

Herefordshire Council

**Clehonger
Neighbourhood Development
Plan 2011 - 2031**

Independent Examiner's Report

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4 September 2020

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Summary

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

The Plan area includes a small part of land falling within the Allensmore Parish. The Plan area lies southwest of Hereford and is bordered to the north by the River Wye. With a population of some 1382 according to the Census 2011, the principal village is Clehonger alongside the smaller settlement of Old Clehonger. The area is primarily agricultural in nature. It boasts a number of facilities including a primary school, village hall, a store/PO, Church and public house.

The Plan contains 11 policies; it does not make any site allocations, but the area has already experienced considerable growth. The policies cover a range of topics from defining a settlement boundary for Clehonger to design to economic development and landscape.

The Plan is presented to an extremely high standard. The policies are firmly aimed at complementing higher tier policies rather than duplicating them. There is a welcome clarity of thinking. The policies are clearly written and will help to ensure that the vision and objectives of the Plan are met.

Unusually, it has not been necessary to recommend any modifications. Having examined well over a 100 neighbourhood plans, this is the only the second plan where it has not been necessary for me to recommend any modifications. Everyone involved in the process of plan making is therefore to be congratulated. I commend the clarity of the Plan to others.

I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore delighted to recommend to Herefordshire Council that the Clehonger Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area whilst I note the Plan area is larger than the Parish administrative boundary, I see no reason to alter or extend this area for the purpose of holding a referendum. Therefore the referendum area should be the Neighbourhood Plan area.

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4 September 2020



1.0 Introduction

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

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

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

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

2.0 The role of the independent examiner

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

The basic conditions¹ are:

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

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation

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

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.² It states 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.

The examiner is also required to check³ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁴

The examiner must then make one of the following recommendations:

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

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

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

² Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

³ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

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

3.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁵

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁶ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG⁷ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.⁸ Having carefully considered the documents and representations before me, I decided it was not necessary for me to hold a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners titled *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and Examiners*. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council made comments and I have taken these into account.

I am very grateful to everyone for ensuring that the examination has run smoothly.

I made an unaccompanied site visit to familiarise myself with the Plan area on 24 August 2020.

Where modifications are recommended they will appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these will appear in ***bold italics***.

⁵ PPG para 055 ref id 41-055-20180222

⁶ Ibid

⁷ Ibid para 056 ref id 41-056-20180222

⁸ Ibid

4.0 Neighbourhood plan preparation

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

The decision to embark on the Plan was made in 2014. A Steering Group was established. Regular Steering Group meetings were held and were open to the public. Two drop-in events were held in 2016 to explain the process, engage locally and explore issues.

These events influenced the development of a Residents Survey for all households in early 2017. Hand delivery and collection of the Surveys resulted in a high response rate of around 41%.

A number of consultation approaches were employed. These included a special Plan tab on the Parish Council website, the creation of a Facebook page, regular items in the monthly community newsletter “Tracking the News” and the use of noticeboards.

Pre-submission consultation was held between 17 June – 29 July 2019. Flyers were distributed to households and businesses advertising the consultation stage. Copies of the Plan were available locally and on request. A drop-in event was held during the consultation period.

The consultation and engagement carried out is satisfactory.

Submission (regulation 16) consultation was held between 9 January – 20 February 2020. The Regulation 16 stage resulted in 11 representations. I have considered all of the representations made and taken them into account in preparing my report.

5.0 Compliance with matters other than the basic conditions

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

Qualifying body

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

Plan area

The Plan area comprises the Parish of Clehonger and a small area of Allensmore Parish to the south of Poplar Road.

The Plan area is shown on Plan 1 on page 3 of the Plan. HC approved the designation of the area on 21 November 2014. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements.

Plan period

The Plan indicates that the period it covers is 2011 – 2031. This requirement is therefore met. These dates align with the time period for the Core Strategy.

Excluded development

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

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.⁹

In this case non-planning matters have been included in the Plan as a separate section and titled community actions. This is a helpful way of approaching this which I commend to others.

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. A revised NPPF was first published on 24 July 2018. This revised NPPF was further updated on 19 February 2019. When published, it replaced both the 2012 and 2018 documents.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development

⁹ PPG para 004 ref id 41-004-20190509

will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.¹⁰

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹¹ They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹²

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹³

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁴

Policies should also be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁵

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

PPG indicates that a policy should be clear and unambiguous¹⁶ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.¹⁷

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁸ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁹

¹⁰ NPPF para 13

¹¹ Ibid para 28

¹² Ibid

¹³ Ibid para 29

¹⁴ Ibid para 31

¹⁵ Ibid para 16

¹⁶ PPG para 041 ref id 41-041-20140306

¹⁷ Ibid

¹⁸ Ibid para 040 ref id 41-040-20160211

¹⁹ Ibid

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan aligns with the NPPF. It does so in a way that seeks to be specific to this Plan and this is done successfully and so this approach is to be welcomed.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²⁰ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²¹ The objectives are economic, social and environmental.²²

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²³

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

General conformity with the strategic policies in the development plan

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

Whilst this has formed part of my own assessment, the Basic Conditions Statement offers an assessment of how each Plan policy generally relates to the relevant CS policies.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations. A number of EU obligations may be of relevance for these purposes including in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

PPG²⁴ confirms that it is the responsibility of the local planning authority, in this case HC, to ensure that all the regulations appropriate to the nature and scope of the draft

²⁰ NPPF para 7

²¹ Ibid para 8

²² Ibid

²³ Ibid para 9

neighbourhood plan have been met. It is HC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment

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

An Environmental Report (ER) dated November 2019 has been submitted as the initial screening assessment in October 2014 indicated a SEA was needed.

The ER confirms that a Scoping Report dated June 2015 was prepared and sent to the statutory consultees. Responses were received from the Environment Agency, Historic England and Natural England.

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

The ER concludes that the Plan "...is in general conformity with both national planning policy...and strategic policies..." and "Overall the plan is positive and would have a positive impact upon the SEA baseline data."²⁵ It was published for consultation alongside the submission version of the Plan.

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

The ER is a comprehensive document that has dealt with the issues appropriately for the content and level of detail in the Plan. This in line with PPG advice which confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan.²⁶ In my view, it has been prepared in accordance with Regulation 12 of the Regulations.

Therefore EU obligations in respect of SEA have been satisfied.

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations

²⁴ PPG para 031 ref id 11-031-20150209

²⁵ Environmental Report Non-technical summary

²⁶ PPG para 030 ref id 11-030-20150209

Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²⁷ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A HRA dated November 2019 has been submitted. This explains that an initial screening undertaken in October 2014 concluded that a full HRA screening would be needed. This was because the Plan area's northern boundary borders the River Wye/Lugg Special Area of Conservation (SAC) and falls within the hydrological catchment of the River Wye (including the River Lugg) SAC.

The HRA concludes that the Plan "will not have a likely significant effect"²⁸ on the European site. This related both to alone and in combination effects.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Given the nature and characteristics of the SAC concerned and the nature and contents of this Plan, I consider that the requisite requirements have been met and that the prescribed basic condition is complied with. I also note that Natural England agreed with the conclusion of the draft report during the pre-submission consultation.²⁹

Conclusion on EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³⁰ In undertaking work on SEA and HRA, HC has considered the compatibility of the Plan in regard to EU obligations, including with the Water Framework Directive, and does not raise any concerns in this regard.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

²⁷ PPG para 047 ref id 11-047-20150209

²⁸ HRA Report November 2019 para 9.1

²⁹ Natural England 22 July 2019 as reported in the HRA November 2019 Appendix 2

³⁰ PPG para 031 ref id 11-031-20150209

7.0 Detailed comments on the Plan and its policies

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

The Plan is presented to a very high standard. There are 11 policies. It starts with a helpful contents page.

1. Setting the scene

This is a helpful introduction to the Plan which sets out background information, signposts the contents of the Plan and sets out the context for the Plan. It does so in a clear and well-written way.

2. Clehonger Neighbourhood Area

This well-written and informative section which sets the scene well and provides a wealth of information about the Parish and its characteristics.

3. Vision and objectives

The clearly articulated vision for the area is:

“ In 2031, Clehonger will be a caring community where a high quality of life is underpinned by essential infrastructure, public safety, recreational opportunities, good quality development and a healthy natural environment that promotes the wellbeing of residents and the protection of wildlife.”

The vision is supported by five objectives. All are articulated well and will help to deliver the vision.

Policy C1: Sustainable development

The Plan focuses on how it might deliver sustainable development recognising that the three aspects of sustainable development are mutually interdependent. Policy C1 sets out five principles that seek to help deliver sustainable development in the Plan area, placing emphasis on balancing what are sometimes conflicting objectives. It is a positive policy that takes account of national policy and guidance, reflects the principles

in the CS and helps to achieve sustainable development. This clearly worded policy meets the basic conditions and no modifications are therefore recommended.

4. Housing

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

The strategy for the rural areas in the CS³¹ is positive growth. CS Policies SS2 and RA1 Indicate that 5,300 dwellings will be delivered throughout the rural housing market areas (HMA).

The strategy is based on seven HMAs. This Plan area falls within the Hereford HMA. This HMA has an indicative housing growth target of 18% according to CS Policy RA1. This equates to 109 dwellings within the Parish over the Plan period.

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

The main focus for development is within or adjacent to existing settlements listed in two figures, 4.14 and 4.15. CS Policy RA2 translates this into policy. Clehonger is identified in Figure 4.14 as a settlement which will be the main focus of proportionate housing development.

The Plan indicates that recent developments and existing commitments mean the minimum housing requirement has already been met. Appendix B of the Plan gives details. It also makes an allowance for windfalls. The allowance is 15 dwellings over the remaining Plan period. I consider this to be a low figure based on the information presented. This also means there is a likelihood of more units coming through this mechanism.

The proportional growth target which is a minimum, has been exceeded by a considerable amount. For this reason, the Plan explains that no site allocations are made. Neighbourhood plans do not have to allocate sites.³² Whilst I recognise that PPG indicates the allocation of reserve sites to help address emerging evidence of housing need can minimise potential conflicts and help to ensure policies in neighbourhood plans are not overridden by new local plans,³³ there is no obligation for neighbourhood plans to do this. Whatever the merits of individual sites that may come forward or what they might bring in terms of infrastructure or other benefits, there is no onus on this Plan to allocate sites. I am also mindful that HC has not objected to the Plan or its policies as not being in general conformity with the CS on this point.

³¹ Core Strategy Section 4.8

³² PPG para 104 ref id 41-104-20190509

³³ Ibid para 009 ref id 41-009-20190509, para 103 ref id 41-103-20190509

Policy C2: Clehonger settlement boundary

CS Policy RA2 supports sustainable housing growth in or adjacent to the settlements listed in Figures 4.14 and 4.15 of the CS. The CS explains that settlement boundaries for settlements identified in CS Policy RA2 will be defined in neighbourhood plans or in the Rural Areas Sites Allocation Development Plan Document. In the period leading up to the definition of appropriate settlement boundaries, development proposals will be assessed against their relationship to the main built up form of the settlements (if they are listed in Figures 4.14 or 4.15 of the CS).³⁴ Once a settlement boundary is defined, CS Policy RA3 will apply to land outside of settlements. Therefore once a settlement boundary is defined, land outside it is regarded as countryside.

CS Policy RA3 applies to rural areas and restricts housing development to certain categories including agricultural or other rural workers, replacement dwellings, reuse of existing buildings, rural exception housing, design of exceptional quality or gypsy and traveller sites.

Policy C2 defines a settlement boundary for Clehonger. This principle is in line with the expectations set out in the CS. The boundary includes those sites with planning permission. The settlement boundary is clearly shown on Plan 4 on page 15 of the Plan. I have carefully considered those sites subject of representations and whether those sites should be included or not within the settlement boundary. I consider that the boundary has been drawn logically and in line with HC's Guidance Note 20 "Guide to settlement boundaries". Given the position with the housing figure requirement and accepting it as a minimum, as I have explained above, there is no further onus on the Plan to allocate sites or extend the settlement boundary beyond what is shown at this moment in time. HC has not raised any objection to its delineation.

Within the settlement boundary, the policy supports appropriate new housing echoing the thrust of CS Policy H3.

The policy is clearly worded. It meets the basic conditions and no modifications are recommended.

Policy C3: Housing mix

This policy seeks to ensure new housing development provides for a mix of sizes, types and tenures to meet local needs which are specified in the policy. The local needs in the policy for smaller homes is borne out by HC's Local Housing Market Assessment 2013 which found that within the Hereford Housing Market Area, the greatest need is for 3 bed homes in relation to market housing and 2 bed, followed closely by 1 bed homes for affordable housing.

³⁴ Core Strategy page 111

Work on the Parish Plan and in response to the survey carried out as part of work on this Plan revealed a strong preference for a mix of homes particularly smaller units suited to people of all ages and across all tenures.

The requirement that any affordable housing should be integrated across the site is to be welcomed.

This is a clearly worded policy. Local needs is a phrase widely understood and used in planning and the NPPF makes various references to local housing need. The policy refers to the “latest assessment” of housing needs giving it sufficient flexibility to ensure its aspirational and deliverable.

The policy takes account of the NPPF’s support for housing of different sizes, types and tenures to meet the needs of different groups,³⁵ is a local expression of CS Policy H3 in particular and will help to achieve sustainable development. It therefore meets the basic conditions. No modifications are put forward.

5. Environment

Policy C4: Natural environment

A variety of natural environment features are to be found in or near the Plan area as well as the River Wye on the northern boundary of the Plan area. These include the Cage Brook Valley Site of Special Scientific Interest, ponds and steams and ancient woodland as well as woodland, orchards and hedged fields.

Policy C4 seeks proposals to demonstrate that they protect, conserve and enhance the natural environment and makes reference to CS Policies SD3, SD4, LD1, LD2 and LD3.

It has five criteria; all are clearly worded. The NPPF is clear that the planning system should contribute to and enhance the natural and local environment.³⁶ The policy recognises that a distinction should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status as the NPPF advises.³⁷

The policy takes account of national policy and guidance. It generally conforms to CS Policies SS6, LD1, LD2 and LD3 in particular and will help to achieve sustainable development. Therefore it meets the basic conditions and no modifications are recommended.

³⁵ NPPF para 61

³⁶ Ibid para 170

³⁷ Ibid paras 171, 175

Policy C5: Historic environment

There are a number of designated heritage assets in the Plan area including the Grade I listed All Saints Church at Old Clehonger.

Policy C5 seeks to ensure that development proposals take account of the heritage assets and their settings in the Plan area.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.³⁸ CS Policy LD4 addresses the historic environment and makes a reference to their significance which aligns with the stance taken by the NPPF.

This policy clarifies the stance taken by the NPPF³⁹ and the CS at the local level in relation to designated and non-designated heritage assets. It also has a criterion on historic farmsteads and agricultural buildings which is appropriate given their importance within the Plan area.

The policy is clearly worded, takes account of national policy and guidance, reflects CS Policies SS6 and LD4 in particular and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Policy C6: Design

Policy C6 seeks to add a local level of detail to CS policies. Of particular concern to the community is the need for new development to be in character with existing development and for it to be energy efficient.

The policy has seven criteria. All are aimed at ensuring that new development is of a high standard and is appropriate in its setting respecting the character of the area. Modern design is supported where this takes an innovative approach and makes a positive contribution.

I consider the policy takes account of the NPPF's emphasis on good design and its aims to create or reinforce a sense of place and to respond to local character and history.⁴⁰ In particular the policy clearly sets out the community's design expectations and explains how these should be reflected in development.⁴¹

³⁸ NPPF para 184

³⁹ Ibid paras 193, 197

⁴⁰ Ibid paras 124, 125, 127

⁴¹ Ibid para 125

It reflects CS Policies SS4, SS6, SS7, MT1 and SD1 in particular and will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

6. Economic and social

Policy C7: Business and tourism

The Plan explains that employment is through a mixture of agriculture, small businesses, local services and home working. Self-employment in the area is higher than the County average.

Policy C7 supports new employment where this is compatible with the character of the rural area. It therefore specifically supports small and medium sized enterprises where their scale, type and nature is suited to their location and effect on highways is acceptable.

Live/work units, existing businesses, proposals that support home working, rural diversification and tourism, craft and leisure proposals are particularly referred to.

The policy is clearly worded. The NPPF is clear that policies should support business to invest, expand and adapt.⁴² It supports sustainable growth and expansion of all types of businesses in rural areas including through diversification and sustainable tourism and leisure developments.⁴³ It recognises that in rural areas it is important that development is sensitive to its surroundings and does not have an unacceptable impact on the local highway network.⁴⁴

The policy therefore takes account of national policy and guidance, is a local expression of, and in line with, the general thrust of CS Policies SS5, RA5, RA6, E1, E3 and E4 and will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

Policy C8: Agricultural development

Policy C8 seeks to establish the basis of consideration for agricultural related development including intensive livestock unit and polytunnel proposals.

⁴² NPPF para 80

⁴³ Ibid para 83

⁴⁴ Ibid para 84

The policy contains six criteria which cover visual impact, amenity and highways considerations, effects on the natural and historical environments, drainage matters and effects on public rights of way.

As well as the six criteria, it seeks to ensure that cumulative impacts will be taken into account.

The policy is clearly worded and subject to satisfactory impacts, such developments can be supported. The NPPF supports the development and diversification of agricultural and other land-based rural businesses.⁴⁵ The policy is in general conformity with CS Policies RA6, MT1, SS6 and SD1 in particular. It will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Policy C9: Community facilities

There are a number of facilities in the Plan area which are valued by the community.

This policy seeks to retain existing community facilities and support enhanced or new facilities. It cross-references CS Policy SC1 which protects, retains and enhances existing social and community infrastructure.

The clearly worded policy takes account of the NPPF⁴⁶ which promotes the retention, and development, of local services and community facilities, is a local expression of CS Policy SC1 in particular and helps to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Policy C10: Clehonger playing field

Clehonger playing field boasts a play area, adult fitness equipment and a football pitch. It is particularly valued by the local community.

Policy C10 seeks to protect the playing field unless it can be demonstrated it is surplus to requirements, its loss would be replaced by equivalent or better facilities in a suitable location or the development is for alternative sports provision which clearly outweighs any loss of the existing provision.

The playing field is shown clearly on Plan 4 on page 15 of the Plan.

⁴⁵ NPPF para 83

⁴⁶ Ibid paras 83, 92

The policy's stance reflects that of the NPPF⁴⁷ and CS Policy OS3 and is a local expression of this policy and guidance adding a local layer of detail. It will help to achieve sustainable development. It meets the basic conditions. No modifications are therefore put forward.

Policy C11: Hereford bypass

The Plan explains that HC is developing proposals for a Hereford bypass which will pass through the Plan area. An initial phase to move the junction of the A465 and B4349 to the west and replace with a roundabout has planning permission and compulsory purchase and side road orders have been confirmed. The roundabout will serve a new road, the southern link road, from the A49 at Grafton to the A465; this also has permission and orders have been confirmed. A further element of the bypass is proposed to head north and the preferred route crosses Ruckhall Lane towards to the River Wye. This is yet to be confirmed.

The policy seeks to ensure that any bypass within the Plan area takes account of eight criteria. The criteria include the effects on heritage assets, wildlife, landscape and visual amenity, materials and lighting matters, drainage and highway and rights of way.

The policy generally conforms to CS Policy SS6 which, amongst other things, indicates that proposals should conserve and enhance environmental assets that contribute to distinctiveness and that local features, areas and sites of importance in neighbourhood plans should inform decisions on proposals. CS Policy LD1 seeks to ensure that the character of the landscape and townscape positively influences development and conserves and enhances important landscapes and features. CS Policy LD2 refers to biodiversity and geodiversity, CS Policy LD3 to green infrastructure and CS Policy LD4 to the historic environment and heritage assets.

CS Policy SS4 indicates that land and routes for new and improved existing public transport, walking and cycling infrastructure will be supported. The Hereford Relief Road is identified in that policy as a major scheme.

CS Policy HD3 seeks to deliver this. It states the road will be "...designed and developed in such a way which avoids and mitigates adverse impacts or physical damage to or loss of habitats, noise pollution and vibration, light pollution, air pollution, flood risk and water quality on the River Wye SAC as well as residential and business interests. Consideration of the impact of the road on heritage assets, their significance and setting, as well as the historic character of the wider landscape will also be required."⁴⁸

I therefore consider that the policy is in general conformity with the CS and particularly those CS policies referred to above. HC has indicated their view that the policy is in

⁴⁷ NPPF para 97

⁴⁸ CS page 60

general conformity with relevant CS Policies. It will help to achieve sustainable development.

The policy is clearly worded. It meets the basic conditions and no modifications to it are recommended.

I accept that, as a representation points out, the opportunity that the relief road will bring could be addressed in the Plan. However, the relief road is a major infrastructure scheme and given the stage it has reached in its evolution, I would not expect, and it is not necessary for, the Plan to currently set out its expectations to anticipate and respond to longer term opportunities which may arise.

7. Delivering the Neighbourhood Development Plan

This section explains how the Plan will be used.

It also refers to community actions; these are actions which are not development and use of land related matters, but nevertheless are important to capture. The community actions are identified in Table 3 on page 34 of the Plan. This is the preferred way of expressing these matters and the presentation of the table is clear.

Appendices

Two appendices are attached to the Plan.

Appendix A is a list of the evidence base.

Appendix B contains information about housing commitments and completions and the windfall allowance.

8.0 Conclusions and recommendations

I am satisfied that the Clehonger Neighbourhood Development Plan meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Herefordshire Council that the Clehonger Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I have noted earlier in this report that the Plan area is larger than the Parish area of Clehonger as it includes a small area

of the adjacent Parish of Allensmore. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Clehonger Neighbourhood Plan area as approved by Herefordshire Council on 21 November 2014.

Ann Skippers MRTPI
Ann Skippers Planning
4 September 2020

Appendix 1 List of key documents specific to this examination

Neighbourhood Development Plan 2011 – 2031 Submission draft October 2019

Basic Conditions Statement October 2019

Consultation Statement October 2019

Environmental Report November 2019

Habitats Regulations Assessment Report November 2019

Clehonger Neighbourhood Area Policies Map

Clehonger village Policies Map

Herefordshire Core Strategy 2011-2031 October 2015 and Appendices

Saved Policies of the Unitary Development Plan 2007

Parish Council comments on Regulation 16 representations

List ends