

# **MUCH BIRCH NEIGHBOURHOOD DEVELOPMENT PLAN**

## **Submission Draft Version**

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

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## 1.0 Summary

- 1.1 The Much Birch Neighbourhood Development Plan has been prepared to set out the community's wishes for the villages of King's Thorn, Much Birch, Wormelow and The Cleaver that lie within the parish of Much Birch. It does not relate to those parts of King's Thorn and Wormelow that lie within adjacent parishes.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer, including improvements to the mapping of sites referred to in policies to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
  - The deletion of Policy MB2;
  - The deletion of Policies MB11 and MB14. They should be moved to a Appendix 2 Community Actions and Infrastructure;
  - Clarification of the wording of policies and the supporting text; and
  - Improvements to the mapping of policies.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Much Birch 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 Much Birch Neighbourhood Plan.
- 2.2 The Parish of Much Birch covers a rural area close to the centre of Herefordshire and lies 6 miles south of Hereford. There are four settlements in the parish: King's Thorn, Much Birch, Wormelow and The Cleaver. Parts of the villages of King's Thorn and Wormelow lie within adjacent parishes and are not included within the MBNDP. At 2011 there were 911 people living in the parish.

### Appointment of the Independent Examiner

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

### Role of the Independent Examiner

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

- 2.5 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:
1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
  3. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
  5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to neighbourhood plans:
    - o Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (various Amendments) Regulations 2018) sets out a further Basic Condition in addition to those set out in the primary legislation: that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 2.6 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
- 2.7 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

### **The Examination Process**

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

- 2.9 I have sought clarification on a number of factual matters from the Qualifying Body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.
- 2.10 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the MBNDP 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.

### **Legislative Requirements**

- 2.12 The neighbourhood plan making process has been led by Much Birch Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process.
- 2.13 The Basic Conditions Statement confirms that the Neighbourhood Plan area is co-terminus with the parish of Much Birch and that there are no other neighbourhood plans relating to that area. The area was designated by Herefordshire Council on 16 August 2016 as a Neighbourhood Area.
- 2.14 A neighbourhood plan must specify the period during which it is to have effect. The Basic Conditions Statement states that this is from 2011 to 2031. These dates are shown on the front cover of the Neighbourhood Plan. It is acknowledged that these are the dates used to calculate the housing requirement and coincide with those of the Core Strategy. However, it is recommended that the commencement date should be revised to the year that the Plan is made.
- 2.15 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.
- 2.16 The Neighbourhood Development Plan should only contain policies relating to the development and use of land. Subject to my recommendations that Policies MB11 and MB14 should be placed in an Appendix of the plan entitled Community Actions, I am satisfied that the MBNDP policies are compliant with this requirement.

- 2.17 The Basic Conditions Statement confirms the above points and I am satisfied therefore that the MBNDP satisfies all the legal requirements set out in paragraph 2.4 above.

**Recommendation 1: Revise the commencement date of the Plan to the year it is made on the front cover and elsewhere in the documentation.**

## The Basic Conditions

### Basic Condition 1 – Has regard to National Policy

- 2.18 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*”.
- 2.19 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.*”
- 2.20 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.”*
- 2.21 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.
- 2.22 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.*”
- 2.23 Section 3 of the Basic Conditions Statement includes comments on how the policies of the MBNDP have had regard to the NPPF under the three arms of

sustainable development. 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**

- 2.24 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.
- 2.25 Section 2 of the Basic Conditions Statement sets out how the MBNDP delivers the core principles of the plan led system as set out in the NPPF. Further elaboration is set out in section 3 of the Basic Conditions statement under the 3 overarching objectives of sustainable development.
- 2.26 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**

- 2.27 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.
- 2.28 Section 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.
- 2.29 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**

- 2.30 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.
- 2.31 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."



- 2.32 A screening opinion carried out by Herefordshire Council in August 2016 determined that the MBNDP would require further environmental assessment for Habitat Regulations Assessment due to the proximity to the River Wye (including the River Lugg) Special Area of Conservation (SAC). An Environmental Report including a Strategic Environmental Assessment would be required as the Plan may give rise to significant environmental effects due to the range of environmental designations in and around the parish. The Screening Opinion is set out in Appendix 1 of the Environmental Report.
- 2.33 Consultation was carried out with the statutory environmental bodies on the SEA Scoping Report in May 2017. The responses are included in Appendix 3 of the Environmental Report.
- 2.34 The Environmental Report assesses the objectives and policies of the MBNDP against 16 SEA objectives. Four options were assessed: to not prepare the Neighbourhood Plan, to develop small sites, to develop medium size sites, to develop a large site of 11+ dwellings or to develop a medium and a large site. Options for 39 sites were assessed. The assessments are included in Appendix 4 of the Environmental Report.
- 2.35 Several policies within the MBNDP have been amended following the Regulation 14 consultation. Most of these were minor wording changes and to add reference to national and local frameworks; it was considered not necessary to rescreen them. Three policies MB1, MB2 and MB14 have been rescreened, as further criteria were added to these policies and the settlement boundary was changed. It was considered that the conclusion set out in the Draft Environmental Report remains valid, that the MBNDP was in general conformity with both national planning policy contained in the National Planning Policy Framework and strategic policies set within the Herefordshire Core Strategy. Therefore, no further changes were recommended as a result of this SEA.
- 2.36 Consultation was carried out with the statutory environmental bodies on the Environmental Report between December 2019 and February 2020. No comments were received from the environmental bodies.
- 2.37 The Habitats Regulation Assessment was carried out on the Regulation 14 draft MBNDP. It was concluded that none of the plan's objectives and policies were likely to have a significant effect on the European sites. The parish of Much Birch and the proposals are not in close proximity to the River Wye and unlikely to have a direct significant impact on the SAC. Core Strategy Policies SD3 and SD4 together with the Nutrient Management Plan will ensure that development can only occur if these policy requirements are met. No mitigation measures have been included within the screening of the policies of the MBNDP.
- 2.38 Dwr Cymru Welsh Water have indicated that there is a growth scheme within AMP6 capital programme for completion by 2020 to accommodate growth within the Core Strategy. Although located within the hydrological catchment

area of the River Wye SAC, the level of phosphate is not an issue which is causing concern within Much Birch area and Nutrient Management Plan actions are unlikely to be required.

- 2.39 In addition, the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC.
- 2.40 It is unlikely that the MBNDP will have any in-combination effects with any Plans from neighbouring parish councils due to the level of growth proposed is the same as that proposed for the Ross on Wye Market Area in the Herefordshire Core Strategy.
- 2.41 A review and rescreening was carried out on the submission draft plan and it was concluded in paragraph 6.12: *“The revised NDP policies are therefore unlikely to result in significant effects on the European site. Conservation status of the SAC in respect of phosphate levels as soon as possible and at the latest by 2027, have both been considered as part of the in-combination assessment.”*
- 2.42 The Basic Conditions Statement has considered the implications of the MBNDP for the Water Framework Directive. The Environment Agency has not indicated that any proposals within this Plan would conflict with measures and provisions it is advocating to meet its obligations under this Directive as set out in the Severn River Basin Management Plan or the River Wye Nutrient Management Plan.
- 2.43 Consultation on the revised HRA assessment was carried out between December 2019 and February 2020. No comments were received from the environmental bodies.
- 2.44 I am satisfied that the SEA and HRA assessments 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 policies within the Plan are considered to comply with the requirements of the EU obligations in relation to human rights.”*
- 2.46 From my review of the Consultation Statement, I have concluded that the consultation on the MBNDP 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 MBNDP 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 Following the designation of the Neighbourhood Area in August 2016, the following key stages of consultation were:
- a) A launch event on 13 June 2017 with 81 people in attendance.
  - b) September 2017 - Every household received the Community Questionnaire, Business Questionnaire, Housing Questionnaire and Call for Sites form within the Questionnaire pack.
  - c) 336 people aged 16 and over completed the Community Questionnaire, giving a return rate of 43%. 55 Business Questionnaires were returned and 84 Housing Need Questionnaires. Of those returning the latter 73 returns did not indicate any housing need either now or within the next 5 years.
  - d) 16 March 2019 – Drop in event, presented draft policies for the areas of Environment, Housing, Economy, Community facilities, Traffic and Transport .
  - e) 16 December 2019 to 11 February 2020 Consultation on Regulation 14 NDP. Representations were received from 4 individuals within the local community. There were representations from 9 stakeholder organisations.
- 2.50 Publicity for the consultation events was via a range of media. These included an NDP section on the Much Birch Parish Council website (<http://www.muchbirchparish.org.uk/>), the Birches Newsletter that covers Much Birch Parish and also the adjacent parish of Little Birch, noticeboards, and exhibitions forming part of drop-in events. Steering Group Meetings were also open to the public to attend, ask questions and make comments. Public and stakeholder input was taken into account throughout the development of the neighbourhood plan.
- 2.51 Consultation on the Regulation 16 Submission draft Plan was carried out by Herefordshire Council between 27 May 2020 and 8 July 2020. In total, 12 representations were received.
- 2.52 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 MBNDP.
- 2.53 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.
- 2.54 This report is the outcome of my examination of the Submission Draft Version of the MBNDP. 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 MBNDP contains policies on the built and natural environments, housing, design, highways and infrastructure, community facilities and rural employment.
- 3.6 The introductory sections of the Plan set out information on the community, the history of the parish, the environment and the issues and options considered in preparing the Plan.
- 3.7 The policies are clearly distinguishable from the supporting text by surrounding coloured boxes.
- 3.8 Policies MB11 and MB14 are considered to be Community Actions and not planning policies. They should be placed in Appendix 2 to the Plan which should be entitled Community Actions and Infrastructure. The Appendix should be headed with text to stipulate that the section contains Community Actions and does not form part of the Neighbourhood Development Plan.
- 3.9 The Plan contains a map of the plan area and four Village Policies Maps for the villages of Much Birch Village (North), Much Birch Village (South) and The Cleaver, King’s Thorn and Wormelow. HC has also provided me with a Parish

Policies map which should be included in the MBNDP. It would be helpful to plan users if the sites shown as housing allocations were numbered on the maps as shown in Policy MB9. I have also recommended under Policy MB16 that the community facilities should be shown on the Policies Maps.

**Recommendation 2: Include the Parish Policies Maps in the Plan. Number the site allocations as shown in Policy MB9.**

**Revise the title of Appendix 2 to read: “Community Actions and Infrastructure”.**

**Revise paragraph A2.1 to read: “The following are actions to be pursued by Much Birch Parish Council. *They do not form part of the Neighbourhood Development Plan but include measures to support the growth proposed and to address community needs in terms of facilities, services and key infrastructure.*”**

## 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.

### Policy MB1: Promoting Sustainable Development

- 3.11 This policy builds on the objectives to set out in more detail the measures that the community is seeking to promote sustainable development in the parish.
- 3.12 Paragraph 4.7 refers to is as an “overarching strategic policy”. NPPF paragraphs 20-23 explain the purpose of strategic policies and it is clear that this does not extend to policies in neighbourhood plans. I am therefore recommending that the word “strategic” should be deleted from this paragraph.

**Recommendation 3: Delete “strategic” from paragraph 4.7.**

### Policy MB2: Development Strategy

- 3.13 The policy identifies the locations where new development will be focused. I consider that the policy is imprecise and unnecessary as it largely repeats parts of Policies MB8, MB16 and MB18. I am therefore recommending that it should be deleted.
- 3.14 The only additional policy consideration included in the policy is to lend support to housing development on ‘brownfield’ sites outside of but adjacent

to the development boundary. Provision is made in Core Strategy Policy RA2 for such development, where is it considered appropriate. I am recommending that this matter should be included in Policy MB8.

- 3.15 The supporting text paragraphs 4.9 to 4.12 is helpful in explaining to plan users the plan's approach to selecting locations for development, although paragraph 4.11 would benefit from a cross reference to Policies MB16 and MB18. I am recommending that the policy wording should be deleted and paragraphs 4.9 – 4.12 retained and revised.

#### **Recommendation 4: Delete Policy MB2.**

**Delete “Policy MB2” from the title of the section.**

**Retain paragraphs 4.9 – 4.12 in the plan. Revise the second sentence of paragraph 4.11 to read: “*Policy MB16 sets out the requirements that will be considered in assessing new or improved community facilities. These should be located in or adjacent to the development boundaries.*”**

**Add the following to the end of paragraph 4.11: “*Policy MB18 sets out criteria that will be used in considering proposals for new or expanded business development.*”**

**Add the following to the end of Policy MB8: “*New housing development will be supported on previously developed land outside but adjacent to development boundaries where the development accords with Core Strategy Policy RA2.*”**

#### **Policy MB3: Conserving the Landscape and the Natural Environment**

- 3.16 The policy sets out a number of factors that are to be considered by developers to conserve, restore and enhance landscape character and the natural environment.
- 3.17 Criterion 3 states that Tree Preservation Orders will be made where any tree affected by the development has amenity value. I have sought the views of the Qualifying Body and HC on the application of this point. HC's Tree Officer has commented that that they would consider serving a TPO on trees that they consider have public amenity value where they may be impacted by a development proposal. Planning conditions may also be applied. I have recommended a revision to reflect this advice.
- 3.18 Criterion 5 states that important views should be identified and protected. HC has commented that the term is subjective and ask whether key views have been identified with evidence that that they are important. The Qualifying Body has commented to say that it would be for the developer to assess the impact of the development on important views.

- 3.19 This approach is more subjective as it leaves it to the developer to determine if there are any views that may be affected by the development. However, I agree with the Qualifying Body that this approach is valid and a Design and Access Statement should give consideration to the impact of the development from nearby higher land and on the village setting.
- 3.20 The policy addresses matters of local importance and is in conformity with and builds on Core Strategy Policies SS6, LD1 – LD3.

**Recommendation 5: Revise Policy MB3 as follows:**

**Revise the final sentence of criterion 3 to read: “A Tree Preservation Order *should be made to safeguard* any tree that has *public* amenity value that is affected by a development proposal. *Planning conditions may also be applied.*”**

**Policy MB4: Protecting Heritage Assets**

- 3.21 The policy seeks to preserve and enhance the significance of heritage assets by requiring archaeological investigation where appropriate: resisting development that adversely affects features or the setting of listed buildings or other similar heritage assets; and ensuring every effort is made to retain and conserve buildings and heritage assets of local importance.
- 3.22 Criterion 1 calls for full archaeological investigations to accompany appropriate development proposals. It is considered that this does not accord with NPPF paragraph 189 which states that:

*“The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance..... Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

It is recommended that criterion 1 should be revised to “appropriate” archaeological investigations.

- 3.23 Historic England has responded to the consultation to say: *“We commend the general emphasis given to the maintenance of local distinctiveness and the conservation of landscape character, building upon the findings of the Herefordshire Landscape Character Assessment and also the recognition afforded to locally important heritage assets. The commitment to support well designed locally distinctive development that is sympathetic to the character of the area including its rural landscape character, views and green spaces is*



*equally commendable. The recognition of the importance of Historic Farmsteads being sustainably and sensitively converted and of the need to take account of archaeological remains is also welcomed.”*

- 3.24 Otherwise, the policy addresses matters of local importance and is considered to be in conformity with and builds on Core Strategy Policy LD4. It would be helpful to plan users to include a cross reference from the justification to the Core Strategy Policy.

**Recommendation 6: Revise Policy MB4 as follows:**

**Revise criterion 1 to read: “...to be accompanied by *appropriate archaeological investigations.....*”**

**Add the following at the end of paragraph 5.7: “*Policy LD4 of the Core Strategy sets out further requirements on development affecting heritage assets.*”**

**Policy MB5: Foul and Storm Water Drainage**

- 3.25 The policy addresses the need to demonstrate that foul and storm water drainage can be provided satisfactorily. The second part of the policy addresses the consideration of the flood risk tests and the avoidance of development in flood zone 3.
- 3.26 The justification describes the local matters of concern about drainage and flood risk. Whilst the policy sets out an appropriate summary of the local requirements, it would be helpful to plan users to include reference to Core Strategy Policies SD3 and SD4 which set out more detailed requirements.

**Recommendation 7: Add the following to paragraph 5.8:**

***“Further details of the considerations for avoiding flood risk areas and managing foul and surface water drainage are set out in Core Strategy Policies SD3 and SD4.”***

**Policy MB6: Protection of Local Green Space/Open Space**

- 3.27 The policy designates two areas as Local Green Space, paragraph 5.9 describes the reasons for considering the sites to be special to the community. Furthermore the sites are adjacent to the village of Wormelow and are not extensive tracts of land. I am satisfied that the sites satisfy the requirements of NPPF paragraph 100. The title of the policy could be simplified to delete reference to “Open Space”.
- 3.28 NPPF paragraph 101 states that policies for managing development within a Local Green Space should be consistent with those for Green Belts. NPPF

paragraph 143 provides the policy governing development in the Green Belt, stating that inappropriate development should not be approved except in very special circumstances. I am recommending the inclusion of the wording “except in very special circumstances” to ensure the policy reflects the national policy on development in Green Belts.

**Recommendation 8: Revise Policy MB6 as follows:**

**Add the following to the end of the final paragraph of the policy “*except in very special circumstances.*”**

**Delete “/Open Space” from the title of Policy MB6.**

**Policy MB7: Renewable and Low Carbon Energy Generation**

- 3.29 The policy encourages domestic scale renewable energy proposals where they do not have a significant adverse effect upon local amenity or heritage assets. It sets out 8 criteria to be used in the consideration of small scale proposals that would benefit the community or the needs of local businesses.
- 3.30 The final paragraph notes that no sites have been identified as suitable for large or medium scale wind power generation, although individual small scale turbines may be permitted.
- 3.31 Neighbourhood Plan policies cannot indicate whether planning permission should be granted for a particular form of development. NPPF paragraph 2 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan consists of the Local Plan as well as the Neighbourhood Plan and there may be other matters that have to be considered before granting planning permission. A modification is proposed to avoid this form of wording to take account of national policy.

**Recommendation 9: Revise Policy MB7 as follows:**

**Revise the last sentence of the policy to read: “ .....may be *supported* where they meet the above criteria.”**

**Policy MB8: Housing Development in Much Birch, King’s Thorn, Wormelow and The Cleaver**

- 3.32 The policy identifies development boundaries around Much Birch, King’s Thorn, Wormelow and The Cleaver and these are shown on the Policies Maps. New housing is to be “restricted to sensitive infilling” in the development boundaries where it complies with other policies of the plan. Outside the development boundaries residential development is to accord with Core Strategy Policy RA3 (Housing in the Countryside).

- 3.33 I consider that the wording of the policy is imprecise. I have made recommendations to avoid the use of the terms “restricted” and “permitted”. It would also be helpful to plan users to include reference to Core Strategy Policies RA5 on the Re-use of Rural Buildings and H2 on Rural Exceptions Sites.
- 3.34 A representation has been received that the Much Birch development boundary should be enlarged to include two sites on the north-western edge that have recently received planning permission. The Qualifying Body has responded to the representation to state that they would have no objection to the extension to include these sites.
- 3.35 A representation has been received noting that the site included under Policy MB9 at Tump Lane is outside the development boundary and greater clarity should be given in the MBNDP to the development requirements for the site. I have noted that paragraph 6.14 states that planning permission was granted on appeal for the development of 20 dwellings on the site with an agreement that 10 of these should be affordable. The inclusion of the site as a housing commitment will ensure that it continues to be acceptable in principle. The development of the site could be considered as a Rural Exceptions Site under Core Strategy Policy RA3. I am satisfied that there is no necessity to create a development boundary about this cluster of housing.
- 3.36 A representation has been received requesting that the Pilgrim Hotel and its grounds should be included in the development boundary to facilitate a small scale housing development that would help support the Council’s housing requirement and provide enabling development to support the continued use of the hotel. The Qualifying Body has noted that the site was not submitted for consideration in the call for sites; HC has confirmed that planning permission was granted for five dwellings in October 2020. The decision took into account the policies of the submission draft MBNDP. It is considered that here is no need to revise the development boundary in the area around the Pilgrim Hotel and the adjacent housing.
- 3.37 I have noted that the hotel is adjacent to a cluster of housing outside of and detached from the development boundary of the village of Much Birch. The Qualifying Body has responded to the representation to say that they consider that a development boundary should not be defined for this cluster of development to be consistent with their approach across the plan area. I concur with their approach and I am satisfied that the development boundaries have been drawn up taking into account the criteria set out in Core Strategy Policy RA2. I make no recommendation to define a development boundary in the area of the Pilgrim Hotel.

**Recommendation 10: Revise Policy MB8 as follows:**

***“New housing development will be supported within the development boundaries of Much Birch, King’s Thorn, Wormelow and The Cleaver, as shown on the Policies Maps, where it constitutes sensitive infilling.*”**

***Land outside the development boundaries will be regarded as countryside, where new housing development will only be supported where it complies with Core Strategy Policies RA3, RA5 or H2.”***

***Include recommendation from Policy MB2: “New housing development will be supported on previously developed land outside but adjacent to development boundaries where the development accords with Core Strategy Policy RA2.***

***Include recommendation from Policy MB12: “New housing development in the countryside should avoid the coalescence of settlements.”***

**Revise the development boundary at Much Birch to include the sites with planning permission under 170308/F and 200975/F.**

### **Policy MB9: Housing Site Allocations**

- 3.38 The policy includes three sites for housing development. All three sites have received planning permission and are included as commitments and have the potential to accommodate 45 dwellings. The SEA gave consideration to 39 other site options that were submitted in the Call for Sites. However, none have been selected for allocation. The three sites identified under Policy MB9 already had planning permission when the sites assessment was undertaken.
- 3.39 Table 1 sets out the housing requirement for the plan area of 57 dwellings. HC has provided me with an update of these figures at 1 April 2020. There were 18 dwellings completed and 54 commitments, including the three sites shown in the policy. An estimate of 3 dwellings for windfall development is included giving a potential minimum total of 75 dwellings. I am satisfied that there are sufficient commitments in the Plan area to deliver in excess of the housing requirement and no further allocations are required. It is recommended that the figures should be updated before the Plan is made.
- 3.40 The Qualifying Body has confirmed that housing development at site 1 at the former Mushroom Farm, The Cleaver has commenced.
- 3.41 A representation has been made seeking the allocation of a parcel of land at Wormelow Tump for between 5 and 9 dwellings. It is argued that the sites in Policy MB9 that have planning permission are not likely to be deliverable; that additional sites are needed to help deliver Herefordshire’s housing land supply, including a 20% buffer; that the development boundaries are restrictive and do not provide sufficient sites for small scale infill development and do not conform with national or strategic policies.
- 3.42 I have considered the points made in the representation and the response made by the Qualifying Body. The site is part of a larger site that was considered by the Qualifying Body in its Meeting Housing Need and Site Assessment Report. My role is to consider whether the MBNDP satisfies the

Basic Conditions, it is not my role to consider whether any additional housing sites should be allocated in the Plan. As stated under Policy MB8, I am satisfied that the approach to designating development boundaries accords with national and strategic policies. I am satisfied that the MBNDP makes provision to deliver in excess of the housing requirement set out in the Core Strategy. It is not the role of neighbourhood plans to make up any shortfall in the housing land arising elsewhere in the Local Authority area.

- 3.43 I am recommending that the wording of the policy should be revised to improve its clarity and to make it explicit that the three sites are commitments. The key to the Policies Maps should be revised accordingly.

**Recommendation 11: Revise Policy MB9 as follows:**

**Revise the first line of the policy to read: “The following sites are included as housing commitments:”**

**Revise the title of the Policy to “Housing Commitments”**

**Revise the key to the Policies Map to read “Housing commitments”.**

**Update paragraph 6.11 and Table 1.**

**Policy MB10: Meeting Housing Needs**

- 3.44 The policy sets out the size, type and tenure of housing that will be sought to meet local housing needs. A modification is recommended to the first sentence of the policy to improve its clarity.
- 3.45 The policy relies on the evidence from the Council’s Housing Market Assessment 2012 and notes that regard should be given to more up to date housing needs surveys. A Local Housing Needs Survey was undertaken in 2017 as part of preparing the MBNDP and the findings are summarised in paragraph 6.21 under Policy MB11. My recommendation under that policy is for the paragraph to be placed under this policy following Table 2.
- 3.46 Core Strategy Policy H3 on the range and mix of housing units sets a threshold of 50 dwellings before the requirements are applied. Policy MB10 is to be applied to sites of 5 or more dwellings. However, the policy is less prescriptive than the Core Strategy policy in that it seeks a contribution to the identified types of housing instead of setting a requirement. I consider that the policy sets out a suitable framework to provide a focus on the types, sizes and tenures of new housing in order to encourage a suitable mix of housing to come forward to meet local housing need. I consider that it does not conflict with Core Strategy Policy H3.

**Recommendation 12: Revise Policy MB10 as follows:**

**Delete “and, in particular, to meet local housing need.” from the first sentence of Policy MB10.**

**Policy MB11: Affordable, including Intermediate Homes**

- 3.47 This policy sets out the policy on local needs connections. It is a housing lettings policy and not a planning policy. As such it is not appropriate for inclusion in a Neighbourhood Development Plan. It is recommended that it should be deleted from the plan itself but may be included as a Community Action in Appendix 2 of the Plan.
- 3.48 Paragraph 6.21 includes evidence from a local housing needs survey carried out in December 2017 which should be included in the justification to Policy MB10 after Table 2, revised as necessary to refer to the Community Action.
- 3.49 Paragraph 6.22 refers to proposals complying with other policies in the MBNDP. This should state “the development plan” as policies in the Core Strategy may also need to be considered. The paragraph relates to design considerations and would be more appropriate under Policy MB12.

**Recommendation 13: Delete Policy MB11.**

**Move the policy text to Appendix 2 (Community Actions and Infrastructure). The text from Policy MB11 should be introduced as follows: “*The Parish Council will work with HC Housing Services to agree a local lettings connections policy as follows:.....*”**

**Move paragraph 6.21 to the justification to Policy MB10 after Table 2 and before paragraph 6.20. Delete the second sentence (The criteria set out...) and revise it to refer to Appendix 2.**

**Move paragraph 6.22 to the justification to Policy MB12 before paragraph 6.23 and revise the first sentence to read: “...other policies set out in *the development plan*.”**

**Policy MB12: Housing Design and Appearance**

- 3.50 The policy sets out criteria to be taken into account in considering proposals for new dwellings, conversions and extensions.
- 3.51 Criterion 9 concerns the location of development rather than the design of housing. It is a matter that would be more appropriate in considering proposals outside the development boundaries. I am recommending that it should be added to the end of Policy MB8.

- 3.52 Criterion 10 refers to visual landscape assessments being undertaken, where appropriate, to retain important views, vistas and panoramas. The usual name for these assessments is “Landscape and Visual Impact Assessment” and I am recommending that this term be used. They can help identify the effects of new developments on views and on the landscape itself. As noted under Policy MB3, the Plan has not identified important views.
- 3.53 To enable decision makers to use the policy consistently, it would be helpful if it was informed by local design guidance such as a Village Design Statement. However, the Qualifying Body has commented that “*Given the breadth of housing designs within the parish, absence of any areas defined as conservation areas, and significant proportion of relatively modern housing within settlements, there is a general absence of any locally distinctive groupings of dwellings. The approach needs to be based upon site specific design assessments, which is the approach taken within NDP Policy MB12.*”
- 3.54 It is considered that subject to the recommended modifications, the policy conforms with national planning policy on Design and Core Strategy Policy SD1.

**Recommendation 14: Revise Policy MB12 as follows:**

**Delete criterion 9 and add the following to Policy MB8: “*New housing development in the countryside should avoid the coalescence of settlements.*”**

**Revise criterion 10 to read: “...undertake *Landscape and Visual Impact Assessments*....”**

**Policy MB13: Sustainable Design for Housing**

- 3.55 The policy sets out matters which development proposals could include to achieve a high standard of sustainable design. The title of the policy states that the policy relates to housing. However, the first sentence of the policy refers to “any development”. To improve the clarity of the policy, it is recommended that the first paragraph of the policy should be revised to make it explicit that it relates to housing development.
- 3.56 It is considered that subject to the recommended modifications, the policy conforms with national planning policy on Design and Core Strategy Policy SD1.

**Recommendation 15: Revise Policy MB13 as follows:**

**Revise the first sentence of the policy to read: “...footprint of *new housing development.*”**

### **Policy MB14: Traffic Measures within the Parish**

- 3.57 The policy sets out transport improvements that the Parish Council will seek to deliver by working with Herefordshire Council and Highways England.
- 3.58 The policy is not a development plan policy and should be included in Appendix 2 on Community Actions and Infrastructure.

#### **Recommendation 16: Delete Policy MB14.**

**Move the Policy and its justification to Appendix 2 (Community Actions and Infrastructure).**

### **Policy MB15: Highway Design Requirements**

- 3.59 The policy sets out highway design considerations to be taken into account in the design of development proposals.
- 3.60 I am recommending a modification to the first sentence of the policy to improve its clarity.
- 3.61 Criterion 6 refers to proposals avoiding indiscriminate parking and addressing the reduction of on-street parking. These are not matters that can be addressed when considering individual development proposals. I am recommending that the criterion is revised so that it refers to the provision of adequate on-site parking provision.
- 3.62 Criterion 7 has a typographical error.
- 3.63 It is considered that subject to the recommended modifications, the policy conforms with national planning policy and Core Strategy Policy MT1.

#### **Recommendation 17: Revise Policy MB15 as follows:**

**Revise the first sentence to read: “Development proposals should ensure:”**

**Revise criterion 6 to read: “Proposals should provide adequate on-site parking in accordance with Herefordshire Council’s parking standards.”**

**Revise criterion 7 to read: “Internal road layouts *should* comply ....”**

### **Policy MB16: Protection and Enhancement of Community Facilities and Services**

- 3.64 The first part of the policy seeks to retain and protect key community facilities and services including open spaces. A list of community facilities is included in the policy. I have a number of concerns about the wording of this policy.



- a) Planning policies cannot safeguard services. In response to my question on the subject, the Qualifying Body has stated that their intention was to protect a service use that might be restricted by an adjacent new development such as new housing development close to an existing village hall or pub. However, I am not convinced that these examples serve to justify the case for including services in the policy. Community facilities in villages are usually close to housing development and each facility will provide for a variety of services which may change over time. In any case, it is usual practice for decision makers to give consideration to the impact of any nearby noise generating uses to the suitability of a site for housing development.
- b) Policy MB16 refers to the retention of open spaces but these are not included in the list of community facilities. The two main open spaces are in any case safeguarded under Policy MB6 as Local Green Spaces. A reference to Core Strategy Policy OS3 (which sets out the principles to be taken into account in considering proposals for the loss of open space) would help to clarify this aspect of the policy with respect to any other open spaces in the plan area.
- c) The policy supports “enabling development” to enhance the viability of facilities, however, no explanation is given as to how this is to be implemented to ensure the continued use of the community facility. The Qualifying Body has referred to a recent planning application for housing development in the grounds of the Pilgrim Hotel. However, no evidence has been presented about how this housing development would constitute enabling development and how it would be used to support the future use of the hotel. It does not appear that this factor has been taken into account in considering the development proposal.
- d) It is considered that this aspect of the policy is not worded sufficiently clearly so that it could be used consistently by decision makers. It is therefore recommended that reference to “enabling development” should be deleted from the policy.
- e) The final paragraph of the policy states that the loss of these key services or facilities will be opposed unless it is clear that the service or facility is no longer viable. However, it does not address how this is to be evidenced.

3.65 Planning policies can be used to safeguard existing community facilities and to set out the principles to be considered in determining applications that would result in their loss or replacement. Core Strategy Policy SC1 provides a clear approach to the consideration of proposals that would result in the loss of a community facility and I am recommending that it should be referenced from Policy MB16.

3.66 The second part of the policy sets out four criteria to be used in considering new or improved community facilities. I consider that these conform to national and strategic policies.

- 3.67 Paragraph 8.2 includes a statement on the limited amount of open space in the plan area. However, there is no policy provision in the MBNDP to require more open space. In response to my question on the matter, the Qualifying Body has commented that there may be a need to provide small areas of open space within new developments. To rectify the omission, it is recommended that reference to Core Strategy Policy OS2 (which makes provision for additional new open space to meet local needs) should be included in the justification.
- 3.68 The justification highlights the need for more car parking at the school, community hall and doctors' surgery. No proposals are included in the MBNDP to address these needs. Any planning applications would therefore be considered against other policies in the development plan. To ensure consistency between the policy and justification, it is recommended that the Primary School should be included in the list of community facilities. The community facilities listed and their curtilages should be shown on the Policies Maps.

**Recommendation 18: Revise Policy MB16 as follows:**

**Delete the first and third paragraphs of the policy and replace them with: “*The following existing community facilities should be safeguarded and retained. Any proposals affecting these facilities or resulting in their loss will be considered in accordance with Core Strategy Policy SC1:*”**

**Add “*Much Birch Church of England Primary School*” to the List of facilities.**

**Delete “and services” from the second paragraph of the policy.**

**Revise paragraph 8.2 as follows:**

- **Delete “and services” from the first sentence.**
- **Revise the fifth and following sentences to read: “*Core Strategy Policy SC1 encourages developments that might increase the viability of existing facilities, for example through diversification. The community would not wish..... that they are no longer viable. Core Strategy Policy SC1 sets out the provisions for considering proposals that would result in the loss of community facilities. The two areas of open space in the parish are safeguarded as Local Green Space. Proposals that would result in the loss of any other areas of open space should be considered against Core Strategy Policy OS3. More open space may be required to meet the needs of the community and should be provided in accordance with Core Strategy Policy OS2. The provision of car parking..... and surgery.*”**

**Show the community facilities and their curtilages on the Policies Maps.**

### Policy MB17: Contributions to Community Facilities

- 3.69 The policy sets out a general approach to the use of developer contributions towards providing the necessary community infrastructure to address the demands that development makes on the area. The justification makes reference to the sections in the HC Planning Obligations SPD on community halls and open space. The final sentence of the justification adds that contributions may also be sought to implement traffic and road safety improvements.
- 3.70 The NPPG states that “*Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy*”. Core Strategy Policy ID1 provides the framework for seeking developer contributions through S106 or CIL.
- 3.71 It is considered that as the policy is in general terms only, it accords with national and Core Strategy Policy ID1. No modifications are recommended.

### Policy MB18: Rural Enterprises, Diversification and Tourism

- 3.72 The policy encourages the development or expansion of rural businesses of a suitable scale and character. It sets out 9 criteria to be used in assessing the suitability of the proposal.
- 3.73 It is considered that the policy accords with NPPF guidance in paragraphs 83-84. The policy provides locally specific considerations that build on and are in conformity with Core Strategy Policies RA6, E1 and E4.
- 3.74 My only concerns are with the grammar of the opening paragraph and that of criterion 8. There is a typographical error in paragraph 9.2. I have made recommendations to improve the clarity of these sections.

#### Recommendation 19: Revise Policy MB18 as follows:

**Revise the first sentence of the policy to read: “*Proposals for the creation of new rural businesses and the expansion of existing businesses, including the diversification of businesses and the development of tourism related businesses, will be encouraged where they are suitable.....*”**

**Revise criterion 8 to read: “Not generate traffic that *would* adversely affect the amenity of residents or require *highway improvements that would lead to* the loss of important landscape features.”**

**Revise the first sentence of paragraph 9.2 to read: “This policy places emphasis upon *the scale...*”**

### **Policy MB19: Home-based businesses**

- 3.75 The policy provides a framework for considering proposals for home based enterprises that require planning permission.
- 3.76 It is considered that the policy provides locally specific considerations and accords with strategic policies. No modifications are proposed.

### **Policy MB20: Broadband and Telecommunication Infrastructure**

- 3.77 The policy provides support to appropriately designed and located proposals for broadband equipment and mobile telephone equipment. It also requires new development to provide suitable ducting to facilitate telecommunication and fibre connectivity.
- 3.78 The policy supports the improvement of telecommunications infrastructure in accordance with national policy. No modifications are proposed.

### **Appendix 2**

- 3.79 As a consequence of my recommendation to move Policy MB14 to Appendix 2, the Parish Council has proposed revisions to Appendix 2 to avoid duplication.

### **Recommendation 20: Revise Appendix 2**

**Revise the heading “Enabling Associated Measures” to read “*Other Associated Measures*”.**

**Delete points 1, 2, 4 and 5.**

**Delete paragraph A2.3. Move the text “The Parish Council has lobbied.... to be achieved.” to the beginning of paragraph 7.2 (to be renumbered)**

## 4.0 Referendum

- 4.1 The Much Birch Neighbourhood Development 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 Development 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 Much Birch 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. I have been mindful that parts of Kingsthorpe and Wormelow villages lie in adjacent parishes. I have considered whether any of the policies or proposals in the MBNDP would affect residents of the villages adjacent to the Plan area.
- 4.5 In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by Herefordshire Council on 16 August 2016.

## 5.0 Background Documents

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

- Much Birch Neighbourhood Plan Submission Draft Version 2011- 2031
- Much Birch Neighbourhood Plan Basic Conditions Statement March 2020
- Much Birch Neighbourhood Plan Environmental Report March 2020
- Much Birch Neighbourhood Plan HRA Report March 2020
- Much Birch Neighbourhood Plan Consultation Statement March 2020
- Much Birch Parish Policies Map
- Much Birch Village Policies Map
- Much Birch/The Cleaver Village Policies Map
- Kingsthorpe Village Policies Map
- Wormelow Village Policies Map
- Much Birch Neighbourhood Development Plan Housing Needs Survey Report 2017
- Much Birch Neighbourhood Plan Meeting Housing Need and Site Assessment Report April 2019
- 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
- Planning Obligations Supplementary Planning Document April 2008

## 6.0 Summary of Recommendations

**Recommendation 1:** Revise the commencement date of the Plan to the year it is made on the front cover and elsewhere in the documentation.

**Recommendation 2:** Include the Parish Policies Maps in the Plan. Number the site allocations as shown in Policy MB9.

Revise the title of Appendix 2 to read: “*Community Actions and Infrastructure*”.

Revise paragraph A2.1 to read: “The following are actions to be pursued by Much Birch Parish Council. *They do not form part of the Neighbourhood Development Plan but include measures to support the growth proposed and to address community needs in terms of facilities, services and key infrastructure.*”

**Recommendation 3:** Delete “strategic” from paragraph 4.7.

**Recommendation 4:** Delete Policy MB2.

Delete “Policy MB2” from the title of the section.

Retain paragraphs 4.9 – 4.12 in the plan. Revise the second sentence of paragraph 4.11 to read: “*Policy MB16 sets out the requirements that will be considered in assessing new or improved community facilities. These should be located in or adjacent to the development boundaries.*”

Add the following to the end of paragraph 4.11: “*Policy MB18 sets out criteria that will be used in considering proposals for new or expanded business development.*”

Add the following to the end of Policy MB8: “*New housing development will be supported on previously developed land outside but adjacent to development boundaries where the development accords with Core Strategy Policy RA2.*”

**Recommendation 5:** Revise Policy MB3 as follows:

Revise the final sentence of criterion 3 to read: “A Tree Preservation Order *should be made to safeguard* any tree that has *public* amenity value that is affected by a development proposal. *Planning conditions may also be applied.*”

**Recommendation 6:** Revise Policy MB4 as follows:

Revise criterion 1 to read: “...to be accompanied by *appropriate* archaeological investigations.....”

**Add the following at the end of paragraph 5.7: “*Policy LD4 of the Core Strategy sets out further requirements on development affecting heritage assets.*”**

**Recommendation 7: Add the following to paragraph 5.8:**

**“*Further details of the considerations for avoiding flood risk areas and managing foul and surface water drainage are set out in Core Strategy Policies SD3 and SD4.*”**

**Recommendation 8: Revise Policy MB6 as follows:**

**Add the following to the end of the final paragraph of the policy “*except in very special circumstances.*”**

**Delete “/Open Space” from the title of Policy MB6.**

**Recommendation 9: Revise Policy MB7 as follows:**

**Revise the last sentence of the policy to read: “*.....may be supported where they meet the above criteria.*”**

**Recommendation 10: Revise Policy MB8 as follows:**

**“*New housing development will be supported within the development boundaries of Much Birch, King’s Thorn, Wormelow and The Cleaver, as shown on the Policies Maps, where it constitutes sensitive infilling. Land outside the development boundaries will be regarded as countryside, where new housing development will only be supported where it complies with Core Strategy Policies RA3, RA5 or H2.*”**

**Include recommendation from Policy MB2: “*New housing development will be supported on previously developed land outside but adjacent to development boundaries where the development accords with Core Strategy Policy RA2.*”**

**Include recommendation from Policy MB12: “*New housing development in the countryside should avoid the coalescence of settlements.*”**

**Revise the development boundary at Much Birch to include the sites with planning permission under 170308/F and 200975/F.**

**Recommendation 11: Revise Policy MB9 as follows:**

**Revise the first line of the policy to read: “*The following sites are included as housing commitments:*”**

**Revise the title of the Policy to “*Housing Commitments*”**

**Revise the key to the Policies Map to read “*Housing commitments*”.**

**Update paragraph 6.11 and Table 1.**



**Recommendation 12: Revise Policy MB10 as follows:**

Delete “and, in particular, to meet local housing need.” from the first sentence of Policy MB10.

**Recommendation 13: Delete Policy MB11.**

Move the policy text to Appendix 2 (Community Actions and Infrastructure). The text from Policy MB11 should be introduced as follows: “*The Parish Council will work with HC Housing Services to agree a local lettings connections policy as follows:.....*”

Move paragraph 6.21 to the justification to Policy MB10 after Table 2 and before paragraph 6.20. Delete the second sentence (The criteria set out...) and revise it to refer to Appendix 2.

Move paragraph 6.22 to the justification to Policy MB12 before paragraph 6.23 and revise the first sentence to read: “...other policies set out in *the development plan*.”

**Recommendation 14: Revise Policy MB12 as follows:**

Delete criterion 9 and add the following to Policy MB8: “*New housing development in the countryside should avoid the coalescence of settlements.*”

Revise criterion 10 to read: “...undertake *Landscape and Visual Impact Assessments*....”

**Recommendation 15: Revise Policy MB13 as follows:**

Revise the first sentence of the policy to read: “...footprint of *new housing development*.”

**Recommendation 16: Delete Policy MB14.**

Move the Policy and its justification to Appendix 2 (Community Actions and Infrastructure).

**Recommendation 17: Revise Policy MB15 as follows:**

Revise the first sentence to read: “Development proposals should ensure:”

Revise criterion 6 to read: “Proposals should provide adequate on-site parking in accordance with Herefordshire Council’s parking standards.”

Revise criterion 7 to read: “Internal road layouts *should comply ....*”

**Recommendation 18: Revise Policy MB16 as follows:**

Delete the first and third paragraphs of the policy and replace them with:  
***“The following existing community facilities should be safeguarded and retained. Any proposals affecting these facilities or resulting in their loss will be considered in accordance with Core Strategy Policy SC1:”***

Add ***“Much Birch Church of England Primary School”*** to the List of facilities.

Delete ***“and services”*** from the second paragraph of the policy.

Revise paragraph 8.2 as follows:

- Delete ***“and services”*** from the first sentence.
- Revise the fifth and following sentences to read: ***“Core Strategy Policy SC1 encourages developments that might increase the viability of existing facilities, for example through diversification. The community would not wish..... that they are no longer viable. Core Strategy Policy SC1 sets out the provisions for considering proposals that would result in the loss of community facilities. The two areas of open space in the parish are safeguarded as Local Green Space. Proposals that would result in the loss of any other areas of open space should be considered against Core Strategy Policy OS3. More open space may be required to meet the needs of the community and should be provided in accordance with Core Strategy Policy OS2. The provision of car parking..... and surgery.”***

Show the community facilities and their curtilages on the Policies Maps.

**Recommendation 19: Revise Policy MB18 as follows:**

Revise the first sentence of the policy to read: ***“Proposals for the creation of new rural businesses and the expansion of existing businesses, including the diversification of businesses and the development of tourism related businesses, will be encouraged where they are suitable.....”***

Revise criterion 8 to read: ***“Not generate traffic that would adversely affect the amenity of residents or require highway improvements that would require the loss of important landscape features.”***

Revise the first sentence of paragraph 9.2 to read: ***“This policy places emphasis upon the scale...”***

**Recommendation 20: Revise Appendix 2**

Revise the heading ***“Enabling Associated Measures”*** to read ***“Other Associated Measures”***.

Delete points 1, 2, 4 and 5.

**Delete paragraph A2.3. Move the text “The Parish Council has lobbied.... to be achieved.” to the beginning of paragraph 7.2 (to be renumbered).**