

Bartestree with Lugwardine Group Parish Council

**Bartestree with Lugwardine
Neighbourhood
Development Plan
2011 - 2031**

Independent Examiner's Report

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17 August 2016

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Summary

I have been appointed as the independent examiner of the Bartestree with Lugwardine Neighbourhood Development Plan.

The Plan takes a straightforward and refreshing approach to its presentation. It has a well-defined vision with ten underlying objectives for this Group Parish. As well as designating settlement boundaries for both Bartestree and Lugwardine villages, it focuses its attention on achieving high quality development that will meet the needs of the local community including through employment opportunities. It seeks to conserve the many attributes of the Group Parish which make this place unique and special including through the designation of a number of local green spaces.

Further to consideration of the Plan and its policies I have recommended a number of modifications that are intended to ensure that the basic conditions are met satisfactorily and that the Plan is clear enabling it to provide a practical framework for decision-making.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend that the Bartestree with Lugwardine Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
17 August 2016



1.0 Introduction

This is the report of the independent examiner into the Bartestree with Lugwardine Neighbourhood Development Plan (the Plan).

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

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

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

2.0 The role of the independent examiner

The examiner is required to check¹ whether the neighbourhood plan:

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

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

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

The basic conditions² are:

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

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two basic conditions in addition to those set out in primary legislation and referred to in the paragraph above. These are:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site³ or a European offshore marine site⁴ either alone or in combination with other plans or 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 is not applicable to this examination as it refers to orders).

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

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

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

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

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

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

3.0 Neighbourhood plan preparation and the examination process

A Consultation Statement has been submitted together with a document of appendices which comprises some 300 pages of information.

The Plan has built on earlier work on two Parish Plans of 2008 and 2014. A 'timeline' is very usefully included in the Consultation Statement. A questionnaire was distributed to householders in June 2014 achieving a very commendable response rate of 60% of individual responses which represented 76% of households returning completed questionnaires. Further surveys were conducted in July 2014 to businesses and community facilities. Events have been held too including public consultation on the emerging Plan prior to the formal Regulation 14 publicity stage. The Consultation Statement provides a very useful, comprehensive but succinct summary of key elements of the Plan production.

Pre-submission (Regulation 14) consultation took place between 23 November 2015 – 18 January 2016. As part of this a draft Plan was sent by post to every household.

Submission (Regulation 16) consultation was carried out between 22 March – 3 May 2016.

It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁶ PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷

Gladman Development Ltd (Gladman) has submitted a representation at the Regulation 16 (submission) publicity stage which, amongst other things, indicates that a representation was submitted at Regulation 14 (pre-submission) stage by them, but that it is not reported in the Consultation Statement. Gladman state in their Regulation 16 representation that their Regulation 14 representation was "lost or ...deliberately ignored".⁸ I wrote to HC on 21 July to ask HC to formally write to Gladman and the Group Parish Council about this matter. My letter to HC is attached to this report at Appendix 3.

⁶ PPG para 055 ref id 41-055-20140306

⁷ *Ibid*

⁸ Gladman submission representation page 14

Gladman responded by confirming their view that their earlier representation sent by email had not been taken into account by the Group Parish Council in preparing the Plan and sent a copy of an email (their Regulation 14 response) with their reply. Gladman also refer to evidence given by the Group Parish Council Chair at a planning inquiry relating to land off Longworth Lane at which, Gladman state, it was confirmed the representation had been received.

The Group Parish Council has responded by confirming that they did not receive any representation from Gladman at Regulation 14 stage.

I have carefully considered this unfortunate situation which is essentially the word of one party against the other and any implications arising from it. I have reached the view that as Gladman has made a representation at Regulation 16 stage and the representation apparently made at Regulation 14 stage is helpfully attached to that representation and because it is clear and self evident that Gladman has been able to make their case to the local planning authority and to me, as the examiner, that it was not necessary for me to take this matter further.

As PPG explains⁹ the general rule of thumb is that the examination will take the form of written representations,¹⁰ but there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. After careful consideration of the documentation and all the representations, and in Gladman's case because I am confident that the written representation made at the Regulation 16 stage has enabled me to adequately examine the relevant issues and that Gladman has had a fair chance to put a case, I decided that neither circumstance applied and therefore it was not necessary to hold a hearing.

The submission (Regulation 16) consultation period attracted a number of representations which I have considered and taken into account in preparing my report. Some suggest additions or amendments to policies; others seek the inclusion of sites. I have set out my remit earlier in this report. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further additions or amendments are required. On occasion I refer to a specific representation, but I have not felt it necessary to comment on each of them. In accordance with the statutory requirements I have focused on giving reasons for any recommendations I make.

Where I recommend modifications in this report they appear as bullet points in **bold text**. Where I have suggested specific changes to the wording of the policies they appear in ***bold italics***.

I made an unaccompanied site visit to Bartestree with Lugwardine and the neighbourhood plan area on 13 August 2016.

⁹ PPG para ref id 41-056-20140306

¹⁰ Schedule 4B (9) of the Town and Country Planning Act 1990

4.0 Compliance with matters other than the basic conditions

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

Qualifying body

The Basic Conditions Statement (BCS) confirms Bartestree with Lugwardine Group Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is met.

Plan area

The Plan area is coterminous with the Group Parish administrative boundary. Herefordshire Council approved the designation of the area on 6 September 2012. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Parishes are clearly shown on Map A included in the Plan. It would be useful for it to be clear that this is also the Plan area and so I suggest that a note is added to this effect.

- **Add to Map A's title "*and Plan area*"**

Plan period

The Plan covers the period 2011 – 2031. This is clearly shown on the front cover and confirmed within the Plan itself as well as the BCS.

Excluded development

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

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. Where I consider a policy or proposal to fall within this category, I have recommended it be moved to a clearly differentiated and separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹¹ Subject to any such recommendations, this requirement can be satisfactorily met.

¹¹ PPG para 004 ref id 41-004-20140306

5.0 The basic conditions

Regard to national policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.¹²

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹³

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at planningguidance.communities.gov.uk. The planning guidance contains a wealth of information relating to neighbourhood planning and I have had regard to this in preparing this report.

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹⁴

PPG indicates that a policy should be clear and unambiguous¹⁵ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.¹⁶

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁷ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁸

¹² NPPF paras 14, 16

¹³ *Ibid* para 184

¹⁴ *Ibid* para 17

¹⁵ PPG para 041 ref id 41-041-20140306

¹⁶ *Ibid*

¹⁷ *Ibid* para 040 ref id 41-040-20160211

¹⁸ *Ibid*

The BCS sets out how the Plan has responded to national policy and guidance, focusing on the 12 core planning principles of the NPPF.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole¹⁹ constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.²⁰

Sections 3 and 4 of the BCS help to show how the Plan contributes to the achievement of sustainable development.

General conformity with the strategic policies in the development plan

The development plan consists of the Core Strategy 2011 – 2031 (CS) which was adopted on 16 October 2015 and various other documents including the saved policies of the Unitary Development Plan (UDP) (found in Appendix 1 of the CS). The most relevant document to this examination is the CS and I have taken all its policies to be 'strategic'.

Section 4 of the BCS is a table that refers to the NPPF and cross-references relevant CS policies whilst providing a helpful commentary about how the Plan meshes with these two documents.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG indicates that it is the responsibility of local planning authorities to ensure that the Plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.²¹

¹⁹ NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

²⁰ *Ibid* para 7

²¹ PPG para 031 ref id 11-031-20150209

Strategic Environmental Assessment

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

An Environmental Report (ER) dated March 2016 has been prepared as an earlier screening opinion dated 16 May 2013 concluded that due to the range of environmental designations in and around the Parish there may be significant environmental effects.

The process identified water quality and flood risk as one of the most important environmental issues for the Group Parish; the River Lugg runs alongside the Group Parish and has a number of tributaries running into the Wye and Lugg catchment. The ER explains that the Lugg section of the River Wye Special Area of Conservation (SAC) is currently exceeding the phosphate target.

The ER confirms a Scoping Report was prepared and sent to the statutory consultee bodies from 14 July - 18 August 2014. Responses from Natural England and Historic England have been incorporated into the document at Appendix 3.

The ER has undergone a period of consultation between 23 November 2015 – 18 January 2016 alongside the pre-submission version of the Plan. Responses from the statutory bodies are incorporated into the document at Appendix 3a. The ER dated March 2016 was published for consultation alongside the submission version of the Plan between 22 March – 3 May 2016.

PPG states “The strategic environmental assessment should only focus on what is needed to assess the likely significant effects of the neighbourhood plan proposal. It should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.”²²

HC will monitor the outcomes from the Plan’s policies.

Natural England²³ confirms the Environmental Report meets the requirements of the SEA Directive and Regulations and that they concur with its conclusions.

In my view, the Environmental Report deals with the likely significant effects appropriately and meets the requirements of the Regulations.

²² PPG para 030 ref id 11-030-20150209

²³ Natural England letter of 3 May 2016

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identified whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²⁴ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

An initial screening assessment dated May 2013 found that a HRA would be required as the River Wye SAC is located to the southwest of the Parish and the River Lugg is some 0.5km away from the Group Parish area.

A HRA was prepared in November 2015 by HC. An Addendum dated March 2016 considered whether the conclusions of the earlier assessment were affected by the revision of the Plan as a result of consultation and in particular changes to two policies. The document concludes, in line with the earlier assessment, that the Plan will not have a likely significant effect on the River Wye SAC.

Natural England²⁵ confirm their agreement that the Plan will not have a likely significant effect on the River Wye SAC.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in primary legislation as detailed in section 2.0 of this report. In my view, requirements relating to Habitats Regulations Assessment have been met and the Plan complies with this basic condition.

European Convention on Human Rights (ECHR)

The BCS contains a short statement about fundamental rights and freedoms guaranteed under the ECHR and confirms the Plan complies with the Human Rights Act 1998. There is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.

6.0 Detailed comments on the Plan and its policies

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

²⁴ PPG para 047 ref id 11-047-20150209

²⁵ Natural England letter of 3 May 2016

The Plan is generally presented well with policies which are clearly differentiated from supporting text.

Relevant CS policies are indicated in brackets alongside each policy title. Whilst it is helpful to have these as a reference it may be considered confusing to have them contained within the policies themselves. This does not provide the practical framework sought by national policy and guidance. For this reason they should be moved and appear separately before or after the policy box.

- **Move the “(CS Policy....)” references from all the policy boxes to the supporting text**

Summary

This is a short section that introduces the Plan well covering both its evolution, contents and the next stages in the process of plan making. It will of course require some updating as the Plan progresses.

Our Vision

This is a short section that sets out the vision for the Parish. Its contents relate to the development and use of land and it is clearly articulated.

1 Introduction

This part of the Plan is divided into a number of subsections and as a whole sets out important information about the Plan, its operation and how it fits into the hierarchy of, and forms part of, the development plan.

Subsection 1.3 refers to HC’s “Local Plan”; at present this consists of the CS and it would be helpful if this were made clear.

Subsection 1.4 refers to sustainability appraisal. It states that neighbourhood plans are not technically subject to sustainability appraisal provided they conform with the development plan in terms of the development envisaged. This is not quite right and so I make a recommendation to correct this in the interests of accuracy.

Subsection 1.6 is titled “Current Planning Position”. A representation from HC suggests that for clarity it would be helpful to add that the designation of Bartestree with Lugwardine as a main village was in the Unitary Development Plan. I agree.

The second paragraph in this subsection indicates that the settlement boundaries in the Unitary Development Plan were “made redundant” on the introduction of the NPPF. It continues by stating that developers were enabled to make [planning] applications

because of the situation at HC level. Neither sentence is correct and so in the interests of accuracy I recommend a modification to address this.

Subsection 1.8 includes some statements which would be better expressed as opinion unless there is evidence underpinning the claims. For this reason, some modification is recommended.

Subsections 1.5, 1.6 and 1.8 refer to various appendices (pages 5, 6 and 8 of the Plan). It is not clear where these appendices might be found or accessed from. To help users of the Plan a web link address or other information about how to find these appendices should be added.

All of the subsections are succinctly written and provide a helpful level of information for inclusion in the Plan. In particular subsection 1.8 which gives information about the Group Parish is very informative.

Therefore for the Plan to meet the basic conditions, all of the following modifications are recommended:

- **Add “*which presently consists of the Core Strategy*” to the end of the second paragraph under subsection 1.3**
- **Reword the first paragraph under subsection 1.4 (page 4 of the Plan) to read:**

“There is no legal requirement for neighbourhood plans to have a sustainability appraisal, but a sustainability appraisal may be a useful tool for showing how the neighbourhood plan will contribute to the achievement of sustainable development. However, in some circumstances a strategic environmental assessment may be required where a neighbourhood plan is likely to have significant environment effects.”
- **Add “*...in the Unitary Development Plan.*” at the end of the first sentence in subsection 1.6**
- **Delete paragraph two in subsection 1.6 in its entirety**
- **Add the word “*considered*” to the penultimate sentence in the paragraph before the subsection headed “Demographics” on page 7 of the Plan so that it reads: “They are not *considered* suitable for heavy goods vehicles or....”**
- **Change the last sentence in the paragraph before the subsection headed “Demographics” on page 7 of the Plan so that it reads: “Several have junctions with the A438 which *often* have very limited visibility...”**
- **Add information such as a link or short sentence indicating where the following appendices can be found: appendix referred to in the second paragraph of subsection 1.5 (page 5); report and appendix referred to in the**

first paragraph of subsection 1.6 (page 5); appendix referred to in the third paragraph on page 6 and appendix referred to under “Crime” on page 8

2 The Core Objectives and Vision of the Neighbourhood Development Plan

Ten objectives for the Plan are outlined in this section. All relate to the development and use of land and are clearly articulated.

It is refreshing to see recognition that the delivery of the objectives will require partnership working.

3 The Policies of the Bartestree with Lugwardine Neighbourhood Development Plan

As previously highlighted it would be helpful to include information as to where the appendix referred to in the first paragraph of this section can be accessed to help users of the Plan.

- **Add information such as a link or short sentence indicating where the appendix referred to under Section 3 on the bottom of page 8 can be found**

Policy BL1 Housing Design Criteria

The preamble to this policy refers to the submission of a Design Brief to the Group Parish Council before any planning application is submitted. There is no distinction between the types of development proposal that might warrant such an approach and therefore this could be an onerous requirement, particularly for more minor schemes.

The paragraph then expects detailed designs for such schemes to be provided for outline or full applications. There is then an anomaly here in that whilst a Design Brief might set out general principles, full details are required and given the requirement encompasses outline applications where the expectation is that many of the details will be addressed at a later date. In addition I note that this requirement it is not followed through in Policy BL1.

Therefore to deal with these concerns, I suggest a modification that encourages this as good practice for developments of more than ten units. As a matter of course all development must comply with building regulations requirements and therefore it is not necessary to stipulate this which in any case falls outside the remit of the planning system.

Turning now to the policy itself, it contains a long list of criteria which apply to new dwellings rather than extensions to dwellings which are covered in the next policy. This should be made clear and the easiest way to do this is to amend the title of the policy.

The criteria are appropriate provided there is sufficient flexibility for those criteria which verge on dealing with the construction and performance of new dwellings. The Government announced in a Written Ministerial Statement (WMS) of 25 March 2015, that it is not now appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. As a result criteria II., VII. and VIII. should be made more flexible. In the case of criterion VIII. it is also important to recognise that any off-site provision should meet the statutory tests. To ensure this is the case measures should only be sought where it is appropriate to do so and a modification is recommended to ensure that this is the case in line with the statutory tests set out in the Community Infrastructure Levy Regulations 2010 and the policy tests set out in the NPPF.

Criterion X. simply encourages lifetime homes standards rather than insisting on this standard and for this reason is acceptable.

Criterion III. refers to “generous and proportionate provision” for open, green spaces and it seems to me that it would be difficult for the development industry to know and decide what level of provision might be appropriate under this requirement. The use of the word proportionate seems to offer more certainty as there are standard levels of provision depending on the size and type of development and studies identifying any deficiencies in the area. Therefore to provide clarity and more certainty, a modification is suggested to this criterion.

All other criteria relate to development and use of land issues, encourage provision, but provide a reasonable balance of flexibility. They reflect CS Policies RA2, LD3 and SD1.

Subject to the following modifications the policy and its supporting text will meet the basic conditions:

- **Replace the first paragraph on page 9 of the Plan with a new paragraph that reads:**

“Whilst planning applications will be determined by Herefordshire Council, the Parish Council encourages developers of schemes of ten or more dwellings to produce a Design Brief which sets out the development principles for the site and to discuss this with the Parish Council prior to the submission of any planning application.”

- **Change the title of Policy BL1 to “Criteria for the Design of New Housing”**
- **Add the words “wherever possible” to the end of criteria II. and VII.**
- **Add the words “where appropriate” to the end of criterion VIII.**
- **Delete “...generous and...” from criterion III.**

Policy BL2 Extensions to Properties

This criteria-based and clearly worded policy supports extensions subject to satisfactory design and scale and effect on the living conditions of nearby neighbours. It takes account of one of the core planning principles in the NPPF to always seek to secure high quality design and a good standard of amenity for all occupants of land and buildings.²⁶ It will help to achieve sustainable development. As a result it meets the basic conditions and no modifications are recommended.

Policy BL3 Infilling and Windfalls

Infill and windfall sites are supported by this policy. The preamble to it defines what is meant by an infill site in the context of the Group Parish. The four criteria relate to development and use of land matters and are clearly worded. The policy will encourage the development of suitable sites and takes account of national policy and guidance and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Policy BL4 Settlement Boundaries

The strategy for the rural areas in the CS²⁷ is positive growth. The strategy is based on seven housing market areas (HMA) and the Parish falls within the Hereford HMA which has an indicative housing growth target of 18% according to CS Policy RA1. The CS explains that this proportional growth target in CS Policy RA1 will form the basis for the minimum level of new housing to be accommodated in each neighbourhood plan across the County.

The main focus for development is within or adjacent to existing settlements listed in two figures, 4.14 and 4.15. CS Policy RA2 translates this into policy.

Bartestree/Lugwardine is identified in Figure 4.14 as a settlement which will be the main focus of proportionate housing development. No settlements in the Group Parish are identified in Figure 4.15 where proportionate housing is appropriate. The CS explains that in Parishes that have more than one settlement listed in Figures 4.14 and 4.15, the relevant neighbourhood plan has appropriate flexibility to apportion the housing requirement between the settlements concerned.

The CS explains that, where appropriate, settlement boundaries can be defined in neighbourhood plans for those settlements listed in CS Policy RA2. The CS states that

²⁶ NPPF para 17

²⁷ Core Strategy Section 4.8

outside such settlements new housing will be restricted to avoid unsustainable patterns of development and limited to those proposals meeting the criteria in CS Policy RA3.

Given that the Plan indicates that the Parish has 847 dwellings, the indicative housing growth target of 18% equates to the provision of a minimum of some 152 new dwellings. In fact rounding this figure up results in a figure of 153, but this is semantic given the figure is a minimum in any case. This is acknowledged in both the relevant core objective of the Plan which refers to “at least 152 new properties” and in subsection 1.6. The Plan indicates²⁸ that existing commitments account for 144 dwellings and anticipates eight dwellings to be achieved through windfalls or small-scale developments over the Plan period.

The Plan does not allocate sites as indeed it does not have to do, but instead takes the opportunity to review and define the settlement boundaries for Bartestree and Lugwardine villages. Page 10 of the Plan indicates the retention of settlement boundaries is “an option now endorsed by modifications to the Local Plan.”; this is unclear and unnecessary to state. In the interests of clarity this should be deleted.

The approach taken to the definition of settlement boundaries has been to include existing built up areas and to include sites with extant planning permissions. The rationale for the policy seems to me to be sensible. This supports the strategy in the CS and accommodates the minimum figures outlined in CS Policy RA1. In addition Policies BL3, BL5 and BL6 of the Plan will further support the strategy.

HC has not raised any concerns either about the numbers referred to above or about the definition of either settlement boundary which are both clearly shown on Map B.

The effect of defining settlement boundaries helps to address one of the community’s key concerns; that of coalescence between the two villages. I saw at my site visit that there is a clear and distinctive gap between the settlements which is both sensitive and critical to the identities of both settlements. This is reinforced by the topography of the land at this point and the elevated position of the road between the settlements which affords some long distance views. Support for the separate identity of these two villages and the reinforcement of their local distinctiveness is critically important and supported by national policy and guidance and will help to achieve sustainable development.

With regard to the policy itself, it is not worded as a policy but more as explanation for the proposed settlement boundaries. I therefore suggest the policy is reworded so that it provides the practical decision making framework sought by national policy and guidance.

- **Delete the words “...an option now endorsed by the modifications to the Local Plan.” in the first paragraph under section 3.4 heading on page 10 of the Plan**

²⁸ See page 6 of the Plan

- **Reword Policy BL4 to read:**

“Settlement boundaries for Bartestree and Lugwardine have been defined and are shown on Map B. Within these settlement boundaries, development will be supported in principle.”

Policy BL5 Housing in the Countryside

The accompanying text to this policy begins with a statement that development in the open countryside was once permitted but is now restricted by the NPPF and Local Plan. It continues that both set a very restrictive approach. I do not consider this paragraph fully or properly reflects either the stance in the NPPF or the CS. For that reason it requires amendment.

The policy itself seeks to restrict development outside the settlement boundaries to the replacement of existing dwellings, extensions to existing dwellings and rural exception sites. This is more restrictive or at least less inclusive than CS Policy RA3 that addresses residential development in the countryside although it does allow extensions to existing dwellings and the policy does acknowledge that any development should accord with other policies in the CS. Generally whilst I feel such cross-references should be avoided, in this case it is necessary to do so in order to ensure that the policy is in general conformity with the policies in the CS.

The policy should also accord with other policies in this Plan which needs to be internally consistent.

As a result amendment is needed to the policy and its supporting text to ensure that it meets the basic conditions.

- **Amend the first paragraph on page 11 of the Plan to read:**

“Housing development outside the settlement boundaries, in the countryside, is restricted to those categories of development identified in the NPPF, the Local Plan and this neighbourhood plan.”

- **Reword Policy BL5 to read:**

“Residential development outside the settlement boundaries of Bartestree and Lugwardine will be limited to:

- I. the replacement of existing dwellings that have a lawful residential use and where the replacement is comparable in size and scale and is within the curtilage of the existing dwelling;***
- II. extensions to existing dwellings;***
- III. proposals which accord with Policies BL3 and BL6 of this Plan;***

- IV. *rural exception sites in accordance with Core Strategy Policy H2 and*
- V. *proposals which are in accordance with Core Strategy Policy RA3.”*

Policy BL6 Redundant Rural Buildings

This policy supports the conversion of redundant rural buildings into small-scale commercial and residential uses subject to impact on the landscape and local road network. The NPPF supports economic growth in rural areas through the conversion of existing buildings for all types of business and enterprise in rural areas²⁹ and CS Policy RA5 supports the sustainable re-use of rural buildings.

The policy would benefit from some amendment to ensure that it provides the practical framework sought by national policy and guidance and needs to refer to rural buildings within the body of the policy not just its title. Subject to this it takes account of national policy and guidance and CS Policy RA5 with appropriate local safeguards and will help to achieve sustainable development.

- **Reword Policy BL6 to read:**

“Conversion of redundant rural buildings to small scale commercial or business use or residential uses will be permitted provided the impacts on the landscape and local road network are satisfactory.”

Policy BL7 Rural Exception Sites

The accompanying text to this policy states that due to the numbers of dwellings recently permitted there is no immediate need for rural exception sites. To me this is to misunderstand the concept of such sites. As the NPPF explains³⁰ such sites are for affordable housing where sites would not normally be permitted for housing. The text explains that if a need did arise, consideration would be given to such a site if it did not compromise the character and setting of the villages.

The policy itself simply requires rural exception sites if required to accord with the provisions of the Local Plan. At the present time this is CS Policy H2. As this policy does not add anything to the higher level policy and the supporting text does not take sufficient account of national policy and guidance, both the policy and its text should be deleted.

- **Delete Policy BL7 and the two supporting paragraphs of text (subsection 3.7) in their entirety**

²⁹ NPPF para 28

³⁰ NPPF Annex 2 Glossary

- **Consequential amendments to the Plan’s numbering etc. will be needed**

Policy BL8 Conserving Historic Character

The first paragraph supporting this policy makes a statement to the effect that new residential development in the Lugwardine Conservation Area would only be permitted in exceptional circumstances, but that there may be potential for other development. This does not sufficiently reflect national policy or guidance or the statutory tests for development in Conservation Areas or CS LD4 and as a result should be removed from the Plan.

The second paragraph at the top of page 12 of the Plan introduces, perhaps inadvertently, a statement of policy about parkland. The statement is also out of sync with what Policy BL8 then says about such areas as the supporting text introduces a blanket ban on development whereas the policy seeks to resist inappropriate development.

The third paragraph to this subsection also makes a policy statement which is not supported by Policy BL8, but more importantly does not sufficiently take account of national policy and guidance. As a result this also requires amendment.

Turning now to the wording of Policy BL8 itself, it requires modification to take account of the stance taken in the NPPF and the CS particularly CS Policies LD1 and LD4. It does not distinguish between designated and other heritage assets and seeks to protect areas of parks, gardens and orchards identified on Map C. It is important to ensure that Map C accurately portrays the areas concerned and a check should be made on this in the interests of accuracy. CS Policy LD1 refers to nationally and locally designated parks and gardens and indicates that development proposals should conserve and enhance such landscapes and features “through the protection of the area’s character and by enabling appropriate uses, design and management”.

The following modifications are recommended to ensure that the basic conditions are satisfactorily met:

- **Delete the words “...within which new residential development would only be permitted in exceptional circumstances.” from the second sentence in the first paragraph in subsection 3.8 on page 11 of the Plan**
- **Delete the third sentence in the first paragraph in subsection 3.8 on page 11 of the Plan which begins “However, there may be potential...” to end**
- **Add “*The NPPF advises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.*” to the first paragraph in subsection 3.8**

- Change the second sentence at the top of page 12 of the Plan to read: ***“The character and setting of these areas should be conserved and inappropriate development will be resisted in line with Policy BL8.”***
- Replace the third paragraph of subsection 3.8 with: ***“Development adjacent to heritage assets, including historic parkland, should be carefully considered to ensure that no harmful effects arise. Map C indicates the areas of unregistered parks and gardens and traditional orchards in Bartestree and Lugwardine.”***
- Reword Policy BL8 as follows:

“All applications affecting heritage assets in the Parish will be required to consider the significance of any heritage asset affected including any contribution made by their setting.

Great weight will be given to the conservation of a designated heritage asset and any harm or loss will require clear and convincing justification in line with national policy.

Non-designated heritage assets including the unregistered parks and gardens and traditional orchards shown on Map C, will be conserved or enhanced and their character protected. A balanced judgment will be required about the effects of any development proposals on or close to such assets having regard to the scale of any harm or loss and the significance of the heritage asset.

Within the Lugwardine Conservation Area, new development must conserve or enhance the character or appearance of the Conservation Area.”

- Check Map C for factual accuracy and update as necessary

Policy BL9 Protecting Green Spaces

Policy BL9 refers to “local designated green spaces”. The designation of Local Green Spaces (LGS) has been introduced via the NPPF³¹ and it is important to repeat the exact terminology in the policy in the interests of accuracy and so I suggest an amendment to address this.

The NPPF explains that LGSs are green areas of particular importance to local communities. The effect of such a designation is that new development will be ruled out other than in very special circumstances. Identifying such areas should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about Local Green Spaces is given in PPG.

³¹ NPPF paras 76 and 77

A number of LGSs are designated in the policy and shown on Map B which refers to the settlement boundaries of Bartestree and Lugwardine and all the proposed LGSs fall within the settlement boundaries which is acceptable. It would be useful to refer to this map in the policy in the interests of providing a practical framework. It would also be useful to rename Map B to reflect that it does show more than the settlement boundaries and to alter the key to it so that there is consistency in the terminology used in the Plan.

The policy is clearly worded identifying the areas and explaining what development will be permitted on the LGSs.

With regard to each proposed LGS and taking the four proposed in Lugwardine first, I saw at my visit that the churchyard of St Peter and a burial ground at the rear of St Peter's Close are both well defined areas of historic and special significance. Both are areas of tranquility and indeed a green pathway or route links these two areas and which could perhaps be considered for inclusion as a LGS in any future review of the Plan. The area at Traherne Close is an open grassed area with a number of mature trees on it. It is amongst bungalows and makes an important contribution to the feeling of spaciousness and a sense of calm and is important for the area's character. The fourth area in Lugwardine is at St Mary's RC High School and consists of a large expanse of grass with trees along the road frontage; it creates an open feel to this part of the village and is integral to the setting of the school.

Turning now to the proposed LGSs in Bartestree, the area surrounding the village hall including the cricket and football pitches were well used and being enjoyed by the community at the time of my visit; they were well laid out and create a sense of openness as well as affording some long distance views across the surrounding countryside. The green and open areas on either side of the entrance to this facility together create an inviting entrance to these facilities

Two areas of land designated for community use in association with the INCA development are also important in terms of the village's setting.

The proposed LGS at Lugwardine Primary School is well contained with a footpath adjacent to one side and consists of largely open and flat grassland surrounded by hedges and fences.

Three areas of proposed LGS in Croft Close and Willcroft Park are all integral parts of the setting of this residential area, mainly laid to grass with some trees and help to provide a sense of openness and spaciousness. In the case of Willcroft Park there is a magnificent tree on an unusually shaped area with development around the area framing its openness and is of particular importance to the area's character and appearance.

The green space between St James Close and the crossroads at Bartestree is a relatively wide strip of land alongside the road which is partly hidden from view and semi-secluded. It adds to the character and setting of the village at a key point in the village.

The proposed LGS at Frome Park is part open space and part children’s play area, it also adds to the setting of this estate given its location and the trees and sense of openness it provides.

I consider that all the areas do meet the criteria in the NPPF. However, it would be helpful in the interests of clarity that Map B should identify each LGS by name or through a key (or the LGS could be shown on a separate map).

The policy also supports the provision of allotments and seeks the retention of public rights of ways. I am concerned that the title of the policy does not reflect this and therefore it would be easy to miss these issues. Therefore it would be helpful in the interests of providing the practical framework required by national policy to alter the title of the policy to reflect its coverage.

- **Change the title of the policy to “Local Green Spaces, Allotments and Rights of Way”**
- **Change the first sentence of Policy BL9 to read: “The following Local Green Spaces and as indicated on Map B will be protected for their beauty, historic value, special significance to the local community or recreational value:”**
- **Rename Map B “Bartestree & Lugwardine Maps”**
- **Identify each LGS on Map B by name and by referring to the list I. to VIII. in the policy so that the policy ties up with the map and each LGS can be readily identified**

Policy BL10 Affordable Housing

The policy defines affordable housing as homes for rent, shared ownership or for discounted sales. The NPPF offers a definition of affordable housing³² and given the variety of such provision it would be preferable to simply refer to affordable housing or prioritise these types, but not restrict the policy to only these categories. This will give the policy more longevity over the Plan period allowing for changes in definition over time, maximise provision and will better meet the needs of the community which often change over time.

CS Policy H1 requires sites of more than ten units to contribute to affordable housing needs and sets a target of 35% rather than the minimum Policy BL10 seeks.

The policy includes a statement that current approvals “more than cater for the local need”; this is both a risky tactic as there is no guarantee such homes will be built even though there is a grant of permission and no evidence has been put forward to support

³² NPPF Annex 2 Glossary

such a statement. In addition this is not a statement of planning policy. For these reasons it should be deleted.

Section 106 agreements are then referred to to ensure that priority is given to those in local need and then a cascade arrangement for neighbouring Parishes and then the remainder of the County.

The final criterion IV. refers to covenants about the resale or reletting of affordable homes. Covenants fall outside of the planning system and so this criterion should be deleted. In any case this may not be possible to achieve given right to buy and other circumstances.

Based on these concerns, I recommend that the policy should be reworded in order for it to meet the basic conditions.

- **Reword Policy BL10 to read:**

“New development is expected to help to meet the need for affordable housing.

- I. ***All developments on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000 square metres will be expected to provide a target of 35% affordable housing provision to meet local housing needs and may include affordable rent, shared ownership and discounted sales but should reflect the most up to date evidence on local housing needs available.***
- II. ***Any affordable housing provided should ensure that priority is given in allocating those homes to those demonstrating a local housing need or local connection and thereafter be offered to the neighbouring Parishes of Withington, Weston Beggard, Domrington, Mordiford and Hampton Bishop and then to the remainder of Herefordshire.”***

Policy BL11 Working from Home

Policy BL11 is a clearly worded policy which is supported by a succinct, but helpful section of explanatory text. Support for home working is given subject to safeguards including any effects from traffic or noise and the provision of technology to enable home working is supported. Poor infrastructure such as broadband and mobile phone coverage is often a key barrier to economic growth. The policy has regard to the NPPF particularly in relation to building a strong, competitive economy, supporting a prosperous rural economy and supporting high quality communications infrastructure. It generally conforms to CS Policy E3. It will particularly help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

Policy BL12 Supporting Local Businesses

There are a number of benefits that rural enterprise can bring to communities such as the provision of services and of course employment opportunities. This policy supports local business and enterprise recognising the considerable support in the NPPF for economic growth³³ which does not limit business and enterprise growth to the more built up areas.

Existing businesses uses are protected subject to viability considerations.

It supports the provision of appropriate telecommunications infrastructure.

The policy has regard to the NPPF particularly in relation to building a strong, competitive economy, supporting a prosperous rural economy and supporting high quality communications infrastructure. It is in general conformity with CS Policies RA6, E1 and E4. It will particularly help to achieve sustainable development. It is clear in its intent and wording. As a result it meets the basic conditions and no modifications are suggested.

Policy BL13 Transport and Highways

This policy seeks to ensure that new development has satisfactory provision for both access and parking and builds on CS Policies SS4 and MT1.

Criterion II. does not specify the amount of parking to be provided rather it requires “full and adequate” provision and this does not provide the practical framework sought by national policy and guidance because it would be impossible for a developer to know how to comply with this. For this reason it needs amendment although it is difficult for me to add much more precision without appropriate evidence.

Criterion III. requires new development to show that it would not significantly increase traffic volumes or speeds. This would be very difficult to demonstrate, particularly traffic speed, and the policy does not include a sanction if these are found to exist. It does not provide the necessary practical framework and so should be deleted.

Criterion V. requires footpath or cycleway links to village facilities and refers to the potential for a bridge across the River Lugg. These are matters which should be achieved if possible, but the criterion requires greater flexibility as not all sites will need or be able to support such infrastructure.

³³ NPPF Section 3

Criterion VI. requires consultation with the Parish Council over street lighting. This is not usually a planning issue and the requirement for consultation is not a policy matter. This then should be placed in the supporting text.

Criterion VII. requires Section 106 or Community Infrastructure Levy (CIL) for improved public transport and facilities. It is important that any contributions sought from development meet the statutory tests. To ensure this is the case they should only be sought where it is appropriate to do so and a modification is recommended to ensure that this is the case in line with the statutory tests set out in the Community Infrastructure Levy Regulations 2010 and the policy tests set out in the NPPF.

Subject to these modifications and in other respects the policy will meet the basic conditions as there is sufficient flexibility in the wording.

- **Replace the words “full and adequate” in criterion II. with the words “satisfactory” and add at the end of this criterion “based on the characteristics of the site and the type and amount of development;”**
- **Delete criterion III. in its entirety**
- **Add “take every available opportunity to ensure that...” to the start of criterion V.**
- **Move criterion VI. in its entirety to the supporting text**
- **Reword criterion VII. to read: “Developer or CIL contributions will be sought from new development where appropriate to fund improvements towards improved public transport services and facilities and to mitigate the impact on the highway network.”**
- **Consequential amendments to the policy numbering will be needed**

4 General

Subsection 4.1 introduces a number of policy requirements in respect of energy development. Subsection 4.2 seeks to resist certain and various agricultural buildings within the Parish. A representation from HC indicates that this is not in conformity with the CS and in particular CS Policy RA6. Subsection 4.3 refers to community assets. These statements do not form part of any planning policy within the Plan (although some elements of them could have done and perhaps could be considered in any future review of the Plan) and in the case of subsection 4.2 does not meet the basic conditions. Therefore these subsections should be deleted in the interests of clarity and providing a practical framework.

- **Delete subsections 4.1, 4.2 and 4.3 in their entirety**

- **Consequential amendments to the Plan will be needed**

5 Risk Assessment

This section lists a number of what as described as “threats” to the Parishes vision. I cannot see the benefit of including this section in the Plan. It does little at this stage of the plan-making process and does not support the strategic needs set out at Herefordshire Council level or set policies. Rather I think it detracts from the Plan.

- **Delete Section 5 in its entirety**

6 Monitoring and Review

This is a well-written section that sets out the reasons for and how monitoring will take place over the Plan period. Whilst monitoring of neighbourhood plans is not mandatory, I regard it as good practice to do so.

Appendix – Evidence Base

A list of supporting and other documents is shown in this list.

Maps

I have referred to the maps at various junctures throughout my report as appropriate. All three are clear and legible, but I have suggested some changes to them in my discussion of the policies.

In addition two further changes are recommended in the interests of clarity and to ensure that Map B remains relevant throughout the course of the Plan period. First of all Map B refers to a site notated as “planning appeal pending”; this will change over the course of the Plan and has no relevance to the contents of the Plan and therefore should be removed. Secondly, the map should reflect the contents of the Plan rather than the proposals within it as it moves to the final stages of Plan preparation. Therefore, again in the interests of clarity, I suggest changing some of the wording of the Map’s key.

- **Change Map B by deleting the words “Proposed New” from “Proposed New Settlement Boundaries”; delete the word “Designated” from “Designated Green Spaces” and replace it with “Local” and delete the “Planning Appeal Pending” from the key and removing the “Planning Appeal Pending” notation/site from the map**

7.0 Conclusions and recommendations

I am satisfied that the Bartestree with Lugwardine Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Herefordshire Council that, subject to the modifications proposed in this report, the Bartestree with Lugwardine Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Bartestree with Lugwardine Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Bartestree with Lugwardine Neighbourhood Plan area as approved by Herefordshire Council on 6 September 2012.

Ann Skippers MRTPI

Ann Skippers Planning
17 August 2016

Appendix 1

List of key documents specific to this examination

Bartestree with Lugwardine Neighbourhood Development Plan 2011 - 2031 Submission
Version March 2016

Bartestree with Lugwardine Policies Map

Bartestree Village Policies Map

Lugwardine Village Policies Map

Basic Conditions Statement

Consultation Statement

Environmental Report March 2016

Habitats Regulations Assessment November 2015

Habitats Regulations Assessment Addendum March 2016

Herefordshire Core Strategy 2011-2031 October 2015 and Appendices

Various evidence documents and other information on
www.bartestreewithlugwardinepc.co.uk

List ends

Appendix 2

Note from examiner to HC and the Group Parish of 21 July 2016

Bartestree with Lugwardine Neighbourhood Plan Examination

Questions of clarification from the Examiner to the Group Parish Council (PC) and Herefordshire Council (HC)

Having completed an initial review of the Neighbourhood Plan (the Plan) and its supporting documents, I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information.

Please ensure that your answers are as brief as possible and factual in nature. Please do not send or direct me to evidence that is not already publicly available.

1. Please could the dates of the two Parish Plans be confirmed?
2. Page 10 of the Plan indicates retention of the settlement boundaries is “an option now endorsed by the modifications to the Local Plan”; I don’t understand this statement, please could you briefly explain it? Have the settlement boundaries in the Unitary Development Plan have been brought forward?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils’ websites as appropriate.

With many thanks

Ann Skippers
21 July 2016

Appendix 3

Letter from examiner to HC of 21 July 2016



146 New London Road, Chelmsford, Essex CM2 0AW
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21 July 2016

Dear Karla,

Examination of the Bartestree with Lugwardine Neighbourhood Plan

I have now completed my initial review of the Neighbourhood Plan (the Plan) and its supporting documents and the representations received at Regulation 16 stage.

I note that the Regulation 16 representation from Gladman Developments Ltd (Gladman) indicates that they submitted a representation to the Group Parish at Regulation 14 stage and Gladman allege that this representation was "lost or has been deliberately ignored" (page 14 of that representation) and that it is not referred to in the Consultation Statement.

I note that in other documentation attached to Gladman's representation it would appear that the Group Parish indicates that no representations from Gladman had been received prior to the Regulation 16 stage.

I write to request that you formally write to Gladman and the Group Parish about this matter. In writing to Gladman it would be helpful to ask for details of when and where the representation was sent to and whether they can provide any evidence to substantiate their claim that a representation was sent. In writing to the Group Parish it would be helpful to ask how any representations received were dealt with and recorded and whether any acknowledgements etc. were sent out to those responding to the Regulation 14 stage.

May I also suggest that a reasonable deadline is given to both parties for responding to you so we can ensure that matters progress expeditiously.

I am grateful to you for your assistance on this matter. Please note that this request, your letters and the replies to them will be in the public domain.

Yours sincerely

Ann Skippers
Ann Skippers
Director

via email to Karla Johnson, Senior Planning Officer, Neighbourhood Planning, Herefordshire Council, PO Box 230, Blueschool House, Blueschool Street, Hereford HR1 2ZB

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