

Pyons Group Neighbourhood Plan Revision

Submission Version 2022 – 2031

Report of Examination

September 2023

Undertaken for Herefordshire Council with the support of the Pyons Group Parish Council on the submission version of the revised plan.



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Abbreviations used in the text of this report:

The Pyons Group Neighbourhood Development Plan Review is referred to as ‘the Plan’ or ‘PGRNP’.

The previous Pyons Group Neighbourhood Development Plan 2017 is abbreviated to ‘PGNP17’.

Pyons Group Parish Council is abbreviated to ‘Pyons Group PC’.

Herefordshire Council is also referred to as the Local Planning Authority; abbreviated to ‘LPA’.

The National Planning Policy Framework is abbreviated to ‘NPPF’.

The National Planning Practice Guidance is abbreviated to ‘NPPG’.

The Herefordshire Core Strategy Local Plan 2011-2031 adopted Oct 2015 is abbreviated to ‘HCS’.

Regulations 14 and 16 are abbreviated to ‘Reg14’ and ‘Reg16’ respectively.

Area of Outstanding Natural Beauty is abbreviated to ‘AONB’.

Special Area of Conservation is abbreviated to ‘SAC’.

Local Green Space is abbreviated to ‘LGS’.

Summary

- I have undertaken the examination of the Pyons Group Neighbourhood Development Plan Review (PGRNP) between June and September 2023 and detail the results of that examination in this report.
- Pyons Group PC have undertaken adequate consultation with residents and stakeholders on this Review, and it complies with legislative requirements. The Herefordshire Core Strategy (HCS) 2015 continues to provide a comprehensive strategic policy framework. While a review of this document to 2041 is in progress, it is at an early stage and the LPA could not offer a housing allocation estimate beyond the end date of the HCS.
- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have to an extent informed some of the recommended modifications. I have also held a Hearing and this has helped inform my recommendations on Policy PG1.
- Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

Acknowledgements: Thanks to the Local Authority and qualifying body staff, as well as other stakeholders and consultants for their assistance with this examination and hearing. The Pyons Group Parish have continued to engage with the neighbourhood planning process in an informed manner, and volunteers have worked hard on this review.

1. Introduction and Background

1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowered local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF para 29) states that:

“neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can ... help to deliver sustainable development”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans and their review can only be undertaken by a ‘qualifying body’, and in the Pyons Group Parish Council (PC) area that is the Pyons Group PC. Reviewing the Neighbourhood Plan was undertaken by a new Steering Group of Parish Councillors and local residents, working to the Group Parish Council.

1.1.4 Neighbourhood Plans, like other development plans, need to be regularly reviewed and revised if necessary. This examination is considering a revision to the Pyons Group Neighbourhood Development Plan 2017 (PGNP17), made after a successful referendum on the 16th June 2017. Not every revision of a neighbourhood plan needs to repeat the formal consultation procedures, examination and referendum. However where alterations made are considered so significant that they alter the nature of the plan, then re-examination and another referendum is required. An examiner’s report has already determined that this is so, and the LPA and Pyons Group PC agree this course of action is needed.

1.2 Independent Examination

1.2.1 Once Pyons Group PC had revised their neighbourhood plan and consulted on it, they submitted it to Herefordshire Council, as required by the Neighbourhood Planning Regulations. After publicising the plan with a further opportunity for comment, as required by Regulation 16

(Reg16), Herefordshire Council were required to appoint an Independent Examiner, with the agreement of Pyons Group PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this Plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am independent of any local connections to the neighbourhood area and Herefordshire Council, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the revised neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified revised neighbourhood plan is submitted to a referendum; or
- (c) That the revised neighbourhood plan does not proceed to a referendum on the basis that the revisions proposed do not meet the necessary legal requirements.

1.2.4 As before, the revised Plan is legally required to meet the 'Basic Conditions', which I consider in sections 3 and 4 below. The revised Plan also needs to continue to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The PGRNP will comply with the requirements of Paragraph 8(1) with my recommended modification 1 below. The Neighbourhood Area was designated on the 30th July 2013 by Herefordshire Council. The Plan does not relate to land outside the designated Neighbourhood Area. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure, and has been submitted and prepared by a qualifying body and people working to that qualifying body.

1.2.5 The Plan specifies a period during which it has effect as 2022-41, but in fact all the evidence the settlement boundary proposals are based on is the current development plan, which runs until 2031. A review of the Local Plan is in progress, but at a very early stage and the overall distribution of new development in the county has not been agreed by the LPA yet. The LPA advised at the hearing that they were not currently in a position to advise an indicative housing figure beyond the HCS allocation, as required by the NPPF (para67). Thus the PGNPR is based only on housing requirement until 2031, and it was agreed at the hearing that this would be the appropriate end date for the PGNPR. In order that the Plan complies with the Basic Conditions, and has paid due regard to government guidance regarding the need for appropriate evidence (NPPG ID 41-202140306) and clarity concerning that (NPPF para16d), I recommend that it is amended in line with modification 1.

Modification 1: The period the Plan has effect shall be specified as 2022-31.

Other textual amendments that follow on from this recommendation are needed for paras 1.3, 1.12 and 1.13.

1.2.6 I made an unaccompanied site visit to the Group Parish to familiarise myself with the area and visit relevant sites and areas affected by the policies. Due to the complexities and unusual circumstances around the removal of a site allocated in the previous plan (PGNP2017) I held a hearing into whether or not this proposal, effectively a revision of the Canon Pyon settlement boundary, complied with the Basic Conditions.

1.2.7 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the revised Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

1.3 Planning Policy Context

1.3.1 The Development Plan for Pyons Group Parish and neighbourhood area, not including documents relating to excluded mineral and waste development, is the Herefordshire Local Plan Core Strategy 2015 (HCS). All policies in the HCS are considered strategic for the purposes of neighbourhood planning.

1.3.2 The National Planning Policy Framework (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented. During September 2023 a new version of the NPPF was issued. For the purposes of this examination, as policies in the NPPF 2021 have been carried over in the new version of the NPPF with numbers unchanged, compliance is with both versions.

1.3.3 During my examination of the PGNPR I have considered the following documents:

- National Planning Policy Framework (NPPF) 2021 (with reference to the NPPF2023)
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning Regulations 2012 (as amended)
- Pyons Group Neighbourhood Development Plan 2017
- Submission version of the Pyons Group Review Neighbourhood Development Plan (PGRNP)
- The Basic Conditions Statement submitted with the PGRNP
- The Consultation Statement submitted with the PGRNP
- The Modification Statement submitted with the PGRNP
- The SEA Environmental Report for the PGRNP 2022
- The HRA Appropriate Assessment Report for the PGRNP 2022
- Neighbourhood Area Designation (map)
- Herefordshire Local Plan Core Strategy 2011 – 2031: Adopted October 2015
- Herefordshire NP Guidance Note 20 on Settlement Boundaries rev. 2015
- Herefordshire Council SHLAA 2012
- Site Options and Assessment for the PGNPR AECOM 2020
- Planning Application P213332/F
- Evidence heard and submitted at the Hearing 8th September 2023
- Representations received during the publicity period (reg16 consultation)

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 The neighbourhood area is rural, with a landscape of rolling hills, woodland and fields. Apart from the main road through Canon Pyon, narrow lanes link the five settlements in the Parish. Besides the main arable and livestock agriculture economy, horticulture, commercial woodland management and small technology and tourism businesses are also part of the parish economy. Canon Pyon is located about 6 miles north of Hereford, and the Group Parish was formed in the mid-1970s by amalgamating the former parishes of Canon Pyon and King's Pyon. The Group Parish has a population estimated in 2022 to be around 1300. The Parish is within the River Lugg catchment area, a SAC under threat from phosphate levels in the water and currently subject to special measures to protect and improve water quality.

2.1.2 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. An initial drop-in public consultation event in March 2020 was attended by 70 residents, who were invited to complete a questionnaire. The attendance was probably impacted by the imminent lockdown and increasing alarm about the pandemic. This initial consultation gauged the issues of concern locally, and informed the direction and focus of the neighbourhood plan review. Steering Group meetings continued online during 2020, and members of the public were invited to attend if interested via the Parish website.

2.1.3 Technical evidence, including a site assessment report were commissioned during 2020 to inform the content of the review, and a draft version of the PGRNP was approved for formal consultation in December 2020.

2.1.4 As required by regulation 14 of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the pre-submission Draft GPRNP ran from the 1st February to 15th March 2021. The draft Plan and supporting documentation was available to download online, and hard copies could be viewed and loaned on request from the Clerk to the Parish Council. Due to Covid pandemic restrictions at the time, no meetings were held, but Steering Group members were available by telephone and email to answer queries and there were online meetings as well. A publicity leaflet describing these options was delivered to all households.

2.1.5 Representations were received from individuals and organisations during the Reg14 consultation period, resulting in a range of amendments to the Plan, which are all detailed in the

Consultation Statement. I am satisfied that due process has been followed during the consultation undertaken on the Plan. The record of comments and objections received during the regulation 14 consultation shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.7 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Modification Statement, the Environmental Reports and a plan showing the neighbourhood area was submitted to Herefordshire Council on the 23rd November 2022.

2.2 Regulation 16 Consultation Responses

2.2.1 Herefordshire Council undertook the Reg 16 consultation and publicity on the PGRNP for six weeks, from the 28th November 2022 to the 23rd January 2023. Twenty nine Representations were received during this consultation: nineteen from local residents and businesses; three (counted as one) from various sections of Herefordshire Council; eight from statutory consultees and one from an agent for developers. Issues the consultation responses raise that are pertinent to my consideration of whether the Plan meets the basic conditions are considered in sections 3 and 4 of this report below.

2.2.2 I am specifically limited by legislation to correcting with recommended modifications the Plan's compliance with the Basic Conditions and other legal requirements. Comments in the Reg16 responses suggesting significant additions, are not something this examination is authorised to consider. Notification of minor corrections needed to the text are very useful, but again cannot be the subject of any modifications I recommend. The LPA will be aware however that it is authorised to correct minor errors that may have been missed so far [Town and Country Planning Act 1990 Schedule 4B section 12(6)]. This applies for example to the suggestion from the Parish Council in their response to the Reg16 comments that the error in policy PG1 needs correcting - 'road networks' has been wrongly written as 'roadworks'.

2.2.3 As is usual NPIERS practice, the qualifying body were invited to comment on the responses received during the Reg16 consultation. Pyons Group PC did respond with several useful points of accuracy that need correction. However I cannot consider other suggestions for amendments to the text of policy and other parts of the documents unless I consider them necessary to ensure the Plan meets the Basic Conditions.

3. Compliance with the Basic Conditions Part 1

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the PGNPR has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations and comply with human rights law; and
- Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (*prescribed basic condition since December 2018*).

3.2 The Basic Conditions Statement considers how the Plan and its policies promote the social, economic and environmental goals of sustainable development, and sets out why the Plan will promote sustainable development in the text and in Table 1 of that document. I accept that the Plan will contribute to sustainable development in line with the Basic Conditions if and when the modifications I have recommended are implemented, in particular modification 3.

3.3 It is a requirement of the Basic Conditions that a neighbourhood plan is compatible with and does not breach European Union (EU) obligations, which are still incorporated into UK law. The relevant legislation is the Environmental Assessment of Plans and Programmes Regulations 2004. An initial screening exercise determined that the PGRNP would need Strategic Environmental Assessment (SEA) and an Appropriate Assessment under the Habitats Regulations.

3.4 An Environmental Report and Habitat Regulations Assessment (HRA) Report have been submitted with the PGRNP as both Strategic Environmental Assessment (SEA) and HRA were required for the Plan. Pylon Group Parish is within the catchment of the River Wye including the River Lugg Special Area of Conservation (SAC). A new policy was added to the draft PGRNP requiring nutrient neutrality with any new development, which is noted within the Environmental Report.

The policies of the PGRNP are assessed in Annex 5 of the Environmental Report, and it is stated in the Summary that No significant cumulative effects have been identified (electronic page 124).

3.5 The HRA Appropriate Assessment (stage 2) Report has considered the PGRNP policies for likely significant effect on the River Wye (including the River Lugg) SAC, and found there were none. The report states in the Executive Summary (electronic page 3) that:

“The results of the Appropriate Assessment indicate that there will be no adverse effect on the integrity of the River Wye (including River Lugg) SAC [*when?*] the mitigation and avoidance measures have been taken into account.”

I accept that the Environmental Report and the HRA Appropriate Assessment both indicate that all EU obligations with regard to environmental issues have been complied with.

3.6 The PGRNP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the consultation statement showed that the need to consult with a wide cross-section of the community was appreciated. The Basic Conditions Statement assesses the Plan with regard to this, and concludes that the Plan will not have a discriminatory impact on any particular group of individuals.

4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the LNPR meets the requirements as regards national policy and the development plan. This means firstly that the revised Plan must still have regard to national policy and guidance, which for this neighbourhood plan has been the NPPF 2021 and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The phrase 'general conformity' allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended.

Modifications are boxed in this report, with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

4.3 The Plan is generally well presented and illustrated, although as a general principle Policies should wherever possible be set out on one page. In the final version of this Plan section 12 will no longer be needed, but that is a simple matter of correcting for accuracy, and not a Basic Conditions issue. The work on resilience preceding section 12 is a very good example of a parish council taking action on this crucial matter. However the issues and actions it discusses are mostly not land-use. As neighbourhood plans are development plan documents and government guidance states that other matters of community interest should not be in the main body of the text (NPPG ID: 41-004-20190509), the section on Community Resilience should be an appendix. In order that the PGNPR complies with the Basic Conditions and pays due regard to government policy, I recommend that it is amended as shown in Modification 2.

Modification 2: The section of the PGNPR headed 'Community Resilience' paragraphs 11.19 – 11.30 to be removed from the main text and be included as an appendix. A reference to it in the main text may be included.

4.4 Policy PG1: Development Strategy. This policy defines settlement boundaries for five settlements within the parish, and gives guidance on what development will be appropriate within them. The first paragraph will need to be clearer that settlement boundaries are being defined in this Plan, as apart from Canon Pyon, they are all new proposals. I intend to deal with each settlement boundary proposal separately in this report.

4.4.1 Bush Bank Settlement Boundary: This is acceptable as shown.

4.4.2 King's Pyon Settlement Boundary: This is acceptable as shown.

4.4.3 Westhope Settlement Boundary: This will be acceptable when the amendment agreed by the LPA and the Parish Council is made to include all of a recent planning permission (P162311/O). This is dealt with in Modification 3 below.

4.4.4 Ledgemoor Settlement Boundary: Unlike the other village boundaries, this has been drawn loosely around properties, and includes a significant proportion of open land. I raised this with the Qualifying Body who replied that consultation on the boundary had been undertaken, the estate wished to build cottages for retired workers to move into and that there were historic reasons for the properties to have proportionately extensive land surrounding them.

4.4.4 1 The Development Management section of the LPA have expressed concerns that the settlement boundary for Ledgemoor could promote double depth development in what is essentially a linear settlement. The LPA have produced guidance for settlement boundaries in neighbourhood plans (NPG Note 20), which states that "settlement boundaries can exclude large gardens, orchards and other areas". It was not therefore necessary to include all of the extensive surrounding land to properties in the settlement boundary. Doing so threatens to significantly change the nature and form of the settlement, and would encourage a level of development significantly more than the proportionate level of development [relative to the existing small settlement] the development plan stipulates. Furthermore Policy RA2 in the HCS states in point 1 that in the smaller settlements (which include Ledgemoor) proposals

"will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location".

The settlement boundary as currently drawn for Ledgemoor is not in general conformity with the development plan (policy RA2) as it potentially allows development that would be contrary to it. The boundary does not therefore comply with the Basic Conditions. If the settlement boundary is

removed, then applications for development may be determined on their merits with reference to policy RA2, and I have there proposed this as a modification.

4.4.5 Canon Pyon Settlement Boundary: This boundary was originally drawn up in the first made neighbourhood plan for the Pyons Group (PGNP17). This review Plan is proposing to tighten the boundary by excluding a site [known as Site D] previously allocated in PGNP17. The Hearing was called to examine this proposal further, as there were several complications and I wanted all parties to concentrate on the matters I am authorised to consider: whether or not the proposal complies with the Basic Conditions.

4.4.5.1 The original allocation was not based on a rigorous site appraisal. Site D had been considered in the 2012 SHLAA and ruled out for inclusion in the development plan at that time. However it was proposed for allocation in the PGNP17. The examination of that plan accepted the allocation, and the LPA did not remove the allocation before approving the final version of the PGNP17 for the referendum and subsequent making of the first neighbourhood plan.

4.4.5.2 The neighbourhood plan review process looked again at the allocation, and commissioned consultants to review the two outstanding allocations in the PGNP17 (AECOM 2020). This was not therefore a full site availability assessment. This review of the allocations not yet built out or committed, determined as the SHLAA had, that Site D was not suitable for a housing allocation. The developers and owners objected to this, and lodged a planning application (P213332/F). The application has not been determined as there is a current halt on approving planning applications within the River Wye (including the River Lugg) catchment area due to nitrate neutrality concerns within this SAC.

4.4.5.3 The key Basic Conditions for the purposes of this examination are whether the removal of Site D as an allocation in Canon Pyon is in general conformity with the development plan, whether it contributes to sustainable development and whether it complies with government guidance and policy in the NPPF and NPPG. I will deal with them each in turn.

4.4.5.4 General Conformity with the Development Plan Canon Pyon has had significant new development and has more than provided the minimum allocation of the HCS. The LPA have shown they have a 5 year supply of housing sites, although this will not be authorised by the Planning Inspectorate due to the age of the HCS. The LPA gave evidence to the Hearing that in their view the revised settlement boundary was in general conformity with the development plan, and I have not heard or seen any evidence that has convinced me otherwise. Development of 30 houses on

Site D would not be so significant as to alter the rural settlement strategy of the HCS Policy RA2. With my recommendation in Modification 1 that the PHNPR end date shows the Plan is based on the strategic policies of the HCS, development to date is already in general conformity with the development plan and HCS Policy SS2, and Site D is not needed to attain conformity. Therefore this aspect of the Basic Conditions is met in my opinion. The previous examination of the PGNP17 determined that the allocation of Site D complied with the Basic Conditions of course, so the development plan may be taken to be neutral on whether or not Site D is allocated.

4.4.5.5 Paying Due Regard to National Policy and Guidance This issue also includes consideration of the need for development to contribute to sustainable development (NPPF paras 7 and 16a). The key issues I have considered are as follows:

NPPG 41-040-20160211: This states that neighbourhood plans need to have robust and proportionate evidence that explains and justifies policies in the plan. The PGNPR has commissioned a report into site selection, but this report relies to a considerable extent on a SHLAA assessment that was available when Site D was allocated. It also considers the attributes of the site – also available at the time of the original allocation. The relevance of the evidence being available at the time the PGNP17 was made is that it was not then a reason to remove the allocation of Site D. Without further evidence of changed circumstances the evidence of the SHLAA and site attributes do not in themselves justify the removal of the allocation.

Comments received from Welsh Water with regard to the planning application submitted for Site D indicate the need for surveys and exploration of requirements for both water supply and waste water treatment. During consultation on the PGNP17, Welsh Water requested that notice of the need to do this was inserted into Policy PG3 of that Plan. They indicated at the Reg16 consultation on PGNP17 that they were satisfied with the insertion of the clause into Policy PG3 that indicates development may be held up by the need to provide improvements to the waste water treatment works serving Canon Pyon. They have followed up on this in their response to the current planning application, with requirements for further work and evidence to support the application. This issue is not in itself therefore evidence that Site D needs to be removed as an allocation.

NPPF paras 7, 16a, and 16b: These paragraphs set out the need for planning policy to help achieve sustainable development, and be prepared positively. The NPPF also indicates (para 70) that neighbourhood plans should “give particular consideration to the opportunities for allocating small and medium sized sites”. The action of removing Site D as an allocation does not comply with NPPF policy therefore unless very sound evidence of changed circumstances justifies it. I do not consider

that this evidence exists for the proposed alteration of the settlement boundary in Policy PG1, which effects the removal of the allocation of Site D. Removal of the allocation of Site D does not therefore contribute to sustainable development and is not positive in intent. Therefore I consider it contrary to the Basic Conditions that a neighbourhood plan should have due regard to national policy and guidance and contribute to the achievement of sustainable development.

4.4.5.6 I have considered whether and how this non-compliance with the Basic Conditions may be remedied. It is beyond my remit to attempt to re-draw a settlement boundary for Canon Pyon, and in any case any such revision would require the consultation on the Plan to be repeated. I am however able to recommend the deletion of policy and proposals that do not comply with the Basic Conditions. With the settlement boundary for Canon Pyon removed, the proposed development of Site D will be decided in the course of determining planning application P213332/F, where issues such as waste water and access may be considered in detail. The PGNPR will no longer be allocating the site, but neither will it be designating the site as land outside of the settlement boundary and subject unambiguously to the requirements of HCS Policy RA3 for the countryside. This concurs with the statement in the PGNPR at para 5.5 that the planning application P213332/F will be determined in due course through the development management process.

4.4.6 In order that Policy PG1 is in general conformity with the development plan with regard to the settlement boundary at Ledgemoor, and has paid due regard to national policy and guidance with the regard to the settlement boundary at Canon Pyon, I recommend it is amended as shown in Modification 3. Additionally in order that the policy clearly defines the new settlement boundaries at Bush Bank, King's Pyon and Westhope as required by the NPPF (para16d), I recommend the first paragraph is amended, and the Westhope settlement boundary corrected, as shown in Modification 3 below. I have also indicated recommendations for textual changes necessary, although further change elsewhere in the documentation may be necessary and the LPA and Qualifying Body may wish to agree textual changes further to my recommendations.

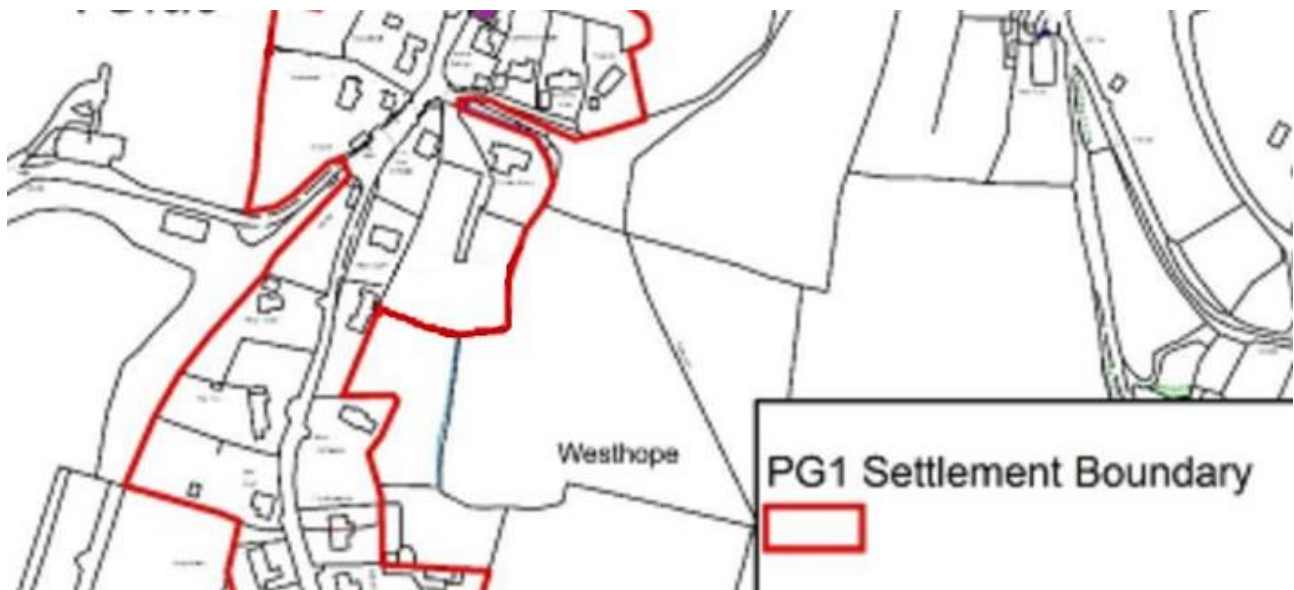
Modification 3: Policy PG1 to be amended as shown:

The first paragraph to read as follows: “**Settlement boundaries are defined for Bush Bank, King’s Pyon and Westhope as shown on each settlement’s NDP Review Policies Map. Proposals for development will be supported within the settlement boundary where they: ...**”

The settlement boundary for Ledgemoor to be deleted from the Policies Map for that settlement.

The settlement boundary for Canon Pyon to be deleted from the Policies Map for that settlement.

The settlement boundary for Westhope to be amended to include all land included in planning permission 162311 as shown below:



Delete the settlement boundaries shown on Map 2 for Canon Pyon and on Map 6 for Ledgemoor.

Modification 3 continued: Suggested textual changes to reflect the above

Delete paras 5.3 – 5.5 and replace with the following text:

“5.3 Consideration was given to the removal of Site D as an allocation in this review plan, and revision of the settlement boundary to exclude it. This was deemed at examination to be contrary to the Basic Conditions, and the revised settlement boundary has been removed from this Plan. Any development on Site D will be determined through the development management process with reference to policy in the development plan and any other material considerations.”

Paragraphs to be renumbered as required.

Delete paras 5.11 – 5.12 as the future direction of the Local Plan Review is currently uncertain.

Delete paras 5.15 – 5.18 and replace with the following text:

“The NDP includes new settlement boundaries for three settlements at Bush Bank, King’s Pyon and Westhope. The proposed settlement boundaries for Ledgemoor and Canon Pyon were both judged at examination to be contrary to the Basic Conditions and have been removed from this Plan.”

4.5 Policy PG2: Housing This policy deals with a range of housing projects, and requires a mix of housing to suit up an to date housing market assessment of the Parish. The support for self-build needs to be caveated so that it has the clarity required by the NPPF (para16d), and it is clear that any proposal will need to comply with other policy in the development plan. The last paragraph of Policy PG2 raises legal concerns with support for the re-use of abandoned buildings, and is otherwise just stating the need to comply with policies in the HCS. The NPPF (para 16f) specifies that policy should not just repeat other policy and in order that Policy PG2 complies with the Basic Conditions and has due regard to government policy, I recommend it is amended as shown in Modification 4.

Modification 4: Policy PG2 to be amended as follows:

The 3rd paragraph to have the following text added at the end: “... where they comply with other policies in the development plan.”

The 4th paragraph to be deleted.

4.6 Policy PG3: Improving Accessibility for All Complies with the Basic Conditions.

4.7 Policy PG4: Waste Water and Sewerage This policy is dealing with waste water issues, which are sensitive in the parish, as discussed above in relation to Policy PG1. Welsh Water did not raise an objection to the policy in their response at Reg16. The LPA suggest that the policy should be clearer with regard to connection to mains drainage being the first approach in any solution. Additionally, as at present, other regulation may be introduced for environmental or other reasons. In order that Policy PG4 has the clarity required by the NPPF, allows for adequate environmental protection as required by government regulation and thus complies with the Basic Conditions, I recommend it is amended as set out in Modification 5.

Modification 5: The first sentence of Policy PG4 to add the following text at the end:

“... with connection to the mains being required wherever possible even if improvement works are needed to treatment works or other infrastructure.”

The abbreviation 'WwTW to be written in full

The 3rd paragraph to have the following text added at the end:

“ ... and any other relevant legislation and controls.”

4.8 Policy PG5: River Wye Special Area of Conservation (SAC) Complies with the Basic Conditions.

4.9 Policy PG6: Protecting and Enhancing the Natural Environment Complies with the Basic Conditions.

4.10 Policy PG7: Protecting and Enhancing Built Character Complies with the Basic Conditions.

4.11 **Policy PG8: Rural Enterprise and Tourism** Complies with the Basic Conditions.

4.12 **Policy PG9: Polytunnels** Complies with the Basic Conditions.

4.13 **Policy PG10: Community Facilities** Complies with the Basic Conditions.

4.14 **Policy PG11: Safeguarded Land for Proposed Relocation of Cannon Pyon Church of England Academy Primary School** The Policy has carried over from the PGNP17 with some minor word changes and the introduction of flood risk issues needed to be resolved. Small scale housing development is allowed if required for viability reasons, and a number of dwellings specified to give viability (2). However there is no viability assessment provided to justify this figure of two dwellings, and in order that the policy is based on an adequate evidence base the requirement for viability should be left for determination at the planning application stage with a requirement for a viability assessment submitted. In order that the policy complies with the Basic Conditions and has due regard to the NPPG (ID 41-040-20160211) requirement for an adequate evidence base for policies, I recommend that it is amended as shown in Modification 6.

Modification 6: The last sentence of the first paragraph to be amended as follows:

“...A small-scale housing development **could support the new school if required for viability reasons, the need for any such development to be supported by a viability assessment made publically available.**”

4.15 Policy PG12: Local Green Space (LGS) This policy designates three sites as LGS, two have been carried over from the PGNP17, although one requires a boundary alteration for accuracy. The other site adjacent to the Recreational Playing Field is new. I visited the LGS sites and agree that the boundary for the Recreational Playing Field at Canon Pyon needs to be amended as it mistakenly included a field not used for recreation in the previous plan. I found the new proposed site not worthy of LGS designation on its own, it is not special enough. However as it is adjacent to the Recreational Playing Field, I propose to recommend that it is added as a part of that LGS and the boundary further altered to show this. The Parish Council Land at Westhope has been designated previously, and is shown as LGS here for clarity and completeness.

The policy is split over two pages, which makes the following comment difficult to be sure about. However on page 63 there are three paragraphs that appear to be part of Policy PG12. The first paragraph is not policy, but explanation and justification for the designations. The second and third paragraphs are protecting the biodiversity of each of the sites, and are acceptable policy for LGS protection, as the brook will run through the Canon Pyon LGS if my recommendation is accepted. In order that Policy PG12 has had due regard to government policy on LGS (NPPF Paras 101 – 103) and policy drafting (NPPF para 16d), as well as for accuracy I recommend that Policy PG12 and the designation maps are amended as shown in Modification 7.

Modification 7: Policy PG12 to be amended as follows:

The following are designated as Local Green Spaces:

- 1. Recreational Playing Field and open space at Pyons Close, Canon Pyon as shown on Map 2 NDP Review Policies Map Canon Pyon**
- 2. Parish Council Land at Westhope as shown on Map 3 NDP Review Policies Map Westhope**

Delete the first paragraph on page 63 of Policy PG12 and insert it as 10.21 in the supporting text.

The other paragraphs to remain with the policy.

The boundary of the Canon Pyon LGS on Map 2 to be amended so that both areas of LGS shown on fig 1 below are amalgamated as one and include the brook running between them.

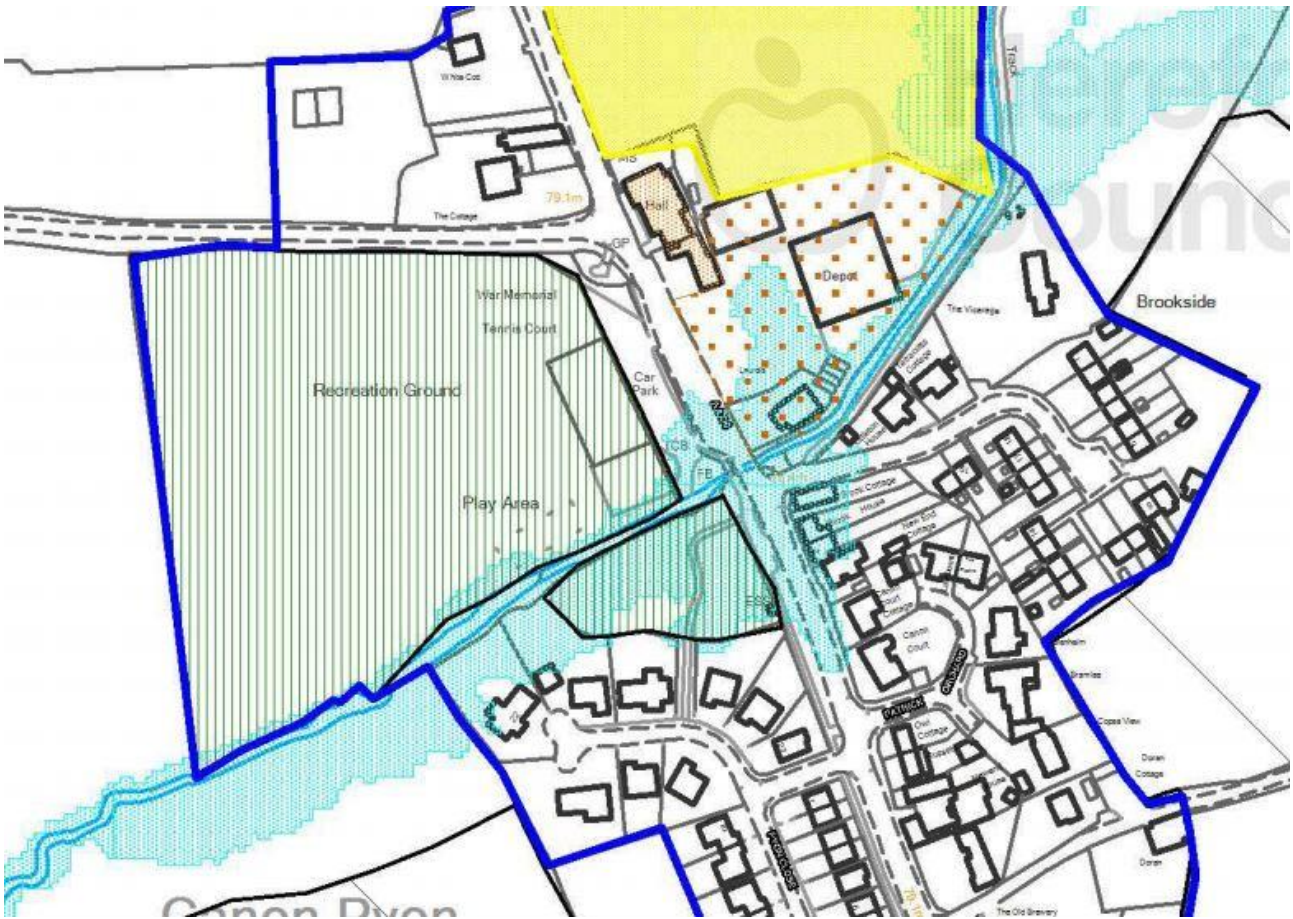


Figure 1: The unified Canon Pyon LGS to include both areas shaded with green line hatching.

4.16 **Policy PG13: Promoting Sustainable Design and Resilience** The policy is usefully listing and encouraging development attributes that would make buildings more resilient and adaptable. However bullet 4 is not a legitimate planning issue and is also too vague, it does not meet the NPPF requirement for clarity. In order that Policy PG13 complies with the Basic Conditions and has due regard to government policy, I recommend it is amended as shown in Modification 8.

Modification 8: Bullet point 4 in Policy PG13 to be deleted.

4.17 **Policy PG14: Community energy Schemes and Solar Farms** Complies with the Basic Conditions.

5. The Referendum Boundary

5.1 The Pyons Group Neighbourhood Development Plan Review (PGNPR) 2022-2031 has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the PGNPR shall be the boundary of the designated Neighbourhood Area for the Plan.