

# **BRILLEY NEIGHBOURHOOD PLAN**

## **Submission Draft Version**

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

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## 1.0 Summary

- 1.1 The Brilley Neighbourhood Plan has been prepared to set out the community's wishes for this parish which contains the village of Brilley. The context for the preparation of the Plan is the adopted Herefordshire Council's Core Strategy 2015 which included Brilley as one of the "settlements which will be the main focus of proportionate housing". The Parish lies within the Kington Rural Housing Market Area (HMA), for which there is an indicative target of 12% for housing growth in the main villages over the 20 year duration of the Herefordshire Core Strategy up to 2031.
- 1.2 This Neighbourhood Plan sets out local planning policies which are aimed at ensuring the rural character of the village is retained and that provision is made for future development.
- 1.3 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.4 The main recommendations concern:
- Improving the clarity of the wording of policies to ensure that they can be interpreted consistently by decision makers and plan users;
  - Deleting Policy BR2 on Local Green Spaces;
  - Deleting Policy BR4 on Housing Tenures, Types and Sizes;
  - Deleting Policy BR9 on Traffic Management;
  - Deleting some of the requirements to be delivered through developer contributions under Policies BR10 and BR11 which are considered to be onerous; and
  - Amalgamating Policies BR12 and BR13 and deleting the onerous requirements.
- 1.5 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Brilley Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

## 2.0 Introduction

- 2.1 Neighbourhood planning is a relatively new process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements. It is not within my role to re-write a plan to conform to a standard approach or terminology. Indeed it is important that Neighbourhood Plans are a reflection of aspirations of the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.4 The nature of neighbourhood plans varies according to local requirements. A neighbourhood plan can be narrow in scope. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan.

### Legislative Background

- 2.5 I was appointed as an independent examiner to conduct the examination on the Brilley Neighbourhood Plan by Herefordshire Council in October 2016. I am a chartered town planner with over 30 years' experience in local authorities preparing Local Plans and associated policies. My appointment was facilitated through the Neighbourhood Planning Independent Examiner Referral Service.
- 2.6 As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
  - (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
  - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;

- (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
- (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.7 I am satisfied that the Neighbourhood Plan subject to the modifications proposed, includes policies that relate to the development and use of land and does not include provision for any excluded development.
- 2.8 The Neighbourhood Plan area is co-terminus with the parish of Brilley and was designated by Herefordshire Council on 14 May 2014 as a Neighbourhood Area. Section 1 of the Basic Conditions statement states that the Plan relates to the Brilley Neighbourhood Area and that there are no other Neighbourhood Plans relating to that area.
- 2.9 Section 1 of the Basic Conditions Statement states that the lifespan of the Neighbourhood Plan is to be from the date the plan is made (2016) up to 2031 the same end date as the Herefordshire Core Strategy. The front cover of the Neighbourhood Plan shows the plan date to 2031.
- 2.10 The neighbourhood plan making process has been led by Brilley Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group.
- 2.11 I am satisfied therefore that the Brilley Neighbourhood Plan satisfies all the requirements set out in paragraph 2.6 above.

### **Conformity with Basic Conditions and other statutory requirements**

- 2.12 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
- 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 of the authority (or any part of that area);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
  - prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the

neighbourhood plan. The following prescribed condition relates to Neighbourhood Plans:

- Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended).

### Policy Background

- 2.13 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.14 Lord Goldsmith has provided guidance that ‘have regard to’ means “such matters should be considered”. The Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.15 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.16 The third basic condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The strategic policies covering the neighbourhood plan area are contained in the Herefordshire Local Plan Core Strategy 2011 – 2031 adopted 16 October 2015.
- 2.17 The Basic Conditions Statement sets out an assessment of the NPPF Core Planning Principles and how the Neighbourhood Plan has had regard to them. It also assesses each of the Neighbourhood Plan policies to demonstrate how it is in general conformity with the local strategic policies of the adopted Core Strategy.
- 2.18 I have considered the policies of the Neighbourhood Plan against the NPPF and PPG and the strategic policies in the adopted Herefordshire Local Plan Core Strategy 2011 - 2031. Where appropriate I have highlighted relevant

policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

### **EU obligations and human rights requirements**

- 2.19 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.20 Herefordshire Council undertook an initial screening exercise and this concluded that the Neighbourhood Plan would require a Strategic Environmental Assessment (SEA) due to the breadth of nature conservation designations within the Neighbourhood Area. The environmental appraisal of the Brilley Neighbourhood Plan has been undertaken in line with the Environmental Assessment of Plan and Programmes Regulations 2004. Stage A of the SEA process involved scoping and Stage B provided a review and analysis of the Neighbourhood Plan. Stage C involved preparing an Environmental Report and Stage D comprised a formal consultation on the Environmental Report.
- 2.21 Additional criteria were added to two policies to reflect recommendations within the draft Environmental Report and comments made by Welsh Water. This has strengthened policies in relation to safeguarding areas from pollution and flooding, and strengthening the position on waste water and sewage treatment. Other policies have received minor amendments to help clarify the policy criteria.
- 2.22 The Environmental Report concludes that on the whole, it is considered that the Brilley Neighbourhood Plan is in general conformity with both national planning policy contained in the National Planning Policy Framework and strategic policies set within the Herefordshire Local Plan (Core Strategy). Nor does it propose any growth that would be over and above that prescribed by strategic policies.
- 2.23 Natural England has confirmed that the Environmental Report meets the requirements of the SEA European Directive and national regulations and that they concur with the conclusions.
- 2.24 Habitat Regulation Assessment (HRA) screening has been carried out as the parish falls within the hydrological catchment of the River Wye SAC. The HRA assesses the potential effects of the Neighbourhood Plan on this European protected site. Additional wording has been added to some policies to help provide protection to the River Wye Special Area of Conservation (SAC).
- 2.25 The HRA Addendum Report assessed the revisions that were incorporated into the plan following consultation on the draft plan. The report concluded

that the Brilley Neighbourhood Plan will not have a likely significant effect on the River Wye SAC.

- 2.26 Natural England has confirmed that they agree with the conclusions of the HRA Report and Addendum that the Neighbourhood Plan will not have a likely significant effect on the River Wye SAC. This conclusion is reached on the basis that the Neighbourhood Plan is in line with the Herefordshire Local Plan and the Neighbourhood Plan can rely on the policies within the Local Plan to ensure no likely significant effects.
- 2.27 The Basic Conditions Statement states that “*the Submission draft Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels*”. It is concluded that in general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.
- 2.28 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

### **Contributes to sustainable development**

- 2.29 Table 2 of the Basic Conditions Statement addresses the contribution of the plan to the achievement of the economic, social and environmental aspects of sustainable development.
- 2.30 I am satisfied that, subject to the modifications proposed, the Brilley Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

### **The Neighbourhood Plan Preparation**

- 2.31 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.32 Section 5 of the Neighbourhood Plan sets out an overview of the consultation process. The Consultation Statement sets out the details of the consultations on the pre-submission draft plan under Regulation 14.
- 2.33 An initial scoping questionnaire was undertaken by the Steering Group in August 2014 to identify the areas which the community considered should be brought forward into the Brilley Neighbourhood Plan. A second community

consultation was undertaken in October/November 2014 to obtain views on options for the plan.

- 2.34 The Brilley Draft Neighbourhood Plan was published for 6 weeks formal public consultation under Regulation 14 from 9 December 2014 – 24 January 2015. There was widespread publicity for the consultation with leaflets being sent to all households and businesses and the statutory consultation bodies. A launch Open Event was held on Saturday 6 December in Brilley Village Hall to promote the consultation process.
- 2.35 Following revisions to the draft Plan, a further Regulation 14 consultation was held from 19 April 2016 to 3 June 2016 with the same publicity as previously.
- 2.36 The Draft Scoping Report for Strategic Environmental Assessment (SEA) of the Neighbourhood Plan was also published as part of both consultations for consultation with English Heritage, Natural England and the Environment Agency by Herefordshire Council.
- 2.37 A comprehensive summary of the issues raised at each stage of pre-submission consultation and the action taken to address them, as appropriate, is included in the Consultation Statement.
- 2.38 Consultation on the submission draft Neighbourhood Plan ran from 27 July to 7 September 2016. This resulted in 11 representations, although only those from the Council's Strategic Planning and Development Management teams made substantive comments. These are summarised in this report under the relevant policies.
- 2.39 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in the Neighbourhood Planning (General) Regulations 2012.

### **The Examination Process**

- 2.40 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case. I have sought clarification on a number of matters from the qualifying body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.
- 2.41 I have considered the Basic Conditions Statement and the Consultation Statement as well as the Environmental Report for the Strategic Environmental Assessment. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.

- 2.42 This report is the outcome of my examination of the Submission Draft Version of the Brilley Neighbourhood Plan to 2031 dated July 2016. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting then the Plan will be made following approval by Herefordshire Council.
- 2.43 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
  - That the plan should proceed to referendum if modified; or
  - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.44 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

### 3.0 Neighbourhood Plan – As a whole

- 3.1 Where modifications are recommended, they are highlighted in bold print, with any proposed new wording in italics.
- 3.2 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*
- 3.3 In order to ensure that a Neighbourhood Plan can be an effective tool for the decision maker, the PPG advises that
- “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct*

*to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

- 3.4 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the strategic development needs set out in the Local Plan*” and further states that “*the neighbourhood plan must address the development and use of land by setting out planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan*”.
- 3.5 Paragraph 16 of the National Planning Policy Framework is clear that those producing neighbourhood plans should support the strategic development needs set out in local plans, including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. PPG guidance under Rural Housing states that “*all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless they can be supported by robust evidence*”.
- 3.6 The Basic Conditions require that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general conformity with the strategic local policies.
- 3.7 Before considering the policies individually, I have considered whether the plan as a whole has had regard to national and local strategic planning policies.
- 3.8 The plan provides for the future housing, employment and community development of the area, promotes good quality design in new development and safeguards the environment. The plan supports the strategic development needs set out in the Local Plan and does not place blanket restrictions on new development in the area.
- 3.9 However, several policies in the plan seek to place requirements on developments that are considered to be onerous and would be likely to make a proposal undeliverable. I have made recommendations in the report concerning these policies and included recommendations to ensure that the Plan would not place unacceptable burdens on development proposals which, in view of the rural nature of the plan area, are likely to be small scale.
- 3.10 The Neighbourhood Plan contains two maps: a Village Policies Map which shows the boundaries of sites referred to in the Neighbourhood Plan and a Parish Policies Map which shows sites referred to in policies in the Core Strategy. There are also a number of figures in the document itself, some of

which show sites referred to in the background information, others show sites referred to in the policies. The Plan should include a Proposals Map which clearly shows the boundary of the Plan area and the boundaries of sites referred to in the Neighbourhood Plan policies. All sites should be cross referenced to the applicable policy and numbered according to the site numbers in the Policy.

- 3.11 It is considered therefore that the plan as a whole, subject to the modifications proposed, has had regard to national policies and advice contained in guidance issued by the Secretary of State and is in general conformity with the strategic local policies.

## 4. The Neighbourhood Plan Policies

### Section 2: Introduction and Background

### Section 3: Why a Neighbourhood Plan for Brilley?

### Section 4 Process of Preparing the Plan

### Section 5 Key Issues for Brilley and Themes for the Plan

- 4.1 The introductory section sets out a factual description of the plan area and the key issues facing the communities. Sections 3 and 4 set out the process for preparing the Neighbourhood Plan. Section 5 outlines the themes of the plan that have been developed from the issues that were identified through local consultation. Details of the housing requirement for the parish set out in the Herefordshire Core Strategy are also set out and the process of identifying and assessing potential housing sites. Each thematic section of the Neighbourhood Plan includes a summary of relevant strategic policies.

### The Neighbourhood Plan's Vision and Objectives for Brilley

- 4.2 The Plan includes a Vision statement in Section 1 that states that *“Brilley will remain a largely unspoilt, natural and scenic part of Herefordshire primarily undertaking agriculture and tourism along with an increased focus on homeworking through internet connectivity.”*
- 4.3 Section 6 of the Plan includes five objectives relating to the protection of community facilities and green spaces; the promotion of a level of housing growth that is proportionate to the size and scale of Brilley; the protection and enhancement of the natural and built environment; vigorous encouragement of appropriate improvements in transport and communications; supporting and encouraging employment and tourism opportunities. The objectives are clearly articulated and linked to the policies of the Plan.
- 4.4 The Plan's policies are set out in themes under each objective with each section introduced by a section headed Technical Evidence which other than those relating to objectives 1 and 2, consists solely a summary of the strategic policies. There is no reference to background evidence or justification for the policies or explanation about how the policies are to be implemented.
- 4.5 In a number of the policies I refer to the difficulties that may arise in interpreting the policies because of the lack of clarity in the wording of the policies and/or the lack of an explanation in the justification.

## Community Facilities and Green Spaces

### Policy BR1 – Protection of Local Community Facilities

- 4.6 The first part of the policy identifies two properties as community facilities and a policy to safeguard them for health and community uses. To improve the clarity of the policy it is recommended that it refers to the Proposals Map rather than “the map below”.
- 4.7 The second part of the policy refers to “Brilley Parish Council permitting proposals for...”. Once the Neighbourhood Plan is made it will become part of the development plan and will be used by the local planning authority for determining planning applications. It is inappropriate to refer to Brilley Parish Council permitting proposals and a recommendation is made to delete reference to the parish council.
- 4.8 Criterion f) of the policy requires that a proposal would not have an adverse effect on neighbourhood residential amenity. It is recommended that the word “unacceptable” be included to introduce a degree of flexibility.
- 4.9 The final paragraph concerns the school site having an educational component. As currently worded it is unclear how it is intended that the policy should be applied when considering planning applications. I have asked the Qualifying Body to explain their intentions. They have responded that:
- “When the old school site was passed to the village hall charity by the trustees of the land and building, it was agreed to keep an educational/recreational function at the site. The school building was demolished in 2015 and the site became part of the hall car park. The policy intention for the old school site is for continued infrastructure support to enable and encourage village social events, educational and recreational activities for all age groups.”*
- 4.10 It is recommended that this part of the policy be reworded to clarify its application.

#### Recommendation 1: revise Policy BR1 as follows:

**Revise the first paragraph to refer to the Proposals Map.**

**Revise paragraph 4 to read: “Proposals for new and improvements to existing community facilities will be supported, provided that:”**

**Revise criterion f) to read “The proposal would not have an *unacceptable* adverse effect on.....”**

**Revise the final paragraph to read: “The school site (now part of the Village Hall and Green Community Facility) *shall be used to provide infrastructure to support social events, educational and recreational activities.*”**

## Policy BR2 – Protection of Local Green Spaces

- 4.11 The policy seeks to designate two sites as Local Green Spaces. These are the Green Dingle which is an area of woodland undergoing natural regeneration located about 1000 metres from the local community. The second site is the Green Chapel graveyard which is located about 950 metres from the community. A brief assessment of the special qualities is included in the plan. No evidence has been provided as to why the green spaces are demonstrably special to the local community. Furthermore as both sites are at some distance from the local community, it is considered that they do not satisfy the NPPF requirement that they be in reasonably close proximity to the community they serve. It is therefore recommended that the policy be deleted and the sites removed from Figure 3. A description of the two areas may be retained in the Plan for information with a note that they did not satisfy the requirements to be designated as Local Green Space.
- 4.12 A representation has been made by the County Council's Development Management team stating that the two areas are distant from the settlement and do not seem to be under threat from development.

**Recommendation 2: Delete Policy BR2, paragraphs 7.4 to 7.6 and delete the sites from Figure 3.**

## Housing

### Policy BR3 Scale and Type of New Housing Development in the Parish of Brilley

- 4.13 The Herefordshire Core Strategy identifies a housing growth target for the parish of 12% which equates to 16 dwellings over the plan period. Three sites were brought forward through a call for sites and these have been fully assessed by independent planning consultants. All three sites had major constraints for housing development and the assessment concluded that only part of each site was suitable for development. Consultation was carried out on the site options and an assessment included in the Environmental Report.
- 4.14 Paragraphs 7.18 to 7.23 explains the process that has been undertaken in assessing and selecting the sites to be allocated. It is noted that indicative housing numbers have been deleted from the plan following the Regulation 14 consultation. Policy BR3 does not include the housing requirement figure and does not list the site allocations by name. It only refers to allocated sites as defined on the Brilley Village Proposals Map where the sites are shown as proposed housing sites rather than allocations. Settlement boundaries have been drawn around two clusters of the village but the housing allocations have been excluded.
- 4.15 The assessment of the potential housing sites has been undertaken in a clear and objective manner with appropriate community consultation. As no indicative housing figures have been supplied, it is unclear whether the two sites selected will deliver the minimum requirement of 16 dwellings. No details have been supplied of any allowance for windfall developments, although the

potential for some was identified through the Call for Sites and it would be helpful to include reference to this in paragraph 7.21. The number of houses delivered on the allocations will depend on the layout and density of the developments; if they are to deliver all or most of the housing requirement, it would be helpful to developers and decision makers to set out an indicative number for each site.

- 4.16 To improve the clarity of the Plan for decision makers, it is recommended that Policy BR3 should refer to the minimum number of dwellings to be delivered in the plan area to meet the Core Strategy housing requirement. The policy should include details of the sites to be allocated including the site areas and indicative numbers; the sites should be included in the settlement boundaries. The key to the Proposals Map should be amended to refer to the sites as housing allocations. The supporting material on the assessment process could be condensed and more detailed information could be provided about the nature of the development envisaged and any environmental safeguarding required.

**Recommendation 3: Revise the first part of Policy BR3 as follows:**

***“At least 16 dwellings shall be delivered by 2031 through the development of the housing allocations, windfall development within the settlement boundaries and exceptionally through windfall development in the countryside.***

***“The following sites are allocated for housing development as defined on the Brilley Village Proposals Map:***

***“Site 1 Pentre Lane site (0.5ha), up to 4 dwellings***

***“Site 2 Site west of Brunley Close, (0.73ha) for up to 5 dwellings***

***“New housing development should be: criteria a) to e).”***

**For the avoidance of doubt: No modifications are proposed to the remainder of Policy BR3.**

**The Settlement Boundaries should be revised to include the allocated housing sites. The key to the Proposals Map should be revised to read “Housing Allocations”. The housing allocations should be numbered.**

**Paragraph 7.21 should be revised to delete “(though these figures have been deleted from the draft Plan following responses to the Regulation 14 consultation)”.**

**Add “It is anticipated that additional dwellings will come forward as windfalls.” before the final sentence in paragraph 7.21.**

## **Policy BR4 – Ensuring an Appropriate Range of Tenures, Types and Sizes of Houses**

- 4.17 The policy seeks to ensure that new housing developments contribute to maintaining a mix of tenures, types and sizes of dwellings as highlighted in the recent neighbourhood plan questionnaire and previous housing needs survey. It is considered that this part of the policy is unclear and imprecise and would be difficult to implement consistently.
- 4.18 The second and third parts of the policy refer to the provision of affordable housing and the integration of such development within the site as a whole.
- 4.19 The evidence set out in paragraph 7.25 refers only to the affordable housing need demonstrated through the 2012 housing needs survey. This survey cannot be relied upon throughout the life of the Neighbourhood Plan and will need to be updated periodically to provide up to date evidence to support the policy requirement for affordable housing need.
- 4.20 Representations have been received from the County Council's Strategic Planning and Development Management teams stating that it would be difficult to see how affordable housing will be brought forward through this policy as it is unlikely that any of the proposals in the plan will deliver any affordable housing. The suggestion is made to include reference to Core Strategy Policy H2 in the second paragraph.
- 4.21 Herefordshire Core Strategy Policy H1 sets out the thresholds and targets for the provision of affordable housing as part of a mixed market and affordable development. This sets a minimum development threshold of 10 dwellings before affordable housing is required. Although indicative figures have not been provided for the two housing allocations, it is unlikely that either site will deliver 10 or more dwellings. In these circumstances, new affordable housing in the plan area would only be deliverable on rural exceptions sites in accordance with Core Strategy Policy H2.
- 4.22 Core Strategy Policy H3 addresses the delivery of a range and mix of housing to contribute to the creation of balanced and inclusive communities. A minimum threshold of 50 dwellings is set for the application of this policy.
- 4.23 It is considered that Policy BR4 is not in general conformity with the strategic policies. No evidence has been supplied to support and justify its application on the small site allocations proposed. It is recommended therefore that it be deleted.

**Recommendation 4: Delete Policy BR4. Move paragraph 7.25 to the local evidence section of the introduction to the housing section.**

## Protection and Enhancement of Natural and Built Environment

### Policy BR5 – General Design Principles

- 4.24 The policy sets out a number of general design principles which all new development proposals should take into account. Paragraph 7.27 refers to several policies in the Core Strategy but omits Policy SD1 – Sustainable Design and Energy Efficiency which sets out design requirements for new development.
- 4.25 Representations have been received from the County Council’s Strategic Planning and Development Management Teams concerning the following
- a) Whether there is any brownfield land and if not whether there is a need to refer to it.
  - b) The term “exploits” is considered inappropriate; and that the use of “local trades people” is not a planning matter and cannot be required through a planning condition.
  - h) the reference to artificial alternatives should be deleted.
- 4.26 There is considerable overlap between the criteria in Policy BR5 and those in Policies BR12 and BR14. I have recommended that to avoid duplication, they should be deleted from the latter two policies. It would be helpful to decision makers to have one set of requirements that is consistently worded that addresses all design matters, unless there are specific required for a particular type of development. It should be made clear in the justification to the policy that Policy BR5 will be applied in the consideration of the design of all types of development.
- 4.27 Criterion a) refers to the development making efficient use of land and buildings and prioritising brownfield sites and the retention of buildings. It is considered that this requirement is appropriate as development may include the redevelopment of sites and the conversion of existing buildings.
- 4.28 Criterion b) of Policy BR5 states that development proposals should “exploit existing services and facilities, including using local tradespeople wherever possible”. This is not a land use planning matter and it is not possible for decision makers on planning applications to set out such a requirement. It is recommended that the criterion be deleted.
- 4.29 Criterion c) refers to the development not having a detrimental effect on residential amenity. To improve the clarity of this requirement for decision makers, it is recommended that this criterion refer to “unacceptable detrimental effect on...”.
- 4.30 Criterion d) refers to the development not having a detrimental effect on the safe and efficient operation of existing transport and road infrastructure. To improve the clarity of this requirement for decision makers, it is recommended that this criterion refer to “unacceptable detrimental effect on highway safety”.

- 4.31 Criterion h) refers to the use of “...or suitable artificial alternative” building materials. To improve the clarity of this requirement for decision makers, it is recommended that this criterion refer to “or suitable alternatives”.

**Recommendation 5: Revise Policy BR5 as follows:**

**Delete criterion b)**

**Revise criterion c) to read “Does not have an unacceptable detrimental effect on...”.**

**Revise criterion d) to read “Does not have an unacceptable detrimental effect on highway safety.”**

**Revise criterion h) to read “... or suitable alternatives”.**

**Policy BR6 – Landscape Character**

- 4.32 The policy sets out a number of criteria that all development proposals should have regard to in safeguarding the local landscape character. It is considered that the policy accords with the Basic Conditions. No modifications are proposed.

**Policy BR7 – Dark Skies**

- 4.33 The policy seeks to ensure that development proposals that include external lighting or have significant openings that allow internal lighting to be seen externally to demonstrate the need for the lighting and that the nature and location of the lighting is appropriate.
- 4.34 Core Strategy Policy SD1 requires that new development does not contribute to, or suffer from, adverse impacts arising from amongst other things light contamination. The Neighbourhood Plan does not provide any advice on how the policy is to be implemented and Herefordshire Council does not have any guidance on how planning can help to safeguard the night skies.
- 4.35 It is considered that the policy wording is unclear and would not be capable of being implemented consistently by decision makers. The policy provides no controls on lighting such as limiting the hours of use or direction of the lighting or guidance on the application of the policy.
- 4.36 Many types of external lighting do not require planning permission and there would therefore be no scope to control the lighting. Furthermore, it is not clear what amounts to “significant openings” in a building and when this would be applicable. There is no information on how “an appropriate assessment of the need for lighting” is to be carried out and when it would be acceptable to have external lighting or allow lighting through significant openings.
- 4.37 It would be more helpful for the policy to refer to the types of lighting that require planning permission and the way that they can be controlled through planning conditions. The recommendation sets out a suggested form of

wording to help to resolve these concerns. The time limitation should reflect local circumstances and should be agreed with the local planning authority.

**Recommendation 6: Replace Policy BR7 with:**

***“Development should not detract from the unlit environment of the Plan area. Security, outside lighting and floodlighting should be designed to be deflected downwards. Outside lighting and floodlighting should be switched off no later than 23.00. Security lighting should be switched on as required.”***

## **Improvements to Transport and Communications Infrastructure**

### **Policy BR8 – Supporting the Development of Communications Infrastructure**

- 4.38 The policy supports the development of new high speed broadband infrastructure providing it is sympathetically designed. New development proposals should facilitate the provision of communications networks.
- 4.39 It is considered that the policy satisfies the Basic Conditions and no modifications are proposed.

### **Policy BR9 – Traffic Management**

- 4.40 The policy states that the Neighbourhood Plan supports improvements in road safety and traffic management and the provision or improvement of public transport. Policy BR10 seeks to secure funding through development proposals towards transport initiatives, including those stated here.
- 4.41 It is considered that Policy BR9 sets out the aspirations of the community towards improvements to highway safety and public transport and is not worded as a land use development policy and therefore I am recommending that it should be deleted.

**Recommendation 7: Delete Policy BR9.**

### **Policy BR10 – Transport Improvements**

- 4.42 The policy sets out a list of infrastructure improvements to which developer contributions and Community Infrastructure Levy payments will be sought. The final paragraph of the policy states that the Parish Council will encourage public transport providers to provide a service to support the future development of the village.
- 4.43 Herefordshire Council has adopted a Supplementary Planning Document on Planning Obligations and has prepared a preliminary draft CIL Charging Schedule. In view of the limited number and scale of housing developments proposed in the Neighbourhood Plan, it is evident that only limited contributions will be forthcoming towards infrastructure improvements. It is

considered that the policy is overly optimistic as to the amount of infrastructure that could be secured by this source of funding.

- 4.44 Representations have been received from the County Council's Strategic Planning and Development Management teams stating that the scale and type of housing development proposed in the Neighbourhood Plan would mean that they are unlikely to attract S106 contributions. Any self build houses would not be liable for CIL.
- 4.45 The NPPF advises that sites should not be subject to a scale of obligations that will affect their viability. The PPG states that the neighbourhood plans should set out the prioritised infrastructure required to address the demands of the development identified in the plan.
- 4.46 I have asked the Qualifying Body to advise me on whether the provision or improvement of public transport as proposed in the policy is likely to be deliverable. They have responded to say that there is no public transport in the plan area apart from a twice-weekly bus along the southern boundary that does not stop in the area. In view of the lack of a current service, it is considered therefore that the provision or improvement of public transport is not likely to be feasible and deliverable from the level of development proposed and should be deleted from the policy.
- 4.47 The Qualifying Body has confirmed that its priority infrastructure requirements for delivery through developer contributions are as set out in criteria a) and b). They consider that the traffic management measures are likely to be feasible. They have confirmed that criteria c) on public and community transport and d) on walking and cycling routes are aspirations.
- 4.48 The Qualifying Body's aspiration of the provision of public transport and footpath and cycleway improvements through development contributions from the small scale development is unlikely to be deliverable and should not therefore be included as priorities in the policies of the Neighbourhood Development Plan.

**Recommendation 8: revise Policy BR10 as follows:**

**Delete criteria c) and d) and the final paragraph of the policy (The Parish Council will....)**

**Policy BR11 – Public Rights of Way / Connectivity**

- 4.49 The policy supports the improvement of the existing public rights of way network and improved linkages within the parish and to pedestrian and cycle routes beyond. All new development proposals are to provide new public rights of way to link to the existing and new networks and linkages to wildlife corridors with the provision of landscaping along the route.
- 4.50 The policy can only include proposals that would be within the plan area. There are no proposals in the plan for the improvement of specific routes and

it is unclear how linkages can be improved to routes beyond the plan area. A recommendation is made to amalgamate the first two paragraphs of the policy to improve its clarity and to delete reference to improving linkages and accessibility beyond the parish.

- 4.51 In view of the small scale of the development proposals allocated in the plan, the requirements are considered to be onerous and undeliverable. It would impose a scale of obligations that will affect the viability of proposals. The Qualifying Body has responded to my question concerning their infrastructure priorities that the improvement of walking and cycling routes through developer contributions is aspirational and is not a priority. It is recommended therefore that the final part of the policy be deleted.

**Recommendation 9: revise Policy BR11 to read:**

***“The improvement and enhancement of the public rights of way network for walking and cycling will be supported.”***

**Delete the final paragraph of the policy and criteria a) and b).**

## **Employment and Tourism**

### **Policy BR12 – Supporting and Enhancing Local Employment**

### **Policy BR13 – New Local Employment Opportunities**

- 4.52 Policy BR12 aims to support local employment and sets out seven criteria in the first part of the policy to be used in considering proposals for the expansion of business premises. The second part of the policy sets out two criteria to be used in considering the redevelopment or change of use of existing employment premises. The first part of the policy refers to business premises and the second part to employment premises.
- 4.53 There is a considerable amount of overlap between the criteria in the first part of the policy and the general design policy in Policy BR5. It is recommended therefore that the criteria a) to e) in Policy BR12 are deleted and the design of new employment development should be considered against the criteria of Policy BR5. There are two criteria which are not addressed in Policy BR5 – f) and g).
- 4.54 Criterion f) requires developments to include mechanisms to improve environmental performance to that of current best practice standards. No explanation is provided in the justification as to which standards are to be met. The Qualifying Body has pointed me to the report published by Defra entitled “*Environmental Key Performance Indicators Reporting Guidelines for UK Business, 2006*”. This report advises on the Key Performance Indicators that businesses should report on to demonstrate the sustainability and environmental standards of their operations. These are not matters that can

be implemented or enforced through town planning controls. Criterion f) is not a land use planning requirement and should therefore be deleted.

- 4.55 Criterion g) refers to the development being in accordance with Policy E2 of the Herefordshire Core Strategy. This policy relates to the redevelopment of employment land and buildings included in the Employment Land Review and aims to safeguard the best quality sites for employment use. The Qualifying Body has confirmed that there are no sites in the Plan area included in the Employment Land Review. In these circumstances Policy E2 is not applicable in the Plan area and criterion g) should be deleted. .
- 4.56 It is recommended that the first part of the policy be simplified to support developments that enlarge or improve existing business premises provided they satisfy the General Design Policy BR5 and other policies of the local development plan.
- 4.57 The second part of the policy permits the redevelopment or change of use of business premises provided that they have been marketed for 12 months or more or equivalent or better provision is made elsewhere within the parish to replace the proposed loss.
- 4.58 Representations have been received from the County Council's Development Management team stating that the approach in the first part of the policy is clear and precise. The second part of the policy seems to be unduly onerous given the rural nature of the area and the small scale of the exiting employment sites. It is suggested that Policies BR12 and BR13 could be combined.
- 4.59 I have considered these requirements against those of Policy E2 of the Core Strategy. CS Policy E2 relates to the loss of moderate quality employment land. The strategic policy requires that the viability of the development proposal must be confirmed through a comprehensive assessment; and there must be evidence of appropriate and active marketing of at least 12 months for a change of use of a B Class employment use and it can be shown that this marketing has been unsuccessful.
- 4.60 The Neighbourhood Plan policy seeks to apply the principle of active marketing to the loss of all employment premises and goes further to require equivalent or better replacement provision to be made elsewhere in the parish. The justification does not define the term employment premises and this could be interpreted to mean any premises where people are employed.
- 4.61 NPPF paragraph 28 supports the retention of and development of local services and community facilities. One means of achieving this is through applying the principle of active marketing to essential community services such as public houses and village shops. However Policy BR12 extends this very widely to all forms of employment premises. No evidence or justification has been provided to support the application of this policy either to all employment premises or to essential community services. I therefore recommend that it be deleted.

- 4.62 Criterion g) introduces a further requirement that equivalent or better provision is made elsewhere in the parish before the loss of employment premises is permitted. I concur with the County Council that this requirement would be unduly onerous given the rural nature of the area and the small scale of the existing employment sites and I therefore recommend that it be deleted.
- 4.63 Policy BR13 seeks to permit the development of new local employment opportunities in the plan area provided that they satisfy five criteria. Again these criteria repeat many of the those in the General Design Policy BR5. It is recommended that the policy should be combined with Policy BR12 to set out a single policy on supporting and enhancing local employment.
- 4.64 The NPPF advises that decisions on planning applications have to be made in the light of the local development plan and other material considerations. There may be factors set out in other policies in the development plan and other material considerations that have to be taken into account in determining whether a proposal may be permitted.

**Recommendation 10: amalgamate Policies BR12 and BR13 to read:**

**“The development of new sites or buildings of an appropriate scale to serve the employment needs of the local area and the enlargement or improvement of existing business premises will be supported provided that the development satisfies the requirements of Policy BR5 and other policies of the development plan.”**

**Policy BR14 – Tourism Development**

- 4.65 The first part of this policy encourages proposals that contribute to the visitor economy and new visitor accommodation subject to them meeting nine criteria. Potentially this policy could be used to consider development proposals for a wide range of schemes from caravan sites to commercial outdoor sports as well as small scale guest house accommodation.
- 4.66 NPPF paragraph 28 advises that planning policies should support economic growth in rural areas including through sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. The provision and expansion of tourist and visitor facilities should be supported in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 4.67 Core Strategy Policy E4 supports the development of sustainable tourism that capitalises on the county’s landscape and natural assets and the attractive rural settlements, providing that the proposals do not have a detrimental impact on the natural and heritage assets and the overall character and quality of the environment. The policy encourages a needs assessment to be carried out for new hotels.

- 4.68 Criteria b) to f) and h) repeat criteria set out in the General Design Policy BR5. In addition criterion i) requires development to satisfy the General Design Policy BR5.
- 4.69 The policy only includes two criteria that would be used to determine whether the proposed tourism development is acceptable in the proposed location.
- 4.70 Criterion a) requires developers to demonstrate that there is a need for the accommodation. The Core Strategy Policy E4 encourages this for new hotel development. It may be considered to be an onerous requirement for small scale developments to undertake and may not be feasible for small scale developments. It is recommended that this criterion be deleted.
- 4.71 Criterion g) states that the proposal should not introduce built development into an area largely devoid of structures other than those directly related to agriculture or forestry. It is not clear how this criterion is to be interpreted as most rural areas contain farm buildings and associated structures. It may have been more helpful to refer to the development being adequately screened or being of an acceptable scale within the existing landscape structure. The suitability of the access and provision of adequate parking are also matters to consider in determining the acceptability of rural tourism proposals.
- 4.72 In order to ensure that the policy is clearly worded and capable of consistent interpretation by decision makers, it is recommended that the first part of Policy BR14 should be revised to delete the design criteria that are included in Policy BR5 and new criteria are added that will be used in determining whether the development is of an acceptable scale for the proposed location, has adequate existing screening, and that satisfactory access and parking can be provided.
- 4.73 The second part of the policy seeks to resist the change of use of holiday accommodation to residential use subject to three criteria. The first requires the use of the dwelling for a household with an identified local need. No explanation is given as to how this is to be implemented or enforced. I have asked the Qualifying Body for an explanation and they have replied that they consider it to be a current resident in rented accommodation or living with relatives who requires affordable market housing. It is recommended that the Qualifying Body discuss this matter with the local planning authority and agree the terms of a Local Connections Policy that will be included in the justification and applied to this policy.
- 4.74 Representations have been received from the County Council's Development Management team questioning how the need for the accommodation would be assessed in the first criterion. Two additional criteria are suggested: one that the scale of the development should be appropriate to the area and secondly that any permissions for new accommodation will be subject to an occupancy condition.

- 4.75 I have addressed the deletion of the first criterion and considered an additional criterion to assess the suitability of the scale of the development in paragraph 4.72 above. Any new residential accommodation associated with a tourism development would be an exceptional form of development and would be considered against NPPF paragraph 55 and Core Strategy Policy RA4 Agricultural, Forestry and Rural Enterprise Dwellings. There is no need to repeat the policy in the Neighbourhood Plan although a reference to it in the justification would be helpful.

**Recommendation 11: Revise Policy BR14 to read:**

***“Development that contributes to the visitor economy and new visitor accommodation will be encouraged provided that it would not have a detrimental impact on the natural or heritage assets and the overall character and quality of the environment, in particular:***

- a) it is of an acceptable scale for the proposed location;***
- b) there is adequate existing screening for any new buildings to reduce the impact on the landscape;***
- c) a satisfactory means of access and parking can be provided;***
- d) it ensures that any likely significant effect on the River Wye Special Area of Conservation (SAC) is avoided or adequately mitigated; and***
- e) it satisfies the requirements of Policy BR5 and other policies of the development plan.***

**Retain the second part of the policy and criteria j) to l) renumbered.”**

***The justification to the Policy should explain that any new residential accommodation associated with tourism development will be considered against Core Strategy Policy RA4 Agricultural, Forestry and Rural Enterprise Dwellings and will be subject to an occupancy condition.***

***The terms of a Local Needs Connections Policy that is to be applied to proposals involving the change of holiday accommodation to residential use should be agreed with the local planning authority and included in the justification to the policy.***

### **New Policies**

- 4.76 The representation from the County Council’s Development Management Team has commented that the plan lacks three policies
- 1. a policy to assess residential extensions and development within residential curtilages;
  - 2. a policy to cover proposals affecting listed buildings and other heritage assets; and

3. a policy that deals with agricultural development.
- 4.77 There is no requirement for neighbourhood plans to be holistic and address all areas of planning policy or to repeat policies that are adequately addressed in the Local Plan. I consider that Policy BR5 General Design Principles includes criteria that would be applicable in the consideration of residential extensions, development within residential curtilages and agricultural development. Core Strategy Policy LD4 set out the strategic policy for planning for heritage assets and Core Strategy Policies RA4 to RA6 cover development in rural areas.
- 4.78 The Qualifying Body has chosen not to include policies on these three areas. I consider that the topics are adequately addressed through other policies in the Neighbourhood Plan and Core Strategy and there is no need to include additional policies.

## 5.0 Referendum

- 5.1 The Brilley Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contributes to the achievement of sustainable development;
  - is in general conformity with the strategic policies contained in the Development Plan for the area;
  - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 5.3 **I am pleased to recommend to Herefordshire Council that the Brilley Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Herefordshire Council on 14 May 2014.

## 6.0 Background Documents

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

- Brilley Neighbourhood Plan Submission Draft Version to 2031 and Appendices (July 2016)
- Brilley Neighbourhood Plan Basic Conditions Statement
- Brilley Neighbourhood Plan Consultation Statement
- Brilley Neighbourhood Plan Environmental Report July 2016
- Brilley Neighbourhood Plan HRA Addendum Report Jan 2016
- Brilley Call for Sites Assessment November 2015
- Brilley Parish Policies Map and Village Policies Map
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Planning Obligations Supplementary Planning Document April 2008
- Herefordshire Revised Preliminary Draft Charging Schedule (PDCS) - March 2016
- Herefordshire Employment Land Study 2012
- Environmental Key Performance Indicators Reporting Guidelines for UK Business Defra 2006

## 7.0 Summary of Recommendations

**Recommendation 1: revise Policy BR1 as follows:**

**Revise the first paragraph to refer to the Proposals Map.**

**Revise paragraph 4 to read: “Proposals for new and improvements to existing community facilities will be supported, provided that:”**

**Revise criterion f) to read “The proposal would not have an *unacceptable* adverse effect on.....”**

**Revise the final paragraph to read: “The school site (now part of the Village Hall and Green Community Facility) *shall be used to provide infrastructure to support social events, educational and recreational activities.*”**

**Recommendation 2: Delete Policy BR2, paragraphs 7.4 to 7.6 and delete the sites from Figure 3.**

**Recommendation 3: Revise the first part of Policy BR3 as follows:**

***“At least 16 dwellings shall be delivered by 2031 through the development of the housing allocations, windfall development within the settlement boundaries and exceptionally through windfall development in the countryside.***

***“The following sites are allocated for housing development as defined on the Brilley Village Proposals Map:***

***“Site 1 Pentre Lane site (0.5ha), up to 4 dwellings***

***“Site 2 Site west of Brunley Close, (0.73ha) for up to 5 dwellings***

***“New housing development should be: criteria a) to e).”***

**For the avoidance of doubt: No modifications are proposed to the remainder of Policy BR3.**

**The Settlement Boundaries should be revised to include the allocated housing sites. The key to the Proposals Map should be revised to read “Housing Allocations”. The housing allocations should be numbered.**

**Paragraph 7.21 should be revised to delete “(though these figures have been deleted from the draft Plan following responses to the Regulation 14 consultation)”.**

**Add *“It is anticipated that additional dwellings will come forward as windfalls.”* before the final sentence in paragraph 7.21.**

**Recommendation 4: Delete Policy BR4. Move paragraph 7.25 to the local evidence section of the introduction to the housing section.**

**Recommendation 5: Revise Policy BR5 as follows:**

**Delete criterion b)**

**Revise criterion c) to read “Does not have an unacceptable detrimental effect on...”.**

**Revise criterion d) to read “Does not have an unacceptable detrimental effect on highway safety.”**

**Revise criterion h) to read “... or suitable alternatives”.**

**Recommendation 6: Replace Policy BR7 with:**

***“Development should not detract from the unlit environment of the Plan area. Security, outside lighting and floodlighting should be designed to be deflected downwards. Outside lighting and floodlighting should be switched off no later than 23.00. Security lighting should be switched on as required.”***

**Recommendation 7: Delete Policy BR9.**

**Recommendation 8: revise Policy BR10 as follows:**

**Delete criteria c) and d) and the final paragraph of the policy (The Parish Council will....)**

**Recommendation 9: revise Policy BR11 to read:**

***“The improvement and enhancement of the public rights of way network for walking and cycling will be supported.”***

**Delete the final paragraph of the policy and criteria a) and b).**

**Recommendation 10: amalgamate Policies BR12 and BR13 to read:**

***“The development of new sites or buildings of an appropriate scale to serve the employment needs of the local area and the enlargement or improvement of existing business premises will be supported provided that the development satisfies the requirements of Policy BR5 and other policies of the development plan.”***

**Recommendation 11: Revise Policy BR14 to read:**

***“Development that contributes to the visitor economy and new visitor accommodation will be encouraged provided that it would not have a detrimental impact on the natural or heritage assets and the overall character and quality of the environment, in particular:***

***f) it is of an acceptable scale for the proposed location;***

- g) there is adequate existing screening for any new buildings to reduce the impact on the landscape;**
- h) a satisfactory means of access and parking can be provided;**
- i) it ensures that any likely significant effect on the River Wye Special Area of Conservation (SAC) is avoided or adequately mitigated; and**
- j) it satisfies the requirements of Policy BR5 and other policies of the development plan.**

**Retain the second part of the policy and criteria j) to l) renumbered.”**

***The justification to the Policy should explain that any new residential accommodation associated with tourism development will be considered against Core Strategy Policy RA4 Agricultural, Forestry and Rural Enterprise Dwellings and will be subject to an occupancy condition.***

***The terms of a Local Needs Connections Policy that is to be applied to proposals involving the change of holiday accommodation to residential use should be agreed with the local planning authority and included in the justification to the policy.***