the subject of consultation alongside the draft Plan in June 2018. The three best scoring sites were assessed in the Environmental Report.

- 3.18 Sites 16 and 17 are allocated under Policy GAR1 and included in the Settlement Boundary. Site 18 is not allocated but is included in the Settlement Boundary. I have some concerns that the site at Little Newlands is detached from the village. However, its allocation is justified in the revised Site Assessment Table as it is previously developed land with a good standard of accessibility. Its prominent position at the entrance to the village will call for a well designed development to create an attractive gateway to the village.
- 3.19 The final part of paragraph 3.5 states that “*everywhere outside the two settlements is considered to be the wider rural area, where new housing development is inappropriate*”. It is considered that this statement does not fully accord with NPPF paragraph 79 which sets out exceptional circumstances where the development of isolated homes in the countryside may be acceptable. A modification is recommended to ensure that the paragraph accords with national planning policy.
- 3.20 It is noted that a number of sites have been granted planning permission since the draft plan was prepared. It is acknowledged that the Parish Council may not have agreed with all the sites, but that is not a justification to exclude them from the settlement boundary.
- 3.21 I am recommending modifications to delete paragraphs 3.8 – 3.10 of the justification of the GNDP and an amendment to paragraph 3.7.
- 3.22 Criterion k) relates to the provision of affordable housing in accordance with the Core Strategy Policy H1. However, as the settlement boundaries have been drawn tightly and the site allocations are below the threshold of Core Strategy Policy H1, it would not appear likely that any developments would be of a scale that could seek affordable housing contributions. It is therefore recommended that the criterion should be deleted.

Recommendation 5: Revise Policy GAR1 as follows:

Add the following at the beginning of the policy: “*The following sites are allocated for housing development:*

- A) *Land adjacent to the Old School, Garway for 2 dwellings.***
B) *Land at Little Newlands, Garway for 5-6 dwellings.*”

Revise the policy as follows: “*Settlement boundaries are defined for*

Garway Village on Policies Map 1 and for Broad Oak on Policies Map 2. Within the settlement boundaries, new housing development will be supported where they:"

Delete criterion k).

Revise the settlement boundary for Garway and Broad Oak to include commitments adjacent to the boundary shown on the Policies Maps.

Update the tables in paragraphs 3.3 and 3.4.

Revise the final sentence of paragraph 3.5 to read:

"....and therefore, everywhere outside the two settlements is considered to be countryside where proposals for new housing development will have to demonstrate that they satisfy the exceptional circumstances set out in the NPPF paragraph 79."

Revise paragraph 3.7 to read: ".....and includes current commitments."

Delete paragraphs 3.8 – 3.10.

Revise paragraph 3.12 to read "In total 18 sites.....".

Place the final version of the Sites Assessment Report on the website.

Correct the typographical errors:

- **Delete the apostrophe and add a semicolon at the end of criterion g).**
- **Add "; and" at the end of criterion j).**
- **Replace the "semi-colon and" at the end of criterion l) with a full stop.**

Policy GAR2: Design in Garway Parish

- 3.23 The policy sets out factors to be used in assessing development proposals to promote a high quality design. In accordance with my recommendation in paragraph 3.10 the word "all" should be deleted.
- 3.24 Criterion a) states that development should "improve and enhance built heritage". National planning policy refers to "conserving and enhancing the historic environment". This term would be more appropriate.
- 3.25 In view of the range of wall and roofing materials used in the plan area, it is considered that criterion f) is very prescriptive. A modification is recommended to provide more flexibility in the choice of materials.
- 3.26 In view of the scale of development being proposed in the plan most of the requirements set out in criterion h) are excessive and undeliverable. I have

recommended that those that would be outside the development site are deleted.

Recommendation 6: Revise Policy GAR2 as follows:

Delete “All” from the first paragraph of the policy.

Revise criterion a) to read: “It contributes to *conserving* and enhancing”

Revise criterion f) to read: “.....natural slate for roofing....is encouraged; *otherwise, wall and roofing materials should reflect the character of the local area;*”

Delete the following from criterion h): “permissive pedestrian rights of way and cyclepaths, and provision of safe pedestrian road crossings”.

Policy GAR3 – Flooding and Drainage

- 3.27 The policy provides for adequate surface water drainage measures. The third paragraph requires that extension and alteration to existing properties incorporate adequate surface water drainage and that it is not drained through combined sewers. Herefordshire Council has advised that they have a Sustainable Drainage Systems Handbook which sets out more details of their requirements. It is recommended that this should be referred to in the justification to the policy.
- 3.28 In accordance with my recommendation under paragraph 3.10, the word “all” should be deleted from the policy.

Recommendation 7: Revise Policy GAR3 as follows:

Delete “all” from the first and third paragraphs of the policy.

Add the following to paragraph 4.8 of the justification: “*Further advice can be obtained from Herefordshire Council’s Sustainable Drainage Systems Handbook.*”

POLICY GAR4 - Protecting Local Landscape Character

- 3.29 The policy seeks to protect and enhance the valued landscape of the plan area. I am concerned that the policy is poorly worded, unclear and repetitious. The justification refers to the National Character Area profiles but no description is given in the supporting text of the landscape characteristics that are “valued” or the features that help to create the setting of the settlements.

- 3.30 The Environmental Report includes information on environmental assets in the plan area which should be drawn on to provide a description of the area in the justification. The SEA Maps shows an unregistered park or garden and Special Wildlife Sites which are not referred to in the Plan.
- 3.31 Modifications are proposed to explain the requirements of the policy, to elevate the safeguarding of designated areas and to explain the requirements more clearly so that the policy can be applied consistently by decision makers and plan users and to ensure that it conforms to the Core Strategy Policies LD1 and LD2.

Recommendation 8: Revise Policy GAR4 to read:

“Development proposals should protect and enhance the local landscape character and should demonstrate that:

- a) Designated buildings or areas are protected, conserved and enhanced;**
- b) Priority habitats and ancient woodlands are safeguarded;**
- c) Non-designated assets are retained and enhanced;**
- d) Watercourses and riverside habitats are conserved. Where necessary, this should include management and mitigation measures for the improvement and enhancement of water quality and habitats;**
- e) The design, scale, form and siting of the development has taken account of the local landscape character and the setting of the village; and**
- f) An appropriate landscaping scheme is incorporated into the scheme which helps to integrate the development into the surrounding landscape. The landscaping scheme should incorporate native tree species, existing trees and hedgerows and make provision for the on-going management of the scheme.”**

Add the following to the justification to the policy: “*Designated buildings and areas include listed buildings, scheduled monuments, a registered historic park and garden and Special Wildlife Sites. Non designated assets include stone boundary walls, ancient and veteran trees and commons.*”

Policy GAR5 - Dark Skies

- 3.32 The policy seeks to safeguard the dark skies of the area by controlling external lighting in accordance with NPPF paragraph 180c). Revisions to the wording are recommended to improve the clarity and consistency of the policy wording. The policy accords with and will help to deliver Core Strategy Policy SD1.

Recommendation 9: Revise Policy GAR5 to read:

“Development proposals that include external lighting and significant openings that would allow internal lighting to be seen externally should be designed to minimise light pollution. Proposals should demonstrate the following:”

- a) ***“They have undertaken an assessment of the need for lighting and can demonstrate the need for the lighting proposed; and”***

No change to criterion b).

Policy GAR6 – Rural Environment and Tranquillity

- 3.33 The policy seeks to protect the integrity of the rural environment and the tranquillity of the parish. It is not clear what is meant by the term “integrity of the rural environment”; it is not explained in the justification. However, the criteria of the policy are concerned with noise and disturbance to residential amenity. The policy accords with NPPF paragraph 180a) and b). The policy accords with and will help to deliver Core Strategy Policy SD1.
- 3.34 It is considered that the use of the term “tranquillity” would suffice to capture the overall purpose of the policy and the inclusion of “residential amenity” would improve the clarity of the policy. Criterion a) should be placed in the justification to explain how the mitigation measures will be applied. Criterion b) is very wide ranging and it is not clear what type of proposals would be required to submit Noise Impact Assessments. Modifications are recommended to improve the clarity of the wording of the policy to ensure that it can be applied consistently by decision makers

Recommendation 10: Revise Policy GAR6 as follows:

Revise the policy to read: “*Business and tourism development proposals will be supported where they do not give rise to unacceptable adverse impacts on the tranquillity of the rural environment of the plan area or residential amenity. Where such a proposal is likely to give rise to an impact on tranquillity or residential amenity, a Noise Impact Assessment will be required as part of the planning application. Where necessary, mitigation measures will be included in planning conditions to reduce any adverse impacts.*”

Add the following to the justification: “*Mitigation measures may include control of the nature, scale, type of activity and the opening hours.*”

Revise the title of Policy GAR6 to “Tranquillity”.

Policy GAR7-Protecting and Improving Community Facilities

- 3.35 The policy seeks to safeguard the local community facilities listed. The first line of the policy refers to them as “recreational” facilities; this should be revised to “community” facilities to be consistent with the title of the policy. The list states “churches” but does not name them. The QUALIFYING BODY has stated that these are: Garway Methodist Church and St Michael’s Church. The community facilities should be identified on the Policies Maps.
- 3.36 The policy accords with and will help to deliver Core Strategy Policy SC1.

Recommendation 11: Revise Policy GAR7 as follows:

Revise the first line of the policy to read “The following *community facilities* are protected:”

Include the names of the churches in the list: “*Garway Methodist Church and St Michael’s Church*”.

All the community facilities listed to be shown on the Policies Maps.

Policy GAR8 – Tourism in Garway Parish

Policy GAR9 – Rural Businesses and Homeworking

- 3.37 These policies support the development of tourism development and new rural businesses and homeworking. The criteria for the two policies are very similar and it is suggested that they could be combined under the heading of Rural Employment and Tourism. The only differences are the inclusion of “views” in Policy GAR8b) and the “Green Infrastructure Network” in Policy GAR9b). Neither of these matters are addressed elsewhere in the GNDP and there is no explanation in the justification of how these matters are to be considered or why they are considered differently under each policy. The revised criteria reflect the wording of other policies in the GNDP. The policy accords with Core Strategy Policy RA6 on the Rural Economy.
- 3.38 It would be helpful to plan users to explain in the justification that most proposals for homeworking would not require planning permission unless, for example, they involve large extensions to a property. Core Strategy Policy E3 sets out more detailed requirements on homeworking.

Recommendation 12: Combine Policies GAR8 and GAR9 as follows:

“Proposals for new or expanded rural businesses, new or improved tourism development and homeworking will be supported when:

a. They are appropriate within the local landscape setting;

b. They would not have a significant adverse impact on tranquillity or residential amenity;

c. They would not result in a detrimental impact on road safety or traffic congestion and include suitable access and on site car parking.”

Add an explanation in the justification giving examples when planning permission for homeworking is likely to be required.

Policy GAR10– Highways and Transport

- 3.39 The policy seeks to promote a better highway infrastructure in the plan area. The word “all” should be deleted as recommended in paragraph 3.10. The first paragraph does not refer to the nature of the impact that the policy is seeking to minimise.
- 3.40 Criterion a) seeks to focus development on the main road through Garway village. It is considered that this statement is unnecessary as the location of development is set out in Policy GAR1. It will be for developers throughout the plan area to demonstrate that they can provide a safe and suitable means of access.
- 3.41 The clarity of criterion c) would be improved by the re-ordering to emphasise the importance of siting and screening. Examples of suitable materials for hardstandings could be added to the justification as it is unclear what is meant by the term “materials more appropriate to urban locations”.
- 3.42 Criterion d) refers to access to public transport. The Qualifying Body has commented that they are seeking improvements to the footways/footpaths between residential properties and bus stops in the villages.
- 3.43 Core Strategy Policy MT1 sets out more detailed consideration of the factors to be taken into account.

Recommendation: Revise Policy GAR10 as follows:

Revise the first paragraph to read: “Development proposals should include appropriate measures to minimise their impact *on the local highway network. The following should be provided:*”

Delete the following from criterion a): “by focusing development on the main road that forms the spine of the linear Garway Village”.

Revise criterion c) to read: “Car *and vehicle* parking should be appropriately sited and screened within the landscape *and should be surfaced with materials appropriate to the rural location.*”

Include a statement in the justification to explain the types of materials that are preferred for hardstandings.

4.0 Referendum

- 4.1 The Garway Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area; and
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Herefordshire Council that the Garway Neighbourhood Development Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by Herefordshire Council on 16 November 2012.

5.0 Background Documents

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

- Garway Neighbourhood Plan Submission Draft Version 2019- 2031
- Garway Neighbourhood Plan Basic Conditions Statement June 2019
- Garway Neighbourhood Plan Environmental Report December 2019
- Garway Neighbourhood Plan HRA Report December 2019
- Garway Neighbourhood Plan Consultation Statement June 2019
- Garway Parish Policies Map
- Garway Village Policies Map
- Broad Oak Village Policies Map
- Garway Neighbourhood Plan Sites Assessment Report Draft March 2018
- Garway Neighbourhood Plan Revised Sites Assessment Table June 2018
- National Planning Policy Framework 2019 (as amended)
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Herefordshire Core Strategy 2015
- Herefordshire SuDS Handbook

6.0 Summary of Recommendations

Recommendation 1:

Include the dates of the Plan “2020 – 2031” on the front cover of the GNDP.

Recommendation 2: Include introductory text describing the area, the environmental assets shown on the Parish Policies Map and the issues facing the parish.

“The Parish of Garway lies 14 miles south of Hereford. The parish lies on the hillside above the River Monnow on land rising from 42 to 366 metres. The population was 430 in 2011 in two main communities. The larger village of Garway is a linear village with a mixture of housing of various ages and types. Within the village there is a school, a pub, two churches and a large area of common land used for recreational purposes. It is also a Local Wildlife Site. The hamlet of Broad Oak contains mainly detached housing clustered around a crossroads, with a garage and shop. There is a significant area of common land at Garway Hill Common in the north west of the parish. There are 5/6 Local Wildlife Sites at.....and XX Scheduled Monuments at..... A small part of the Kentchurch Court Registered Park and Garden lies in the northwest of the parish. There are XX listed buildings in the parish.

Recommendation 3: Include the Policies Maps in the Plan and delete the Proposals Maps. Number the site allocations and commitments and link to Policy GAR1 in the key.

Include reference to the relevant Core Strategy policies in the justification to each policy, where appropriate.

Recommendation 4: Revise the Vision and Objectives as follows:

Delete the following from the Vision: “Development in the parish of Garway will be within the settlement boundaries of Garway village and Broad Oak village shown in this plan. All”

Revise Objective 1 to read: “To seek to locate most development within the settlements of Garway and Broad Oak.”

Revise Objective 2 to read: “To conserve and enhance the rural character of the villages and local landscape of the countryside.”

Revise Objective 3 to read: “To ensure that new development is well integrated into its setting in the village or countryside.”

Revise Objective 4 to read: “To ensure that development is designed to

have minimal impact on the distinctive character and environment of the area.”

Revise Objective 5 to read: “*To ensure that development is located to take account of the layout of the village.*”

Revise Objective 6 to read: “*To ensure that development has adequate access and does not unacceptably impact on road safety.*”

Revise Objective 7 to read: “*To ensure that development makes adequate provision for rainwater and sewage drainage.*”

Revise Objective 8 to read: “*To seek to preserve the dark skies by minimising light pollution.*”

Combine Objectives 9 and 10 to read: “*To support the needs of the local community and safeguard community facilities.*”

Add a new objective: “*To support the development of new and expanded businesses appropriate to the rural area.*”

Recommendation 5: Revise Policy GAR1 as follows:

Add the following at the beginning of the policy: “*The following sites are allocated for housing development:*

- A) *Land adjacent to the Old School, Garway for 2 dwellings.*
- B) *Land at Little Newlands, Garway for 5-6 dwellings.*”

Revise the policy as follows: “*Settlement boundaries are defined for Garway Village on Policies Map 1 and for Broad Oak on Policies Map 2. Within the settlement boundaries, new housing development will be supported where they:*”

Delete criterion k).

Revise the settlement boundary for Garway and Broad Oak to include commitments adjacent to the boundary shown on the Policies Maps.

Update the tables in paragraphs 3.3 and 3.4.

Revise the final sentence of paragraph 3.5 to read:

“*....and therefore, everywhere outside the two settlements is considered to be countryside where proposals for new housing development will have to demonstrate that they satisfy the exceptional circumstances set out in the NPPF paragraph 79.*”

Revise paragraph 3.7 to read: “*.....and includes current commitments.*”

Delete paragraphs 3.8 – 3.10.

Revise paragraph 3.12 to read “In total 18 sites.....”.

Place the final version of the Sites Assessment Report on the website.

Correct the typographical errors:

- Delete the apostrophe and add a semicolon at the end of criterion g).
- Add “; and” at the end of criterion j).
- Replace the “semi-colon and” at the end of criterion l) with a full stop.

Recommendation 6: Revise Policy GAR2 as follows:

Delete “All” from the first paragraph of the policy.

Revise criterion a) to read: “It contributes to *conserving* and enhancing”

Revise criterion f) to read: “.....natural slate for roofing....is encouraged; *otherwise, wall and roofing materials should reflect the character of the local area;*”

Delete the following from criterion h): “permissive pedestrian rights of way and cyclepaths, and provision of safe pedestrian road crossings”.

Recommendation 7: Revise Policy GAR3 as follows:

Delete “all” from the first and third paragraphs of the policy.

Add the following to paragraph 4.8 of the justification: “*Further advice can be obtained from Herefordshire Council’s Sustainable Drainage Systems Handbook.*”

Recommendation 8: Revise Policy GAR4 to read:

“Development proposals should protect and enhance the local landscape character and should demonstrate that:

- g) Designated buildings or areas are protected, conserved and enhanced;
- h) Priority habitats and ancient woodlands are safeguarded;
- i) Non-designated assets are retained and enhanced;
- j) Watercourses and riverside habitats are conserved. Where necessary, this should include management and mitigation measures for the improvement and enhancement of water quality and habitats;
- k) The design, scale, form and siting of the development has taken account of the local landscape character and the setting of the village; and

- l) An appropriate landscaping scheme is incorporated into the scheme which helps to integrate the development into the surrounding landscape. The landscaping scheme should incorporate native tree species, existing trees and hedgerows and make provision for the on-going management of the scheme.”

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- b) *“They have undertaken an assessment of the need for lighting and can demonstrate the need for the lighting proposed; and”*

No change to criterion b).

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Revise the policy to read: *“Business and tourism development proposals will be supported where they do not give rise to unacceptable adverse impacts on the tranquillity of the rural environment of the plan area or residential amenity. Where such a proposal is likely to give rise to an impact on tranquillity or residential amenity, a Noise Impact Assessment will be required as part of the planning application. Where necessary, mitigation measures will be included in planning conditions to reduce any adverse impacts.”*

Add the following to the justification: *“Mitigation measures may include control of the nature, scale, type of activity and the opening hours.”*

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- b. They would not have a significant adverse impact on tranquillity or residential amenity;***
- c. They would not result in a detrimental impact on road safety or traffic congestion and include suitable access and on site car parking.”***

Add an explanation in the justification giving examples when planning permission for homeworking is likely to be required.