

Walford Neighbourhood Development Plan

Independent Examiner's Report

January 2023

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Summary

I have been appointed by Herefordshire Council to carry out an independent examination of the Walford Neighbourhood Development Plan.

The examination was carried out between November 2022 and January 2023 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Plan area on 22 November 2022.

Walford is a large rural parish in Herefordshire and lies just to the south of the market town of Ross on Wye. It includes a number of scattered settlements and borders the River Wye with about three quarters of the Parish lying within the Wye Valley Area of Outstanding Natural Beauty.

Subject to a number of modifications set out in this report, I conclude that the Neighbourhood Development Plan meets the Basic Conditions and I am pleased to recommend that it should proceed to referendum.

I recommend that the referendum should be confined to the Neighbourhood Development Plan area.

Barbara Maksymiw

Independent Examiner

January 2023

1. Introduction

1. Neighbourhood planning was introduced by the Localism Act 2011 and enables local communities to develop planning policies to guide development in their area and help to shape the places where they live and work.

2. Walford is situated just to the south of the market town of Ross on Wye and the River Wye lies on its western boundary. It is mainly rural in character and the majority of the parish lies within the Wye Valley AONB and has a population of around 1500 people focused on three settlements - Walford and Coughton, Bishopswood and Howle Hill.

3. The neighbourhood plan has been prepared in the context of the Herefordshire Core Strategy, adopted in 2015. It takes the opportunity to update the settlement boundary for Coughton and to define settlement boundaries for Bishopswood and Howle Hill for the first time. Within these boundaries, a modest amount of growth could be accommodated, thus ensuring that the development strategy set out in the Core Strategy is taken forward.

4. The purpose of this report is to assess whether the Neighbourhood Development Plan (NDP) complies with the relevant legislation and meets the Basic Conditions. Where necessary, the report makes recommendations about changes or modifications to the plan to ensure that it meets the legislative requirements.

5. The report also makes a recommendation about whether the NDP should proceed to the referendum stage. If there is a positive recommendation at referendum, the NDP can be “made” by Herefordshire Council and so become part of the wider development plan and then used by Herefordshire Council to determine planning applications in the plan area.

2. Appointment of the independent examiner

6. I have been appointed by Herefordshire Council, with the agreement of Walford Parish Council, to carry out this independent examination. The Neighbourhood Planning Independent Referral Service (NPIERS) has facilitated my appointment. I am a chartered town planner with extensive planning experience in local government and therefore have the appropriate qualifications and experience to carry out this examination. I am independent of the qualifying body and have no land interest in the area that might be affected by the plan.

3. The role of the independent examiner

7. The role of the independent examiner is to ensure that the submitted NDP meets the Basic Conditions together with a number of legal requirements.

8. In examining the NDP I am required, under Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990, to check ¹ that:

- the policies in the plan related to the development and use of land for a designated neighbourhood area; and
- the policies in the plan meets the requirements of Section 38 of the Planning and Compulsory Purchase Act (that is, it specifies the period to which it has effect, does not include provision about excluded development and does not relate to more than one neighbourhood area); and
- the plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

9. I must also consider whether the NDP meets the Basic Conditions set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). A plan meets the basic conditions² if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- the making of the plan contributes to the achievement of sustainable development
- the making of the neighbourhood plan is in general conformity with the strategic policies of the development plan for the area
- the making of the neighbourhood plan does not breach, and is otherwise compatible with European Union (EU) obligations

10. Regulations 32 and 33 of the Neighbourhood Planning Regulations 2012 (as amended) set out two additional basic conditions. These are:

- the making of the neighbourhood plan is not likely to have significant effects on a European site ³ or a European offshore marine site ⁴ either alone or in combination with other plans or

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

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

³ As defined in the Conservation of Habitats and Species Regulations 2012

⁴ As defined in the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007

projects and

- having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this does not apply to this examination as it is not about a neighbourhood development order).

11. A further Basic Condition was added by legislation on 28 December 2018. The Neighbourhood Planning (General) Regulations 2012 para 1 states:

- In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act
- 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.

12. As independent examiner, having examined the plan, I am required to make one of the following recommendations:

- that the plan as submitted can proceed to a referendum; or
- that the plan with recommended modifications can proceed to referendum; or
- that the plan does not meet the necessary legal requirements and cannot proceed to referendum

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

14. Herefordshire Council will consider the examiner's report and decide whether it is satisfied with the examiner's recommendations and will publicise its decision on whether the plan will be subject to referendum, with or without modifications. If a referendum is held and results in more than half of those voting in favour of the plan, the Council must "make" the neighbourhood plan a part of its development plan. The plan then becomes part of the development plan for the area and is a statutory consideration in guiding future development and determining planning applications in the area.

4. Compliance with matters other than the basic conditions

15. Walford Parish Council applied to Herefordshire Council to designate the parish of Walford as a Neighbourhood Area on 12 September 2012 and it was formally designated as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012 on 7 November 2012. The designated area covers the whole parish and does not cover any other Neighbourhood Area. The plan covers the period from 2011 to 2031, which aligns with the timespan of the Herefordshire Core Strategy 2011 – 2031 which was adopted in October 2015.

16. The preparation of the plan has been managed by a Steering Group made up of members from the Parish Council and members of the local community. The group was supported by a professional planning consultant.

17. I am satisfied that the Neighbourhood Development Plan includes policies that relate to the development and use of land and does not include provision for any excluded development. The Walford NDP therefore meets the requirements set out in para 8 above.

5. The examination process

18. The documents which I considered during the course of the examination are listed in Appendix 1.

19. The general rule⁵ is that an examination is undertaken by the consideration of written representations only. Having considered all the information before me, including the representations made to the submitted plan (the Regulation 16 responses), I was satisfied that the Walford NDP could be examined without the need for a public hearing.

20. During the course of the examination it was necessary to clarify several matters with Herefordshire Council and the Parish Council. These are set out in Appendix 2 to this report. I was provided with prompt and helpful responses to my questions and I am satisfied that I had all the information I required to carry out the examination.

21. As part of the Neighbourhood Plan Examination process, it is important for the examiner to understand the context of the neighbourhood plan in the wider area and its overall character, as these shape the issues and policies set out in the plan. I therefore made an unaccompanied site visit to the area on 22 November 2022.

⁵ PPG para 004 ref id 41-004-20140306

22. The plan has been assessed against the guidance in the National Planning Policy Framework (NPPF) dated July 2021.

23. As part of this examination, my report includes a series of recommended modifications to ensure that the policies are expressed concisely and precisely in order to comply with the basic conditions. Where I have suggested modifications, these are identified in **bold text**. The recommended modifications relate mainly to issues of clarity and precision and are designed to ensure that the plan fully accords with national and strategic policies. I have considered the policies in the order they appear in the plan, by section and comment on all of the policies, whether I have suggested modifications or not. Where I consider that the supporting paragraphs need amendment to help explain and justify the plan policy, I have made comments to that effect.

6. Consultation

Consultation process

24. Effective consultation and engagement with the local community is an essential component of a successful neighbourhood plan, bringing a sense of public ownership to its proposals and helping to achieve consensus. The policies set out in the Neighbourhood Development Plan will be used as the basis for planning decisions – both on local planning and on planning applications – and, as such, legislation requires neighbourhood plans to be supported by public consultation.

25. In line with the Neighbourhood Planning (General) Regulations 2012⁶, the Steering Group has prepared a Consultation Statement for the NDP which sets out how the group approached public consultation.

26. The plan preparation process started in 2012, drawing on work that had already been done on the Parish Plan. The Steering Group formally launched the NDP work programme in winter 2019 with community consultation events taking place in February 2020 and April 2021. The Steering Group has consulted and engaged with the local community through consultation events in the village halls, leaflet drops, the use of social media and setting up a dedicated NDP website. Due to the Covid pandemic, the Steering Group adapted their consultation methods accordingly, for example by holding livestream events.

27. The Consultation Statement demonstrates that the Steering Group has fully engaged with the

⁶ Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

local community and kept people informed as the plan progressed. As a result, the community's vision for the parish reflects the views and priorities of the community. This is :

By 2031 the unique landscape character and settlement pattern of Walford Parish will be enhanced through small scale, sustainable development that meets the needs and desires of our community today and for future generations

Statutory consultations and representations received

28. Preparing the NDP has involved two statutory six-week periods of public consultation. The Regulation 14 consultation was held between 4 January and 16 February 2022. In all, 18 representations were received – ten from the local community and eight from statutory stakeholders.

29. The second consultation on the Submission Draft NDP was managed by Herefordshire Council and took place between 6 July and 31 August 2022. This generated 51 responses – four from internal service providers at Herefordshire Council, six from statutory consultees and 41 from members of the public.

30. Occasionally in this report I refer to representations and identify the organisation making that particular comment. However, I have not referred to every representation in my report. Nonetheless, I can assure everyone that each comment made has been looked at and carefully considered.

31. From the evidence in front of me, it is apparent that the Walford NDP has been subject to all the necessary public consultation, involving much extended time and effort by the Steering Group. I am therefore satisfied that the consultation process which has been followed complies with the requirements of the Regulations.

7. Compliance with the basic conditions

32. In my role as independent examiner I must assess whether the Neighbourhood Development Plan meets the Basic Conditions⁷ set out in the Regulations as described in paras 8-11 above.

33. I have considered the Walford Neighbourhood Development Plan Basic Conditions Statement produced on behalf of the Steering Group to assist my assessment which is set out below.

⁷ Para 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

National Policy

34. National planning policy is set out in the National Planning Policy Framework (NPPF) and in the supporting Planning Practice Guidance (PPG). At the heart of the planning system is a presumption in favour of sustainable development, which applies to all levels of plan making. For neighbourhood plans, this means that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to shape local development. Planning Practice Guidance⁸ states that all plans should be prepared positively, be shaped by effective engagement with the local community and contain policies which are clearly written and unambiguous. 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 for which it has been prepared.

Sustainable development

35. The qualifying body also has to demonstrate how a neighbourhood plan contributes to the achievement of sustainable development as set out in the NPPF⁹. Section 2 of the Basic Conditions Statement sets out an assessment of how the Neighbourhood Development Plan meets the objectives of sustainable development and I therefore conclude that this Basic Condition is met.

Development Plan

36. The NDP also has to demonstrate that it accords with the strategic policies of the Development Plan and the NPPF. Section 3 of the Basic Conditions Statement sets out this assessment.

37. From my assessment of the plan's policies in the rest of my report, it is evident that the strategic policies of the adopted Herefordshire Core Strategy have generally been carried through to the NDP. Therefore, subject to the recommended changes set out in Section 8 below, I conclude that the NDP is in general conformity with the strategic policies of the development plan and therefore this basic condition is met.

⁸ Planning Practice Guidance Paragraph: 041 Reference ID: 41-041-20140306

⁹ NPPF paragraph 16

European obligations and Human Rights Requirements

Strategic Environmental Assessment (SEA)

38. The SEA Directive aims to provide a high level of protection to the environment by ensuring that environmental considerations are included in the process of preparing plans and programmes. 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. 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 is made by the responsible authority that the plan is not likely to have “significant effects”.

39. Strategic environmental assessment of the NDP has been undertaken by Herefordshire Council. The Walford NDP area lies within the catchment of the River Wye Special Area of Conservation (SAC), which is a European designated site and therefore has the potential to affect its interest features. The Walford NDP area is also about three miles away from the Wye Valley and Forest of Dean Bat SAC which is a European designated site, and similarly has the potential to affect its interest features. An initial screening opinion in May 2013 concluded that the NDP would require a full Habitat Regulations Assessment (HRA).

40. A SEA of the draft Plan was undertaken in December 2021 and an Environmental Report was published for consultation at the same time as the draft NDP. An updated version was produced for the Submission Plan in May 2022.

42. This concludes that the submission Walford NDP is in general conformity with both national planning policy contained in the National Planning Policy Framework and strategic policies set within the Herefordshire Local Plan (Core Strategy). The plan proposes a level of growth which reflects the proportionate growth that is prescribed by strategic policies. Some revised wording changes were suggested to strengthen or clarify some policies areas as a result of the SEA.

43. Both the Appropriate Assessment and HRA conclude that the plan will have no adverse effect on the integrity of the SAC.

44. As the Environmental Report and the Appropriate Assessment prepared to support the NDP has been prepared in light of the updated basic condition referred to in para 11 above and local advice

obtained by Herefordshire Council, I conclude that the necessary legislative requirements have been met and that the basic condition is complied with.

Human rights requirements

45. The Basic Conditions Statement, in Section 4, briefly explains how the plan fulfils other EU human rights obligations.

46. I am satisfied, therefore, that the NDP is compatible with the requirements of EU obligations in relation to human rights and no evidence has been submitted to me to suggest otherwise. I am satisfied, then, that the Plan does not breach the European Convention on Human Rights obligations and therefore meets the Basic Conditions.

Other Directives

47. I am not aware of any other European Directives that would apply to this NDP, and in the absence of any evidence to the contrary, I am satisfied that the plan is compatible with EU obligations.

Basic Conditions Statement – conclusions

48. I have considered the Basic Conditions Statement and the supporting evidence and representations made to the Walford NDP and I am satisfied that the plan as submitted follows the general principles set out in national planning policy and contributes to the achievement of sustainable development. It sets out a positive vision for the parish and policies to protect its distinctive character while accommodating development needs.

49. At a practical level, however, some of the policies in the Submission NP need some minor adjustment to ensure that they comply with the NPPF and the strategic guidance in the adopted Local Plan Core Strategy. I have therefore suggested a number of modifications in Section 8 below, to help ensure that the plan accords with national and strategic guidance and therefore meets the basic conditions.

8. Neighbourhood Plan policies

50. This section of my report considers the NDP policies against the basic conditions.

51. The Plan is well presented and illustrated with photographs, with a clear structure distinguished by separate sections. The plan's policies are set out in sections 4-8 and are grouped into five topics.

The policies are presented in a consistent way, each with a short introduction and some justification. The policy itself is shown as separate text box. There are clear maps for each settlement, showing the new settlement boundaries and other relevant policies; these will be very useful for future users of the plan.

52. The plan is also supported by a comprehensive evidence base which is presented as Appendices to the document and on the NDP website.

1. Introduction, 2. Background to our parish 3. Issues and Options

53. These sections introduce the Neighbourhood Development Plan, explain why a NDP is being prepared, how it has been prepared and some useful background information about the parish. They also summarise how the community has been involved in preparing the plan.

54. The housing section on page 19 of the NDP explains the Steering Group's approach to meeting the Parish's housing needs. In response to my question regarding the latest housing land supply position, including recent appeal decisions, Herefordshire Council and Walford Parish Council have now provided updated information to April 2022. As a result, some amendments to paragraph 3.9 and the Table on page 63 are required.

- **Recommendation : Reword third sentence of paragraph 3.9 to read "Herefordshire Council has confirmed that between April 2011 and April 2022, 17 dwellings had been built and a further 48 had been granted planning permission". Delete last two sentences of paragraph 3.9. Add new sentence to read " Details are set out on the Table on Page 63"**
- **Recommendation : Reword table 2 on Page 63 to read :**

Table 2 : Achieving the Housing Target 2011-2031

	Number of dwellings
Housing Requirement 2011 – 2031: 91 Dwellings	
Dwellings built April 2011 to April 2022(Source Herefordshire Council)	17
Dwellings with planning permission April 2011 to April 2022 (Source Herefordshire Council)	48
Site Allocations*	
i) North side of Leys Hill Lane, Bishopswood	3
ii) Arthur’s Dingle adjacent to the B4234, Bishopswood	5
iii) Lower Field at Orchards Heights, Bishopswood.	3
iv) Off Watling Street, Ross-on-Wye	5
v) Land south of Cedar Grove, Coughton	5
Windfall allowance (See para 7. 20)	18
Estimated Housing Potential during Plan Period	104

4 Vision, Objectives and Strategic policies

55. This section sets out the vision and objectives of the NDP and the three overarching strategic policies.

Strategy for Sustainable Development within Walford Parish

Policy WALF1 Promoting Sustainable Development

56. Herefordshire Council has commented that clause g) of Policy WALF1 would benefit from a reference to supporting and encouraging walking and cycling as the mode of choice.

- **Recommendation : In Policy WALF1g), add “and support and encourag walking and cycling as the mode of choice.”**

Policy WALF2 Development Strategy

57. This policy sets out the development strategy for the Parish which focuses new development in the three settlements of Walford and Coughton, Bishopswood and Howle Hill and is consistent with the overarching development strategy of the Herefordshire Local Plan Core Strategy. Originally only the Coughton part of Walford and Coughton had a settlement boundary, but the NDP has taken the opportunity to update this and to add settlement boundaries for Bishopswood and Howle Hill .

58. This policy gives the impression that housing growth will be met predominantly through infilling, whereas a number of sites are also allocated in WALF1. Some minor rewording is therefore required to ensure consistency with other policies in the NDP.

- **Recommendation : In first paragraph of Policy WALF2, change “promoted” to “supported”; add “and site allocations” after “infilling”. Change “proposed” to “allocated” after “a site is” in second sentence.**

Policy WALF3 Major Development in the Wye Valley AONB

59. Clause WALF3c) provides advice on major development in the AONB “adjacent or close to a settlement” which is not sufficiently precise to comply with guidance in the NPPF. It should therefore be reworded to refer to directly to major development adjacent to the “settlement boundary” to provide more precise guidance for the decision maker.

- **Recommendation : In policy WALF3c), delete “or close” and add “boundary” after “settlement”**

5 Conserving and Enhancing the Natural and Historic Environment of the parish

Policy WALF4 Conserving the Landscape and Scenic Beauty of the parish

60. I have no comments on this policy.

Policy WALF5 Protecting Important Views within the Parish and the Settings of its Settlements

61. I have no comments on this policy.

Policy WALF6 Enhancement of the Natural Environment

62. The reference to the “favourable” conservation status of the Lower Wye Valley catchment in the last paragraph is superfluous and should be deleted. The remainder of the paragraph needs minor rewording to improve clarity.

- **Recommendation : In last paragraph of Policy WALF6 , delete “favourable” in the second sentence. In the third sentence, add “measures “ after “mitigation”. In the final sentence, add “in making any assessment” after “and associated guidance”**

63. A representation has suggested that the boundary of the Local Wildlife Site to the north of Howle Hill should be amended to include all of the plot which is woodland and is used solely for wildlife purposes. In response to my question, Herefordshire Council has confirmed that Local Wildlife Sites are designated in the Local Plan Core Strategy under policy LD2 Biodiversity and Geodiversity. They are mapped as such in Core Strategy Policies Map. Although a programme of works is underway to review all the Local Wildlife Sites, this has not been completed to date. Therefore, the existing boundaries remain the current ones and cannot be subject to alteration within the NDP process. No change is therefore required to the Local Wildlife Sites mapped on the Howle Hill Village Proposals Map.

Policy WALF7 Protecting Heritage Assets

64. This policy seeks to protect heritage assets and could be more clearly worded, to assist future users of the NDP.

- **Recommendation : Delete “the significance of” at the start of Policy WALF7. In clause e) delete “the effects of works will fit sensitively into” and replace with “works will sensitively reflect the existing garden design”**

Policy WALF8 Wastewater Drainage

65. I have no comments on this policy.

Policy WALF9 Protection from Flood Risk

66. I have no comments on this policy.

Policy WALF10 Sustainable Design

67. I have no comments on this policy.

Policy WALF 11 Renewable and Low Carbon Energy Generation

68. I have no comments on this policy.

6 Infrastructure

Policy WALF12 Highway Design Requirements

69. I have no comments on this policy.

Policy WALF 13 Traffic Measures within the Parish

70. I have no comments on this policy.

Policy WALF14 Protection and Enhancement of Community Facilities and Businesses serving the Local Community

67. I have no comments on this policy.

Policy WALF15 Contributions to community facilities

71. I have no comments on this policy.

Policy WALF16 High Speed Broadband and Telecommunications

72. I have no comments on this policy.

7 Providing New Homes

73. Walford (Coughton) is defined in the Herefordshire Core Strategy Policy RA2 as a settlement which will be the main focus for proportionate housing development. Bishopswood and Howle Hill are identified as other settlements where proportionate housing is appropriate. Walford Parish falls within the Ross-on-Wye Housing Market Area and the Local Plan Core Strategy sets a minimum proportional growth requirement of 91 new dwellings between 2011 and 2031.

74. As part of the preparation process for the neighbourhood plan, the Steering Group commissioned a comprehensive Meeting Housing Need and Site Assessment Report. This set out a number of options as to how housing growth could be accommodated in the parish and was subject to public consultation. As a result, the NDP has adopted a strategy of using suitable and available small sites and making a reasonable allowance for windfall sites. In total, five housing sites are allocated in Walford and Coughton, Bishopswood and on the edge of Ross on Wye.

75. Together with completions since 2011 and windfall sites coming forward during the course of the plan period, these allocated sites should provide sufficient housing to meet the parish's needs up to 2031.

76. I have commented on the individual allocated sites in my comments on policy WALF21 below.

Policy WALF17 Design and Appearance

77. I have no comments on this policy.

Policy WALF18 Housing Development in Walford and Coughton

78. To ensure a consistent approach with Policy WALF 19, the policy should not just refer to “sensitive infilling” but also include the site identified for development within the settlement boundary.

- **Recommendation : Add “and on the site allocated for development” after “sensitive infilling” in the first sentence of Policy WALF18**

Policy WALF18 Housing Development in Bishopswood

79. I have no comments on this policy.

Policy WALF18 Housing Development in Howle Hill

80. Policy WALF 20 makes reference to “infilling.....identified for development” yet there are no allocated sites in Howle Hill. This needs to be amended to provide clarity for future users of the plan.

- **Recommendation : Delete “identified for development “in second line of Policy WALF20**

81. A number of representations have been made regarding the settlement boundary on Church Lane – some saying it should be taken back to the dead end sign while others suggest it should be extended to include an additional housing site for three dwellings adjacent to The Old Kilns, Church Lane.

82. I saw from my site visit that Church Lane is a narrow lane located away from the main part of the village which is centred around Howle Hill Crossroads and Howle Hill’s Nursery. As such, the suggested site is not well related to the built-up form of Howle Hill and development here would extend development into the open countryside, with associated harm to the open countryside. Development of the site would also not constitute infilling as defined in Herefordshire Council’s Neighbourhood Planning Guidance Note 20 on settlement boundaries.

83. I have considered carefully the suggestion that the settlement boundary should be taken back to the dead end sign, but consider the proposed NDP boundary is a reasonable approach and is consistent with the way that settlement boundaries have been drawn up for the other clusters of Howle Hill and other settlements in the parish, such as Bishopswood.

84. I therefore conclude that no change is needed to the settlement boundary for Howle Hill.

Policy WALF21 Proposed Housing Sites

85. This policy allocates five housing sites to meet the housing requirements of the parish over the plan period up to 2031. The sites are spread across several small settlements and have been decided upon after a comprehensive site assessment process, which was the subject of public consultation as part of the preparation of the NDP. A number of representations were made about the allocated sites and other sites which could have been allocated.

86. In response to my query, the Steering Group has confirmed that paragraph 7.12 needs to be updated as it does not refer to the housing allocation at land south of Cedar Close, Walford and Coughton , which was added after the Reg 14 consultation .

- **Recommendation : In line 2 of Paragraph 7.12 , change “4” to “5”. In second sentence add “, Walford and Coughton” after “Bishopswood “ and change “16” to “21”**

Site WALF21A Land on North side of Leys Hill Lane, Bishopswood

Site WALF21B Land at Arthur’s Dingle, Bishopswood

SITE WALF 21C Land at Lower Fields, Orchards Heights, Bishopswood

87. Bishopswood comprises a number of homes lying on flattish land along the B4234, with more houses rising up the gentler lower slopes of Leys Hill overlooking the River Wye. I saw from my site visit that there are several infilling sites where new homes were already under construction within the new settlement boundary. The three allocated sites, identified as part of the site assessment process, will add to the supply of new homes to meet the housing needs of the parish. I therefore have no comments on the sites allocated as WALF21A to C.

Site WALF21D Land off Watling Street, Ross on Wye

88. I saw from my site visit that this is a low-lying site, situated below the brow of the ridge and immediately adjacent to the defined settlement boundary of Ross on Wye. The supporting information in paragraph 7.17 provides useful guidance for future users of the plan regarding how the site should be developed, taking account of, amongst other things, the adjacent playing field, the need for suitable landscape screening and protecting views from the south .

89. I therefore have no comments on this land allocation.

Site WALF21E Land South of Cedar Grove, Walford and Coughton

90. Walford and Coughton is identified in the Core Strategy as a main location for proportionate growth and I noted from my site visit that Walford Primary School is very close by and the main road, the B4234, runs through the village to Ross on Wye, which lies just over a mile to the north. It is therefore a sustainable location for growth and an appropriate location for modest new housing development, in line with the character of the settlement.

91. The land south of Cedar Grove, Coughton was originally referred to as Site 11 in the Site Assessment process. This included a comprehensive assessment of all relevant constraints. The site which was originally suggested has been reduced considerably in size as a result of community consultation and the NDP now allocates a much smaller site for around five dwellings. Some representations refer to another immediately adjacent site (site 21), but this is not proposed as an allocated site in the NDP.

92. I therefore have no comments on the allocation of Site WALF21E.

93. In addition to the five allocated sites, further housing will come forward through the development of windfall sites at a rate of about 2-3 a year. To add further to this source of supply, paragraph 7.20 refers to a Memorandum of Understanding between Ross on Wye Town Council and Walford Parish Council, whereby the former has agreed to notionally allocate up to 10 dwellings from its own expected excess provision to help meet any shortfall in Walford.

94. In response to my queries, Walford Parish Council has confirmed that the site off Watling Street, adjacent to the Ross on Wye settlement boundary is not provided under the Memorandum of Understanding – it is a land allocation in its own right. Herefordshire Council has stated that the Memorandum of Understanding between the two Councils has no legal basis and is, in effect, a “gentleman’s agreement”. The Ross on Wye NDP has additional supply over and above its housing requirements and can therefore accommodate some of the proportional growth of parishes on its boundary, including Walford. To help future users of the plan, this needs to be stated more precisely in the NDP.

- **Recommendation : In fourteenth line of paragraph 7.20, delete “a” and replace with “an informal”**

8 Supporting and Encouraging Business

Policy WALF22 Use of Rural Buildings for Business

95. I have no comments on this policy.

Policy WALF23 Polytunnel proposals

96. This policy provides guidance on polytunnel proposals and complements the guidance set out in Herefordshire Council's Polytunnels Guidance 2018. I suggest the NDP policy is strengthened to ensure it is aligned more fully with this advice and the strategic policies set out in the Herefordshire Core Strategy.

- **Recommendation: In second line of Policy WALF 23 add "seasonal" before "workers". Add a new Clause i) to read "All proposals should be accompanied by a full landscape assessment"**

9 Delivering the Plan

97. This section explains how the NDP will be delivered and how progress will be monitored. I have no comments to make

9. Conclusions and Recommendations

98. I have examined the Walford Neighbourhood Development Plan and I have concluded that, subject to the modifications set out in my report, it meets the basic conditions and other statutory requirements.

99. I am therefore pleased to recommend to Herefordshire Council that, subject to the modifications set out in my report, the Walford Neighbourhood Development Plan should proceed to referendum.

100. I am also required to consider whether the referendum area should be extended beyond the Walford Parish Council area. I see no reason why it would be necessary to alter or extend the plan area for the purposes of holding a referendum, nor have I received any representations to that effect. I therefore conclude that the plan should proceed to referendum based on the neighbourhood area approved by Herefordshire Council in November 2012.

APPENDIX 1: Background Documents

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

- Walford Neighbourhood Development Plan 2011-31: Submission Draft Plan – June 2022
- Environmental Report for Walford Neighbourhood Area : Herefordshire Council - May 2022
- Appropriate Assessment Report for Walford Neighbourhood Area : Herefordshire Council – May 2022
- Walford Neighbourhood Development Plan : Consultation Statement – June 2022
- Walford Neighbourhood Development Plan Basic Conditions Statement – June 2022
- Walford Neighbourhood Development Plan 2011-2031 : Meeting Housing Need and Site Assessment Report : Walford Neighbourhood Development Plan Steering Group - August 2020
- Neighbourhood Planning Guidance Note 20 : Guide to Settlement boundaries : Herefordshire Council : April 2013 - Revised June 2015
- Herefordshire Council's Polytunnels Guidance 2018
- Progression to Examination Decision Document : Herefordshire Council – September 2022
- Herefordshire Local Plan Core Strategy: Adopted October 2015
- National Planning Policy Framework (NPPF) July 2021
- Planning Practice Guidance March 2014 and subsequent updates

APPENDIX 2

Walford Neighbourhood Development Plan Examination

Request for further information and questions from the Examiner to Herefordshire Council and Walford Parish Council

1. Policy WALF3

Policy WALF 3 sets out how major development within the AONB will be assessed. Clause d) states “ For development elsewhere, the scale in relation to the locality”. Is this clause intended to apply to development elsewhere in the AONB but not adjacent or close to a settlement, thus is linked to clause c), or is it intended to have a wider meaning across the NDP area?

2. Policy WALF18

Policy WALF18 refers to supporting “accommodation for assisted or supported living for elderly people” but the supporting text in paragraph 7.5 also mentions other sectors of the community with mobility needs. I would welcome the Parish Council’s views on this.

3. Policy WALF21

Paragraph 7.12 refers to a total of 4 housing sites and 16 dwellings being allocated by the NDP, but the totals in Policy WALF 21 amount to 21 dwellings and lists 5 sites. Can the Parish Council confirm that this is due to the site on the edge of Ross on Wye (WALF21D) not being included in this total?

Paragraph 7.20 refers to a Memorandum of Understanding being agreed between Ross on Wye Town Council and Walford Parish Council, whereby the former has agreed to notionally allocate up ten dwellings on land off Watling Street, to meet any shortfall within Walford Parish. The site is in Walford Parish, but immediately abuts the settlement boundary of Ross on Wye, as defined in the adopted Ross on Wye Neighbourhood Development Plan. I would be grateful for Herefordshire Council’s views on the legal basis for a Memorandum of Understanding between neighborhood planning bodies and how such an agreement might work in practice.

4. Housing land supply

I require some clarification on the housing land supply position. Para 3.9. refers to “a further nine dwellings close to Howle Hill”. Is this a reference to the site granted at appeal for 8 dwellings in September 2021 which is now identified as a new third cluster at Howle Hill and is referred to in para

7.10 on page 59? Or is a reference to another site or sites? As a consequence, is an update to the housing land supply figures in Para 3.9 and Table 2 on page 63 required?

5. Local Wildlife Site

A representation has suggested that the boundary of the Local Wildlife Site to the north of Howle Hill should be amended to include all of the plot which is woodland and is used solely for wildlife purposes. My understanding is that Local Wildlife Sites are designated in the Core Strategy under policy LD2 Biodiversity and Geodiversity. They are mapped as such in Core Strategy Policies Map. I would be grateful for Herefordshire Council and the Parish Council's comments on the suggested amendment.

Thank you for your assistance with these questions. Once I have received your responses, I may need to ask for further clarification or further queries may arise as the examination progresses.

Please note that these questions and requests for information is a public document and the answers and any associated documents will also be in the public domain. Both my questions and the responses should be placed on the Councils' websites as appropriate.

Barbara Maksymiw

30 November 2022

