

# **LINTON NEIGHBOURHOOD DEVELOPMENT PLAN**

## **Submission Draft Version**

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

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23 October 2020

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## 1.0 Summary

- 1.1 The Linton Neighbourhood Plan has been prepared to set out the community's wishes for the villages of Bromsash, Gorsley and Linton.
- 1.2 I would like to congratulate the plan makers for a well prepared, succinct and clearly written plan. I have recommended very few modifications as a consequence. Those that I have recommended seek to clarify the wording of the policies and their application and to ensure that all sites are mapped 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:
  - Revisions to the objectives and the deletion of Policy BGL1;
  - Clarification of the wording of policies; 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 Linton 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 Linton Neighbourhood Plan.
- 2.2 The Parish of Linton lies in the south east of Herefordshire and about 15 miles south of Hereford. At 2011 there were 953 people living in the parish in 410 households.

### Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the Linton Neighbourhood Development Plan (LNDP) by Herefordshire Council with the consent of Linton Parish Council in August 2020. I do not have any interest in any land that may be affected by the LNDP 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:
  - 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 LNDP dated March 2020.
- 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 Linton 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 Linton and that there are no other neighbourhood plans relating to that area. The area was designated by Herefordshire Council on 2 January 2018 as a Neighbourhood Area.
- 2.15 A neighbourhood plan must specify the period during which it is to have effect. The cover of the Plan states that this is from 2011 – 2031. The Basic Conditions Statement confirms these dates. It is appreciated that these dates coincide with the dates of the Herefordshire Core Strategy and are the basis for calculating the housing requirement. However, the Plan will be effective from the date it is made. 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 LNDP policies are compliant with this requirement.
- 2.18 The Basic Conditions Statement confirms the above points and I am satisfied therefore that the LNDP satisfies all the legal requirements set out in paragraph 2.4 above.

## Recommendation 1:

**Revise the date of the Plan and paragraph 1.11 from the date the plan is made to 2031 on the front cover.**

## 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 1 of the Basic Conditions Statement includes comments on how the policies of the LNDP have had regard to relevant paragraphs of the NPPF. The preceding paragraphs 3.1 to 3.5 set out how the LNDP 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 2 of the Basic Conditions Statement sets out how the LNDP 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 December 2017 concluded that the LNDP would require further assessment for the purposes of Strategic Environmental Assessment. A SEA of the draft Plan was undertaken in October 2019 and the resultant Environmental Report was published for consultation alongside the draft Plan. The Environmental Report was finalised in March 2020.



- 2.34 Consultation was carried out with the statutory environmental bodies on the SEA Scoping Report in 2018. Consultation on the SEA of the draft Plan was carried out from 11 November 2019 to 6 January 2020. Appendix 6 of the Environmental Report records that no responses relevant to the SEA were received.
- 2.35 The Environmental Report assesses the objectives and policies of the LNDP against 16 SEA objectives. Five options were assessed relating to the choices in the approach to plan making: to not prepare the Neighbourhood Plan; to rely on criteria based policies; to allocate sites; to define settlement boundaries with or without allocating sites. The assessments are included in Appendix 4. The Environmental Report did not assess any site options.
- 2.36 The Environmental Report concluded that the LNDP is in general conformity with both national planning policy contained in the NPPF and strategic policies set within the Herefordshire Local Plan (Core Strategy). None of the LNDP policies were 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. The cumulative effect of the LNDP policies was considered to contribute to the SEA objectives.
- 2.37 Consultation was carried out on the Environmental Report alongside that on the Submission Draft Plan. No comments were received from the environmental bodies.
- 2.38 The Habitat Regulations Assessment (HRA) screening report (March 2018) concluded that as the Parish falls within the catchment for the River Wye (including River Lugg) and is within 10km of the Wye Valley Woodlands SAC and Wye Valley and Forest of Dean Bat site SAC, a full Habitats Regulation Assessment screening would be required.
- 2.39 There is a duty under the Water Framework Directive to ensure that proposals for growth do not adversely affect the river water quality and this included the associated watercourses flowing into the rivers. There is also a duty under the EU Habitats Directive to ensure that proposals for growth do not adversely affect habitats and biodiversity. These directives promote the maintenance, restoration and enhancement of natural habitats and wild species within the protected sites.
- 2.40 A Screening Assessment of the draft LNDP was undertaken by Herefordshire Council and published in October 2019. This concluded that the draft LNDP will not have a likely significant effect on the River Wye (including River Lugg) SAC, the Wye Valley and Forest of Dean Bat Sites SAC, and the Wye Valley Woodlands SAC. Amendments to the draft Plan following Regulation 14 consultation were assessed in a further Report in March 2020. The Report confirmed the earlier conclusion that:

*“The submission Linton NDP will not have a likely significant effect on the River Wye (including the River Lugg) SAC, Wye Valley and Forest of Dean Bat Sites SAC, Wye Valley Woodlands SAC.”*

- 2.41 The Local Plan Core Strategy Policies SD3 and SD4 require that development proposals are considered against Water Framework Directive objectives, including that development should not undermine the achievement of water quality targets. These strategic policies are referenced within the LNDP in the justification to Policy BGL2. The Water Framework Directive has been taken into account within the objectives used for the SEA of the LNDP and as a source of baseline information and targets. The Basic Conditions Statement states that the LNDP is considered to be compatible with the Water Framework Directive.
- 2.42 Paragraph 8.4 further concluded that; *“It is unlikely that the submission Linton 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”*.
- 2.43 Consultation on the revised HRA screening assessment was carried out between 11 November 2019 and 6 January 2020 and alongside the submission draft LNDP. No comments were received from Natural England.
- 2.44 I am satisfied that the SEA and HRA screening opinions have been carried out in accordance with the legal requirements.
- 2.45 The Basic Conditions Statement considers the impact of the Plan on Human Rights and concludes that: *“The LNDP is fully compatible with the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. It has been prepared within the existing framework of statute, national planning policy and guidance, and County-level strategic planning policies. In accordance with established process, its preparation has included consultation with the local community and it is subject to independent examination. The policies within the Plan are considered to comply with the requirements of EU obligations in relation to Human Rights”*.
- 2.46 From my review of the Consultation Statement, I have concluded that the consultation on the LNDP has had appropriate regard to Human Rights.
- 2.47 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 LNDP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

## Consultation on the Neighbourhood Plan

- 2.48 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.
- 2.49 The key stages of consultation on the preparation of LNDP were:
- a) An initial community event to canvass community opinion at Linton village hall was held on 13 December 2017 with over 60 people in attendance;
  - b) Drop-in events on key issues and options were held on 23 June and 14 July 2018 at Linton and Gorsley village halls. The consultations were promoted via the Parish Council website, The Chimes parish newsletter, flyers to all households and businesses, and posters and leaflets. A total of 143 members of the public attended the sessions, split between 68 at Linton and 75 at Gorsley;
  - c) The display material, comments received and final report of the drop-in events were posted to the website;
  - d) A community questionnaire was distributed to all parish residents and businesses in October 2018 for a three-week consultation period. The exercise involved the hand delivery of 820 questionnaires across the parish. A total of 397 questionnaires were returned representing a 49% response rate;
  - e) Public consultation on proposed settlement boundaries, local green spaces and important views for the villages of Bromsash, Gorsley and Linton was then undertaken. Drop-in events were held at Linton Village Hall on 11 May 2019 and at Gorsley Village Hall on 16 May 2019. The events were advertised by posters, on the Parish Council website and in The Chimes magazine. The events were attended by 115 residents or landowners, split between 39 at Linton and 76 at Gorsley; 103 completed or partially completed comment forms were returned;
  - f) Consultation on the draft NDP was carried out in accordance with the requirements of Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. The consultation ran for eight weeks from 11 November 2019 to 6 January 2020. This extended period was to allow for the Christmas holiday season. The Environmental Report and Habitats Regulations Assessment were also published for consultation;
  - g) The Regulation 14 consultation was publicised by a flyer distributed to households and businesses throughout the Neighbourhood Area, by way of an insert in the Parish magazine, The Chimes. This explained how and where the draft NDP could be viewed and invited comments. Printed copies of the draft NDP were deposited for inspection at various locations in the parish and Ross on Wye Library. Copies were also available on request from the Parish Clerk and could be viewed on the website. An email or letter was sent by the Parish Clerk to the statutory consultees and others who has expressed an interest in the plan.
  - h) Responses were received from 26 organisations or individuals. They are summarised in Appendix 1 of the Consultation Statement.

- i) The Regulation 16 consultation on the submission draft plan was carried out by Herefordshire Council between 27 May to 8 July 2020. Responses were received from 17 organisations and individuals, some making several comments.
- 2.50 One representation states that they were not directly consulted on the preparation of the plan. They have made comments at the Regulation 14 and Regulation 16 consultations and I am satisfied that they have had the opportunity to present their comments on the plan.
- 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 LNDP.
- 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 LNDP. 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 LNDP contains policies on the environment, housing, community and the economy. There are also community actions on highways and infrastructure.
- 3.6 The Plan is concise and focuses solely on the planning policies and supporting text. The introductory text concisely describes the area and the environmental assets shown on the Parish Policies Map.
- 3.7 The policies are clearly distinguishable from the supporting text by being presented in bold type. I am satisfied that the LNDP 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. Where applicable, reference to these policies is included in the justification to each policy.
- 3.8 The Plan contains a map of the plan area and a further 7 plans showing various matters referred to in the policies. However, there are no plans to show the location of the views identified under Policy BGL2 or the community facilities under Policy BGL8. It would be helpful to plan users for all the locations to be numbered in the policy and on the Policies Map. I have made recommendations concerning these matters under the relevant policies.

- 3.9 There are Policies Maps for the parish as a whole and inset maps for the three villages and Talbots Well. 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 LNDP.

## The Neighbourhood Plan

### Vision and Objectives

- 3.10 The plan includes a succinct vision statement and five objectives which are addressed through the policies of the plan and community actions. Policy BGL1 is titled Sustainable Development however it is not worded as a policy and refers to the five points as objectives. These address the same topics as the plan's objectives but are worded differently. I have raised my concerns with the Qualifying Body and they have proposed revisions to the objectives to incorporate the points included in Policy BGL1. I am recommending that the objectives should be revised to incorporate the suggested revisions proposed by the Qualifying Body and that Policy BGL1 should be deleted. I have also recommended a modification to Objective 4 to delete reference to community services in line with my recommendation on Policy BGL8.
- 3.11 A representation has been made that proposes that objective 2 should be revised to reflect NPPF paragraph 59 to "significantly boost" the supply of new housing. I am satisfied that objective 2 is worded in a way that reflects the views of the local community and the housing requirement of the plan area.

### Recommendation 2: Revise the objectives as follows:

#### Objective 1: environment and heritage

**To *conserve and enhance* the *distinctive* natural and historic environment of the parish, in particular its designated areas, sites and buildings; and its landscape character, especially views and vistas, ensuring access to these through the public footpath network; and to ensure that development avoids undue loss of visual amenity.**

#### Objective 2: housing

**To provide *new housing which is proportionate to the strategic requirements of the Herefordshire Local Plan Core Strategy*, sensitively located and *with a range and choice* to meet the needs of all sections of the community. These homes should be built at a scale and density designed to respect and enhance the character of the parish.**

#### Objective 3: infrastructure and roads

**No change recommended**



#### **Objective 4: social and community facilities**

**To ensure that *social and community facilities* are retained and enhanced as much as possible, *promoting and enabling new provision*, and that *community spirit and involvement* is actively encouraged.**

#### **Objective 5: economic development and employment**

**To support and encourage the development or expansion of small and home-based businesses and farming *which are compatible and in scale with the rural nature of the Neighbourhood Area.***

#### **Policy BGL1: Sustainable Development**

- 3.12 The policy sets out five objectives which are to be sought and balanced when assessing development proposals to establish that they contribute to sustainable development. They largely repeat the plan's objectives.
- 3.13 The NPPF section two sets out the principles for considering the presumption in favour of sustainable development in plan making and assessing development proposals. Core Strategy Policy SS1 sets out the strategic approach to the assessment of development proposals in line with national policy.
- 3.14 The Parish Council has raised its concerns that if Policy BGL1 were deleted, the Plan would lose the policy reference to "*the delivery of new housing which is proportionate to the strategic requirements of the Herefordshire Local Plan Core Strategy*", in the context of contributing to sustainable development. They have proposed a revision to Policy BGL6 to overcome the deletion of this part of Policy BGL1. I have considered this proposal under Policy BGL6.
- 3.15 It is considered that Policy BGL1 is unnecessary and provides no locally specific guidance on the application of the presumption in favour of sustainable development. I therefore recommend that it should be deleted. The background information in paragraphs 3.7 to 3.10 may be retained in the plan.

#### **Recommendation 3: Delete Policy BGL1.**

#### **Policy BGL2: Natural Environment**

- 3.16 The policy sets out a comprehensive approach to protecting, conserving and where possible enhancing the natural environment of the plan area in accordance with identified Core Strategy policies. The environmental assets are clearly described in the justification to the policy.
- 3.17 Part 4 of the policy refers to six public views which are described and shown in photographs but are not identified on a map. The Qualifying Body has

provided me with maps to show the locations of the viewpoints; it is recommended that the viewpoint locations should be shown on the Policies Map to aid decisionmakers.

- 3.18 Some of the views are very expansive and cover a very wide landscape extending outside the plan area across the county. It is not clear how point 4 is to be applied by decision makers consistently. I have sought the views of the Qualifying Body on revisions to the text to make reference to undertaking a Landscape and Visual Impact Assessment or similar study to assess the impact of development proposals on identified views in order to make the process is explicit. I make a recommendation to include this requirement.

**Recommendation 4: Revise Policy BGL 2 as follows:**

**Revise point 4 to read: “*carrying out a Landscape and Visual Impact Assessment or similar study where a development proposal within the Plan area lies within sight of one of the following public views, or could affect it; the assessment should be carried out to demonstrate that levels of effects are acceptable, and that the scheme has been sited and designed sensitively and appropriately reflecting, respecting, and where possible, enhancing the landscape context within which it is situated.*” List of sites A – F.**

**Show the location of the viewpoints on the Policies Map.**

**Policy BGL3: Historic Environment**

- 3.19 The policy sets out a comprehensive approach to protecting, conserving and where possible enhancing the historic environment and heritage assets in the plan area in accordance with the relevant Core Strategy policy. My recommendations are to correct typographical errors.
- 3.20 Historic England is supportive of the content of the plan and notes in their response to the consultation that it is well informed by reference to the Herefordshire Historic Environment Record and historic landscape analysis.

**Recommendation 5: Revise Policy BGL3 as follows:**

**Revise line 1 of the policy: “....possible enhance *the* historic environment....”**

**Insert a comma after assets in point 3 of the policy.**

**Revise the second sentence in paragraph 4.11 to read: “.....unregistered *park* and garden....”**



## Policy BGL4: Building Design

- 3.21 The policy promotes the local distinctiveness of the area through high quality design. It sets out eight areas of design to supplement those in Core Strategy Policies LD1 and SD1 and conforms to the national guidance on achieving well designed places. Some of the points in the policy address the same topics as those in the Core Strategy policies, however, they identify those matters that are locally important by reflecting the survey feedback.
- 3.22 My only concern is with the final sentence of paragraph 4.19 which states that proposals associated with the creation of satisfactory accesses which cannot mitigate the environmental impacts will not be supported. It is considered that this is a policy statement and should be included in the policy itself or deleted from the justification. I have raised my concerns with the Qualifying Body who have proposed that the statement should be included in criterion 5 of the policy. I have recommended this revision.
- 3.23 Severn Trent Water is supportive of points 2 and 3 of the policy. They have commented that they would welcome a statement in the plan about water efficiency. As this is a matter that is covered by the Building Regulations, it is not necessary to include it in a planning policy.
- 3.24 Severn Trent Water would also encourage the inclusion of a policy on new developments incorporating Sustainable Drainage Systems in their designs. As this topic is addressed in Core Strategy Policy SD3 it is not necessary to repeat it in the LNDP policies.

### Recommendation 6: Revise Policy BGL4 as follows:

**Revise criterion 5 to read: “5. Being capable of being safely accessed from the local road network without undue local environmental impacts. *Proposals which cannot satisfactorily mitigate such impacts will not be supported. The arrangements for access ...”.***

**Revise the final sentence of paragraph 4.19 to read: “*Proposals should seek to mitigate such adverse impacts.*”**

## Policy BGL5: Renewable and low carbon energy

- 3.25 The policy supplements the approach set out in Core Strategy Policy SD2 and sets out the factors that are locally important in considering proposals for renewable and low carbon energy developments in particular the consideration of highway safety and capacity. In view of the lack of support from the community to wind energy development, the Plan does not identify sites or areas for such development. Community led initiatives are supported.
- 3.26 It is considered that the policy accords with national and strategic policies.

## Policy BGL6: Settlement boundaries

- 3.27 All three villages are identified in Core Strategy figure 4.14 as settlements which will be the main focus of proportionate housing development. Policy RA2 states that proportionate housing development “*will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned*”. The policy goes on to say that “*Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity*”.
- 3.28 The plan area lies in the Ross on Wye Housing Market Areas where the indicative housing growth target is set at 14% which equates to 61 dwellings in the plan area between 2011 and 2031. Paragraph 5.5 of the Plan shows the position at April 2019 that 77 dwellings had been completed since 2011 or had received planning permission. Herefordshire Council has supplied me with the figures at April 2020 which show that there have been 51 completions and 33 dwellings with planning permission, a total of 84 dwellings.
- 3.29 The Plan makes allowance for windfall development to take place during the remainder of the plan period at a rate of 50% of the rate from 2011 – 2019 giving an allowance of 27 dwellings and this figure is reduced to 23 at 2020. The plan estimates that 104 dwellings will be delivered in the parish between 2011 and 2031.
- 3.30 I am satisfied that the current level of commitments in the plan area is in excess of the housing requirement. The plan includes a reasonable allowance for windfall development to come forward during the remaining years of the plan and no reasons have been presented to me why this level cannot be expected to be achieved.
- 3.31 In the circumstances the plan makers have chosen not to allocate any additional land for housing development. National planning guidance states that neighbourhood plans can allocate additional sites where this is supported by evidence to demonstrate need above that identified in the local plan. In the circumstances, it is considered that the approach taken to not allocate any additional sites accords with national planning guidance.
- 3.32 The Environmental Report has assessed five options relating to the choices in the approach to plan making: to not prepare the Neighbourhood Plan; to rely on criteria based policies; to allocate sites; to define settlement boundaries with or without allocating sites.
- 3.33 I have asked Herefordshire Council to provide me with maps to show the housing commitments in and around the settlements. There are three sites at Bromsash and Gorsley that are outside but adjacent to the proposed settlement boundaries that have received planning permission. There are also

small sites at the Shrubberies and to the east of Gorsley that are not well related to the settlement boundaries.

- 3.34 I have proposed to the Qualifying Body and Herefordshire Council that they review the proposed settlement boundaries and consider whether any of the commitment sites satisfy the Council's guidance for defining settlement boundaries. They have done this and agreed revised boundaries. I recommend that these revised settlement boundaries should be included on the Policies Maps for Bromsash, Gorsley and Linton.
- 3.35 The policy is worded to give support to housing within the settlement boundaries where they accord with other Plan policies. The NPPF paragraph 2 states that "*planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise*". The development plan includes the Core Strategy as well as the neighbourhood plan and I have recommended a modification to clarify the policy in this respect.
- 3.36 The Qualifying Body has proposed a revision to Policy BGL6 in the light of my recommendation to delete Policy BGL1. The statement has been included in objective 2 on housing and I agree that its inclusion in Policy BGL6 would ensure that housing development contributes to the delivery of sustainable development.
- 3.37 A representation has been made that the plan makers have failed to adhere to the Council's 2015 guidance on defining settlement boundaries and there is insufficient scope for windfall schemes to come forward in Gorsley within the settlement boundaries. The Plan makers have demonstrated that there are more than sufficient housing commitments to deliver in excess of the housing requirement; consequently, they have chosen not to allocate further housing sites. Windfall opportunities may present themselves throughout the plan area and are not limited to sites within settlement boundaries.
- 3.38 Representations have been received proposing that sites should be allocated for housing in the plan and included in the settlement boundaries. Sites proposed are:
- a) Land between Revells Cottages and Little Revells, Linton.
  - b) Part of the Glebe land at Linton.
  - c) Land adjacent to Chancery Cottage, Linton Road, Gorsley.
  - d) Land adjacent to Ridgeway Barns, Sargents Lane, Gorsley.
- 3.39 I have concluded that the Plan has demonstrated that sufficient land is available in the plan area to deliver in excess of the indicative housing target as set out in the strategic policies. I am satisfied that the approach taken in defining settlement boundaries and not allocating additional housing sites accords with national and strategic planning policy. It is not the role of the examiner to consider the suitability or otherwise of proposed additional development sites.

**Recommendation 7: Revise Policy BGL6 as follows:**

**“Settlement boundaries are defined for Bromsash (Plan 5), Gorsley (Plan 6) and Linton (Plan 7) to help ensure that new housing represents sustainable development and is proportionate to the strategic requirements of the Local Plan Core Strategy. Proposals for housing inside the settlement boundaries will be supported where they are in accord with other development plan policies (including policy BGL2 in respect of landscape character and views of the village and policy BGL4 on design) and can be shown to be of a size and type to meet local requirements in accordance with policy BGL9 on housing mix.”**

**Revise the settlement boundaries for Bromsash (Plan 5), Gorsley (Plan 6) and Linton (Plan 7) in accordance with the revised maps submitted on 27 October 2020.**

**Policy BGL7: Housing mix**

- 3.40 The policy calls for all housing developments to demonstrate that they are of a type and size that positively contributes to meeting the latest assessment of housing need. Examples of those types and sizes of housing that have been identified in need in the plan area are set out.
- 3.41 Core Strategy Policy RA2 part 4 addresses this topic and states that housing proposals should “*result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand*”. Policy H3 states that “*Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities*”. Whilst the policy states that this will be particularly important on development sites of 50 or more dwellings, it does not set a minimum threshold.
- 3.42 I am satisfied that the first two parts of the policy help to provide locally specific details to the strategic policies on housing mix.
- 3.43 The final part of the policy relates to the design and distribution of affordable housing within a mixed tenure site. It is a design consideration that is addressed in the Herefordshire Planning Obligations SPD 2008 and would be relevant to sites of more than 10 dwellings and Rural Exceptions Housing sites. Herefordshire Council is progressing a revised SPD on Affordable Housing, however, this does not include design and layout considerations.
- 3.44 It is considered that the final paragraph of the policy provides a local policy approach to the implementation of Core Strategy Policies H1 and H2.

### **Policy BGL8: Community services and facilities**

- 3.45 The policy identifies the community facilities that are to be retained in accordance with Core Strategy Policy SC1. To ensure that the policy can be applied consistently the sites and areas should be numbered and shown on a detailed site map and referenced from the Policies Map.
- 3.46 The policy title and the first line of the policy refers to community “services”. Planning policy cannot safeguard community services and the policy should be revised to refer solely to community facilities.

#### **Recommendation 8: Revise Policy BGL8 as follows:**

**Delete “services and” from the title and line 1 of the policy.**

### **Policy BGL9: Local Green Space**

- 3.47 The policy proposes the designation of 6 areas of Local Green Space. The sites are assessed in Appendix C against the criteria set out in paragraph 100 of the NPPF. The policy approach to managing development within the Local Green Spaces accords with NPPF paragraph 101.
- 3.48 The sites are numbered in the policy and shown on plans 6-8.
- 3.49 A representation supports the designation of site LGS6 (the land besides the village hall) as Local Green Space.
- 3.50 The assessment of the sites in Appendix C of the Plan demonstrates how all six sites are demonstrably special to the local community. Sites LGS1 and LGS6 are registered common land and owned by the Parish Council. As such they already have a degree of protection. Nevertheless, their designation as Local Green Space would serve to ensure that the sites are safeguarded consistently with other special open areas in the parish.

### **Policy BGL10: Small-scale employment development**

- 3.51 The policy supports the development of small and medium businesses of an appropriate scale, type and nature appropriate to their location and setting and subject to the impacts on highway safety and capacity being acceptable.
- 3.52 It is considered that the policy accords with NPPF paragraphs 83 and 84. The policy complements those in the Core Strategy applicable to the Rural Economy notably Policies RA5 and 6 and Policies E1 – E4 by identifying the main types of economic proposals that are likely in the plan area.
- 3.53 I am proposing no modifications to the policy.

### Policy BGL10: Agricultural development

- 3.54 The policy sets out the factors to be taken into account in the consideration of agricultural development that requires planning permission. This includes consideration of the cumulative impact of the development together with any other existing or similar permitted developments.
- 3.55 It is considered that the policy accords with Core Strategy Policy RA6 on the rural economy. The factors to be taken into account accord with national and strategy policy concerns on highway and environmental impacts.
- 3.56 I am proposing no modifications to the policy.

### Delivering the Neighbourhood Development Plan

- 3.57 This section is written from the standpoint of the delivery of the plan by the Parish Council and its approach to responding to consultations on planning applications. Once it is made the LNDP will form part of the development plan and will be taken into account by Herefordshire Council in considering planning applications. I am recommending modifications to the section 8 of the LNDP to better reflect the means of delivery of the plan.

#### Recommendation 9: Revise section 8 as follows:

**Revise paragraph 8.1 to read: “....up to 2031 *with the aim of* delivering the sustainable development of the Neighbourhood Area.”**

**Place paragraph 8.4 after paragraph 8.2 and revise it to read: “....and the local planning authority to *support proposals* for development that improves.....”**

**Revise paragraph 8.3 to read: “*When responding to consultations on planning applications, the Parish Council will support proposals that meet the policies of the NDP and oppose proposals which do not.*”**

### Community actions

- 3.58 Paragraph 8.5 and Table 3 set out a number of community actions in transport and infrastructure. It is suggested that this should be set out as a separate section of the Plan and additional text should be added to make it explicit that it does not form part of the LNDP and the matters in Table 3 are not planning policy.

#### Recommendation 10: Set out the Community Actions as a new section 9 and renumber paragraph 8.5 as 9.1.

**Add a new paragraph 9.2: “*The Community Actions do not form part of the LNDP and do not constitute planning policy.*”**

## 4.0 Referendum

- 4.1 The Linton 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 Linton 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 2 January 2018.



## 5.0 Background Documents

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

- Linton Neighbourhood Plan Submission Draft Version 2011- 2031
- Linton Neighbourhood Plan Basic Conditions Statement March 2020
- Linton Neighbourhood Plan Environmental Report March 2020
- Linton Neighbourhood Plan HRA Report March 2020
- Linton Neighbourhood Plan Consultation Statement March 2020
- Linton Parish Policies Map
- Linton Village Policies Map
- Bromsash Village Policies Map
- Gorsley Village Policies Map
- 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 Guide to Settlement Boundaries 2015
- Planning Obligations Supplementary Planning Document April 2008
- Herefordshire Polytunnels SPD 2018



## 6.0 Summary of Recommendations

### Recommendation 1:

Revise the date of the Plan and paragraph 1.11 from the date the plan is made to 2031 on the front cover.

### Recommendation 2: Revise the objectives as follows:

#### Objective 1: environment and heritage

To *conserve and enhance* the *distinctive* natural and historic environment of the parish, in particular its designated areas, sites and buildings; and its landscape character, especially views and vistas, ensuring access to these through the public footpath network; *and to ensure that development avoids undue loss of visual amenity.*

#### Objective 2: housing

To provide *new housing which is proportionate to the strategic requirements of the Herefordshire Local Plan Core Strategy*, sensitively located and *with a range and choice* to meet the needs of all sections of the community. These homes should be built at a scale and density designed to respect and enhance the character of the parish.

#### Objective 3: infrastructure and roads

No change recommended

#### Objective 4: *social* and community facilities

To ensure that *social and* community facilities are retained and enhanced as much as possible, *promoting and enabling new provision*, and that community spirit and involvement is actively encouraged.

#### Objective 5: economic development and employment

To support and encourage the development or expansion of small and home-based businesses and farming *which are compatible and in scale with the rural nature of the Neighbourhood Area.*

### Recommendation 3: Delete Policy BGL1.

### Recommendation 4: Revise Policy BGL 2 as follows:

Revise point 4 to read: “*carrying out a Landscape and Visual Impact Assessment or similar study where a development proposal within the Plan area lies within sight of one of the following public views, or could affect it; the assessment should be carried out to demonstrate that levels of effects are acceptable, and that the scheme has been sited and designed sensitively and appropriately reflecting,*

*respecting, and where possible, enhancing the landscape context within which it is situated.” List of sites A – F.*

Show the location of the viewpoints on the Policies Map.

**Recommendation 5: Revise Policy BGL3 as follows:**

Revise line 1 of the policy: “....possible enhance *the* historic environment....”

Insert a comma after assets in point 3 of the policy.

Revise the second sentence in paragraph 4.11 to read: “.....unregistered *park* and garden....”

**Recommendation 6: Revise Policy BGL4 as follows:**

Revise criterion 5 to read: “5. Being capable of being safely accessed from the local road network without undue local environmental impacts. *Proposals which cannot satisfactorily mitigate such impacts will not be supported.* The arrangements for access ...”.

Revise the final sentence of paragraph 4.19 to read: “*Proposals should seek to mitigate such adverse impacts.*”

**Recommendation 7: Revise Policy BGL6 as follows:**

“Settlement boundaries are defined for Bromsash (Plan 5), Gorsley (Plan 6) and Linton (Plan 7) *to help ensure that new housing represents sustainable development and is proportionate to the strategic requirements of the Local Plan Core Strategy.* Proposals for housing inside the settlement boundaries will be supported where they are in accord with other *development plan* policies (including policy BGL2 in respect of landscape character and views of the village and policy BGL4 on design) and can be shown to be of a size and type to meet local requirements in accordance with policy BGL9 on housing mix.”

Revise the settlement boundaries for Bromsash (Plan 5), Gorsley (Plan 6) and Linton (Plan 7) in accordance with the revised maps submitted on 27 October 2020.

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Delete “services and” from the title and line 1 of the policy.

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**Recommendation 10:** Set out the Community Actions as a new section 9 and renumber paragraph 8.5 as 9.1.

Add a new paragraph 9.2: “*The Community Actions do not form part of the LNDP and do not constitute planning policy.*”