

# **Callow and Haywood Neighbourhood Development Plan 2011-2031**

## **Independent Examiner's Report**

By Ann Skippers BSc (Hons) MRTPI

16 May 2016

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## Summary

I have been appointed as the independent examiner of the Callow and Haywood Neighbourhood Development Plan. The Callow and Haywood Group Parish comprises the parishes of Callow, Haywood, Grafton and Dewsall. The Group lies about 3 miles to the south of Hereford City and about 13 miles to the north-west of Ross-on-Wye.

The Group Parish is rural in character. It has a distinctive landscape with some magnificent long distance views including a vista of six counties from the top of Callow Hill. With scattered housing and farmsteads, woodlands and undulating landscape criss-crossed by narrow country lanes, there is a sense of spaciousness and openness despite the Parish's proximity to Hereford.

The Plan recognises that change will happen and seeks to manage this carefully so that the Parish and its residents and businesses continue to prosper, but that those attributes that make this area such a special place are valued and conserved.

An Environmental Report and Habitats Regulations Assessment were prepared. During the course of the examination it became apparent that the consideration of reasonable alternatives had not been documented. I therefore suspended the examination on 8 February 2016 to enable the Group Parish to consider this. An Addendum to the Environmental Report was duly prepared and has been subject to consultation with the statutory consultees, those making representations at Regulation 16 stage and the general public. I resumed the examination on 4 May 2016 after the consultation period had ended. More information about this is to be found in section 7.0 of the report.

Further to consideration of the policies in the Plan 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 and consistent.

Subject to those modifications, and in the light of the additional work carried out on Strategic Environmental Assessment, 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 Callow and Haywood Neighbourhood Development Plan 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  
Ann Skippers Planning  
16 May 2016



## **1.0 Introduction**

This is the report of the independent examiner into the Callow and Haywood 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.

The Callow and Haywood Group Parish comprises the parishes of Callow, Haywood, Grafton and Dewsall. The Group lies about 3 miles to the south of Hereford City and about 13 miles to the north-west of Ross-on-Wye.

The Group Parish is rural in character. It has a distinctive landscape with some magnificent long distance views including a vista of six counties from the top of Callow Hill. With scattered housing and farmsteads, woodlands and undulating landscape criss-crossed by narrow country lanes, there is a sense of spaciousness and openness despite the Parish's proximity to Hereford. With a wealth of historic buildings including one with links to John Nash and with the Duchy of Cornwall land holdings and buildings in the Group Parish, this is an intriguing area. Although agriculture predominates as an activity, Old Mushroom Farm, an ex war department site is now used for light industry and there is a business estate in Knocker Hill. Visitor accommodation is also available and many work from home. The A49 runs through the middle of Grafton Parish and there are car showrooms and a hotel along this road within the Group Parish.

## **2.0 Appointment of the independent examiner**

I have been appointed by Herefordshire Council (HC) with the agreement of the Group Parish, 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.

### 3.0 The role of the independent examiner

The examiner is required to check<sup>1</sup> 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).

The basic conditions<sup>2</sup> 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.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition of relevance to this examination. This is:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site<sup>3</sup> or a European offshore marine site<sup>4</sup> either alone or in combination with other plans or projects (this is applicable to this examination).

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

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

<sup>2</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

<sup>3</sup> As defined in the Conservation of Habitats and Species Regulations 2012

<sup>4</sup> As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

- 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.

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.

## **4.0 Compliance with matters other than the basic conditions**

I now check the various matters set out above in section 3.0 of this report.

### **Qualifying body**

The Callow and Haywood Group Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This is also confirmed in the Basic Conditions Statement. This requirement is met.

### **Plan area**

The Plan area is coterminous with the Callow and Haywood Group Parish Council administrative boundary which covers the Parishes of Callow, Haywood, Grafton and Dewsall. The area is clearly shown on page 4 of the Plan although I recommend a minor clarification to this map later in this report.

Herefordshire Council approved the designation of the area on 25 November 2013. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements.

### **Plan period**

The front cover of the Plan clearly indicates the Plan period as being from 2011 – 2031. This aligns with the Core Strategy.

## 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 Basic Conditions Statement.

## 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 non-land use matters should be clearly identifiable.<sup>5</sup> Subject to any such recommendations, this requirement can be satisfactorily met.

## 5.0 The examination process

It is useful to bear in mind that the examination of a neighbourhood plan is very different to the examination of a local plan. I am not examining the Plan against the tests of soundness used for Local Plans, but rather whether the submitted 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).<sup>6</sup>

The general rule of thumb is that the examination will take the form of written representations.<sup>7</sup> However, 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 consideration of the documentation and all the representations, I decided it was not necessary to hold a hearing.

I have also specifically referred to some representations and sometimes identified the person or organisation making that representation. However, I have not referred to each and every representation in my report. Nevertheless each one has been considered carefully and I reassure everyone that I have taken all the representations received into account during the examination.

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<sup>5</sup> PPG para 004 ref id 41-004-20140306

<sup>6</sup> *Ibid* para 055 ref id 41-055-20140306

<sup>7</sup> Schedule 4B (9) of the Town and Country Planning Act 1990

During the course of the examination it was necessary to clarify a number of factual matters. My list of questions is appended to this report.

In addition the examination was suspended on 8 February 2016. My letter to HC outlining this course of action is appended to this report. My letter explains that there were deficiencies with the Strategic Environmental Assessment process. This issue is discussed in greater detail in section 7.0 of this report.

I would like to record my thanks for the exemplary support and quick responses that I received from the officers at HC and the Group during the course of this examination.

I undertook an unaccompanied site visit to the neighbourhood plan area on 11 December 2015.

## 6.0 Consultation

The Group Parish has submitted a Consultation Statement which provides details of who was consulted and how, together with the outcome of that engagement process.

A Steering Group of Parish Councillors, local residents and representatives of local farms and businesses prepared the Plan. An informal consultation on a first draft in the Autumn of 2014 elicited a good response, no doubt due to the mammoth effort in distributing over 200 copies of the draft Plan by hand to households, farms and businesses across the Group Parish. An open day was also held and the informal consultation promoted on the Parish Council's website and notice boards.

The Plan sensibly builds on earlier work on a Community Led Plan published in March 2012 which in itself was subject to public consultation. Many of the issues identified in the Community Led Plan were taken forward in the Plan alongside other issues identified as a result of this first informal consultation stage. These key issues are helpfully and clearly recorded in the Consultation Statement.<sup>8</sup>

Regulation 14 (pre-submission) consultation was between 24 November 2014 and 19 January 2015 sensibly giving more time over the traditional festive break. A variety of awareness raising about this stage took place including flyers to all households and businesses in the Parish, websites and notice boards. The Consultation Statement indicates that about 70 comments were received at this stage. Table 1 in the Consultation Statement sets out these responses and how they have been taken forward by the Steering Group in line with Regulation 15.<sup>9</sup>

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<sup>8</sup> Consultation Statement page5 onwards

<sup>9</sup> Regulation 15 of the Neighbourhood Planning (General) Regulations 2012



Submission (Regulation 16) consultation was carried out between 22 May and 3 July 2015. This attracted a number of representations which I have taken into account in preparing this report.

Whilst it is often unwise to single out a particular representation it is important to record that Historic England commends the Plan as “a well-considered, concise and fit for purpose document that constitutes a very good example of community led planning”.<sup>10</sup>

The evidence demonstrates that the Plan has emerged as a result of seeking, and taking into account, the views of the community and other bodies over a sustained period of time.

## 7.0 The basic conditions

### 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.<sup>11</sup>

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.<sup>12</sup>

On 6 March 2014, the Government published a suite of planning guidance. This is an online resource available at [www.planningguidance.planningportal.gov.uk](http://www.planningguidance.planningportal.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. This is referred to as Planning Practice Guidance (PPG).

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.<sup>13</sup>

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<sup>10</sup> Letter from Historic England of 29 June 2015

<sup>11</sup> NPPF paras 14, 16

<sup>12</sup> *Ibid* para 184

<sup>13</sup> *Ibid* para 17

PPG indicates that a policy should be clear and unambiguous<sup>14</sup> 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.

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>15</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>16</sup>

The Basic Conditions Statement sets out how the Plan has responded to national policy and guidance, particularly focusing on the NPPF's twelve core planning principles. It does so in a simple, but clear and effective way.

### **Sustainable development**

A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole<sup>17</sup> 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.<sup>18</sup>

Tables 1 and 2 of the Basic Conditions Statement help to outline how the Plan contributes to the achievement of sustainable development.

### **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 UDP (found in Appendix 1 of the CS). The most relevant document to this examination is the CS and I have taken all the policies to be 'strategic'.

The Basic Conditions Statement contains Table 3 that is a straightforward list of the policies in the Plan and a list of UDP and draft CS policies considered to be of relevance. It is then up to the reader to decide how these relate and a short commentary similar to that found in earlier tables would have been helpful.

Understandably with the passage of time Table 3 is now out of date. The Group Parish has confirmed to me that it considers all the policies to be in general conformity with the relevant policies of the adopted CS. It has of course assisted greatly that there has

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<sup>14</sup> PPG para 041 ref id 41-041-20140306

<sup>15</sup> *Ibid* para 040 ref id 41-040-20160211

<sup>16</sup> *Ibid*

<sup>17</sup> NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

<sup>18</sup> *Ibid* para 7

been a close working relationship between the Parish and HC. The Plan taken as a whole will support the vision, objectives and policies of the CS.

### **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.

### **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.

HC determined on 22 October 2013 that a SEA would be required because of the range of environmental designations in and around the Parish and the likelihood of significant environmental effects.

In accordance with the Regulations, a Scoping Report was prepared and subject to consultation with the three statutory consultees namely the Environment Agency, Natural England and Historic England for the requisite period.

A draft Environmental Report was produced and consulted upon at the same time as the pre-submission (Regulation 14) version of the Plan.

A finalised Environmental Report dated May 2015 was prepared which includes details of the re-screening that took place of revised policies in the Plan following changes made after the pre-submission stage and in the light of changes to the Core Strategy. It concludes that the Plan will not have any significant effects. This report was consulted upon at the same time as the draft Plan at Regulation 16 stage.

However, the Environmental Report did not identify, describe or evaluate the likely significant effects on the environment of any reasonable alternatives taking into account the objectives and the geographical scope of the Plan in line with Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004. In fact the report indicated on pages 3, 4 and 10 and again on page 2 of Appendix 5 that no reasonable alternatives were considered.

I am mindful of the advice in PPG in relation to the SEA requirements for neighbourhood plans and in particular the need for such assessments to be appropriate for the content and level of detail in the neighbourhood plan.<sup>19</sup> Furthermore it is widely accepted that the assessment of reasonable alternatives does not mean all possible

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<sup>19</sup> PPG para 030 ref id 11-030-20150209

alternatives, but requires a judgment as to which alternatives should be included in any evaluation.

It did seem to me however that consideration should have been given to reasonable alternatives. I therefore wrote to HC explaining this position and indicating that the best course of action was to suspend the examination to allow this work to be documented. My letter of 8 February 2016 is appended to this report.

Accordingly, an Addendum to the Environmental Report dated February 2016 has been produced. This document addresses my concerns and details the options the Group Parish considered. In accordance with the Regulations, the statutory consultees were consulted for a period of five weeks and the consultation advertised on HC's website. Responses from Natural England and Historic England indicate agreement with the conclusions in the Environmental Report and its Addendum.<sup>20</sup> No other responses were received.

After this additional consultation period ended, I decided it would be prudent to give anyone making a representation at Regulation 14 and 16 stages an opportunity to comment and to draw this extra information to their direct attention. It was unfortunate and I regret that I had not made this request as explicitly as I might have and therefore a further period of consultation ran between 12 April and 3 May 2016. No responses were received.

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

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

### **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.<sup>21</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

Screening was carried out in November 2013 as the Group Parish falls within the catchment for the River Wye which is a Special Area of Conservation (SAC) although the SAC is some 0.7km away from the Group Parish boundary and concluded that a full screening assessment would be required.

A HRA dated November 2014 was produced. The HRA concluded that none of the Plan's objectives or policies were likely to have a significant effect on the River Wye

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<sup>20</sup> Letter from Natural England dated 23 March 2016 and letter from Historic England of 4 March 2016

<sup>21</sup> PPG para 047 ref id 11-047-20150209

SAC. The recommendations in the HRA to strengthen some policies by making specific references to the River Wye SAC also seem to have been taken on board.

A HRA Addendum dated February 2015 considered changes to some of the policies after pre-submission consultation. This concluded that the Plan would not be likely to have a significant effect on the River Wye SAC.

A HRA Second Addendum dated May 2015 considered changes made to the Plan following on from the Main Modifications to the Core Strategy. In particular this related to Policy CH9 and what is described in the report as a “marginal rise in the number of dwellings proposed”.<sup>22</sup> The report concluded that the Plan would not have a likely significant effect on the River Wye SAC.

Natural England<sup>23</sup> disagreed with the conclusions of the HRA. This was because NE advised that the Plan should only be adopted after the CS or suitable policies are included within the Plan itself. Helpfully NE put forward suggestions for the further changes sought; these have either already been incorporated in the Plan or I recommend modifications to reflect NE’s position. With the passage of time the CS has now been adopted.

A HRA Third Addendum dated February 2016 considered the options that had helped to develop and inform the Plan. This was produced at the same time as the SEA Addendum and underwent consultation with the statutory consultees, was made available on HC’s website and was brought to the attention of all Regulation 14 and 16 representators. Natural England and Historic England responded, but no other representations were received.

Taking all this together, I consider that the Plan is not likely to have a significant effect on the River Wye SAC and that Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) which sets out a further basic condition in addition to those set out in primary legislation as detailed in section 3.0 of this report has been complied with.

### **European Convention on Human Rights (ECHR)**

The Basic Conditions Statement contains a statement about fundamental rights and freedoms guaranteed under the ECHR and how 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.

### **Other Directives**

I am not aware of any other European Directives which apply directly to this particular neighbourhood plan (other than those which have been referred to in the

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<sup>22</sup> HRA Second Addendum page 1

<sup>23</sup> Representation from Natural England dated 3 July 2015

Environmental Report) and in the absence of any substantive evidence to the contrary, I am satisfied that the Plan is compatible with EU obligations.

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 SEA Directive) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.<sup>24</sup>

## 8.0 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**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

A very useful contents page is to be found at the start of the Plan together with a map of the Parish Area and a table of policies and their relevant page numbers. My only comment is to ensure that it is made clear that the Parish Area is also the Plan area that a notation should be added to the map to explain this.

- ***Add “and Neighbourhood Plan Area” to the title and/or notation on the Parish Area map on page 4***

## Executive Summary

This is a succinct and informative start to the Plan. It will of course require updating as the Plan progresses through its formal stages.

## 1.0 Introduction and Background

This well written section helpfully sets out some background information about the Parishes giving a good sense of the characteristics and attributes of, as well as some of the issues, facing the area.

Two maps are included within this section; both showing various designations and constraints. Both are useful maps and can be retained. However, there is no direct reference to either of the maps in the text and it would be useful to cross-reference them for the sake of completeness. In addition Map 3b shows what I assume to be the Environment Agency’s flood zones mapping. These are likely to change over the passage of time and therefore it is recommended that a date is put on the Maps

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<sup>24</sup> PPG para 031 ref id 11-031-20150209

together with a notation that the most up to date information should always be referred to.

Paragraph 1.17 refers to housing growth and explain that Twyford Common and Grafton have been identified in the Core Strategy as “other settlements where proportionate housing is appropriate”. The Group Parish falls within the Hereford Housing Market Area. The Plan indicates that this means an indicative minimum housing growth target of 14% and at least seven new houses within the Group Parish. In the passage of time the CS has been adopted; Policies RA1 and RA2 now require 18% growth in this Housing Market Area and so this figure needs updating.

Obviously any references to the now adopted Core Strategy throughout the Plan will require updating.

Consideration should also be given to whether the South Wye Transport Package section needs any updating.

- **Refer to Maps 3a and 3b in the text explaining what they show**
- **Add a notation to Map 3b that the flood zone information is correct as at [insert date] but reference should always be made to the most up to date information available from the Environment Agency**
- **Update references to the Core Strategy as necessary throughout the Plan including revision of “14%” to “18%” in paragraph 1.17**
- **Update any references to the South Wye Transport Package / link road as necessary**

## **2.0 A Neighbourhood Plan for Callow and Haywood Group Parish**

Setting out the background to the Plan, this section covers how the Plan has evolved over its key stages and how it has taken its lead from an earlier Community Led Plan. Some updating may be needed as the Plan reaches the latter stages of its evolution.

- **Update as necessary**

## **3.0 Vision, Aims and Objectives**

The vision is articulated well and clearly identified in a box. Two aims supported by a number of objectives follow.

The first aim and objectives 1, 2 and 3 read well. Objective 4 refers to the proposed southern link road and seems to me to seek to introduce what might be construed as a policy requirement by indicating it should be designed as a green corridor and

specifying planting and features. Objective 5 refers to the desire to achieve Area of Outstanding Natural Beauty (AONB) status. This is a worthy desire, but it is not a development and use of land issue but more of a community aspiration and so should be placed in a separate section or annex of the Plan.

The second aim and its five associated objectives read well and relate to development and use of land matters.

- **Delete the words “...eg the route of the proposed Southern Link Road should be designed as a green corridor with a profound zone of tree planting on either side of the road and a minimum of urban features such as lighting.” from objective 4 in Aim 1**
- **Move objective 5 in Aim 1 to a separate section or annex of the Plan clearly labeled as a community aspiration**
- **Ensure that any references to objectives 4 and 5 in Aim 1 in other parts of the Plan are also changed to reflect these modifications**

## **4.0. Neighbourhood Plan Policies**

### **4.1 Protecting the Landscape and Setting of the Group Parish**

This section reads well and explains the special characteristics of the Group Parish.

Following on from a query, the Parish Council has confirmed that the “(see above)” after Bullinghope in paragraph 4.1.12 should be deleted together with the first reference in that paragraph to “Grafton” in the interests of clarity. Other minor amendments to help with sense can be made, but are not necessary for me to suggest in order to meet the basic conditions.

- **Delete “(see above)” and the first “Grafton” in paragraph 4.1.12**

## **Policy CH1 Protecting and Enhancing the Rural Landscape**

This policy is long, but nonetheless clearly written. However, I suggest the first sentence of the policy is changed slightly to reflect the policy’s contents and four criteria give me particular cause for concern; numbers 2, 9, 12 and 13.

Criterion 2 uses the word “styles” which seems to me to be rather ambiguous and open to interpretation and therefore I recommend a more precise form of words.

Number 9 seems to allow the removal of orchards or woodland if they “are no longer viable”. This seems to me to be an odd turn of phrase and I note that the Woodland



Trust also expresses concern about this in their representation. The NPPF<sup>25</sup> resists the loss of irreplaceable habitats such as ancient woodlands unless the need for, and benefits of, the development in that location clearly outweigh the loss. Therefore a modification is suggested to criterion 9 to ensure that orchards, woodland and ancient woodland or similar habitats have the protection needed.

Criterion 12 refers to the need for development to provide infrastructure or financial contributions. It is reasonable for the Plan to consider infrastructure needs for new development as it is clearly needed to support development and to ensure a neighbourhood can grow in a sustainable way.<sup>26</sup> However, it is important to ensure that 'double dipping' does not occur and viability of development threatened.<sup>27</sup> There therefore needs to be clarity about how developers might be asked to provide contributions for infrastructure through the Community Infrastructure Levy and planning obligations. I therefore amend this criterion to reflect the Government's position a little more clearly.

My concern in relation to number 13 relates to the need to take account of "significant views" throughout the Plan area. Whilst the principle of this is welcomed and I saw at my visit just how important the open expanses are in this Plan area the criterion as currently worded does not have sufficient 'bite'; an applicant could simply take a view into account but essentially ignore it. Therefore I have suggested a change to the wording of this criterion to address this concern.

Natural England has suggested that criterion 6 is split into two to make it clearer. I agree this would give more prominence to both issues.

Otherwise, subject to a few minor suggestions to improve precision and clarity and remove any unnecessary phrases or inappropriate references to provide the practical framework national policy and guidance seeks, the policy meets the basic conditions. It will assist in ensuring that the special landscape and character of this rural Group Parish is protected and enhanced and that a high standard of development is achieved. This in turn reflects national policy and guidance and supports the achievement of sustainable development.

**The following modifications are therefore suggested:**

- **Add the word "*and*" to the first sentence of the policy so that it reads "*landscape and design principles*"**
- **Correct spelling of "*tranquillity*" to "*tranquility*" in criterion 1**
- **Delete the words "*currently heavily over used*" at the end of criterion 1**
- **Change the word "*styles*" in criterion 2 to "*design and form*"**

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<sup>25</sup> NPPF para 118

<sup>26</sup> PPG para 045 ref id 41-045-20140306

<sup>27</sup> *Ibid* para 002 ref id 23b-002-20140306

- Update criterion 3 references to the emerging Core Strategy to reflect the relevant policies in the adopted Core Strategy including the addition of a reference to CS Policy RA1
- Split criterion 6 into two separate criteria with the first sentence being one criterion and the second becoming another
- Reword the second sentence in criterion 9 to read: *“Development which involves the removal of existing local orchards or areas of woodland will be strongly resisted unless it can be clearly demonstrated that the need for, and the benefits of, the development in that location clearly outweigh the loss of these habitats.”* For the avoidance of doubt the first and third sentences of this criterion are retained
- Reword criterion 12 to read: *“Developer provision or contributions will be sought, where appropriate, or Community Infrastructure Levy used, when available, for the provision of infrastructure for specific new developments and for wider use in the Parishes.”*
- Reword criterion 13 to read: *“Development proposals must ensure that key features of any views can continue to be enjoyed including distant buildings and natural features or features of importance, areas of landscape and the juxtaposition of settlement edges and open countryside.”*
- Renumbering of the criteria will be needed

## Policy CH2 Building and Transport Design Principles

Policy CH2 is another long policy that has a number of criteria. Whilst some overlap a little, they all deal with different issues.

Design and access statements are referred to as a means of demonstrating compliance with this policy, in particular criteria 1 and 2. Some proposals do not require the submission of such a statement and therefore a modification is recommended to ensure that the use of this phrase does not unduly restrict the application of the policy.

Criterion 4 refers to the Herefordshire Farmstead Assessment Framework and associated guidance and statements. Criterion 5 refers to interim guidance from the Bat Conservation Trust. In order to ensure that the Plan is future-proofed a modification is needed to each criterion.

Criterion 7 refers to the use of low carbon technology and this is to be welcomed and encouraged, but the policy needs to build in a greater degree of flexibility given it applies to all developments, major and minor. It also refers to “adverse pressure” on the road network seeking to resist proposals that would worsen the situation both from

a capacity and impact perspective. Whilst this is in principle a reasonable objective, the wording needs more precision so that a practical decision-making framework is provided.

Criterion 8 refers to new roads and the (proposed) southern link road. This could be regarded as a strategic matter outside the scope of the policy, but in any case there is no need for a specific reference to the southern link road as the policy would apply to all new roads. In addition sub-criterion ix. of this criterion refers specifically to the link road and whilst the objective may well be supported it is not appropriate, in my view, for inclusion in a neighbourhood plan.

Criterion 9 encourages quiet lanes, traffic calming and maximum speed limits, but is dependent on the completion of the potential southern link road. There does not seem to be any reason for this dependency and therefore I have suggested a rewording of this criterion to make it more flexible, but also applicable more widely.

Criterion 10 could, in my view, be made more robust and I have recommended a modification to achieve this.

**The following modifications are therefore recommended:**

- **Change “within design and access statements” at the end of criteria 1 and 2 to read “*through the submission of a design and access statement or similar evidence.*”**
- **Change the word “display” in criterion 2 to “*demonstrate*”**
- **Add at the end of criteria 4 and 5 “*or any successor guidance.*”**
- **Add the words “*where appropriate*” after “sustainable and” and before “ use low carbon technology” in criterion 7**
- **In criterion 7 insert a full stop after “low carbon technology” and reword the rest of the criterion so that it reads: “*Development proposals must be accompanied by appropriate evidence to show that the proposal will have a satisfactory impact on the road network in the area and on the living conditions of residents particularly arising from noise generated by traffic movements.*”**
- **Delete the words “...and in particular the new southern link road...” from criterion 8**
- **Delete sub-criterion ix. in its entirety from criterion 8**
- **Reword criterion 9 as follows: “*Appropriate proposals for the introduction of quiet lanes and traffic management schemes including traffic calming and the introduction of lower speed limits will be supported throughout the Parish.*”**

- **Add the words “and taken” after “will be encouraged” in criterion 10**

The next section of the Plan is subtitled “Green Infrastructure Strategy”. This explains rightly that the Plan should take account of the Green Infrastructure Strategy for Herefordshire 2010 and refers to specific Local Enhancement Zones and Strategic Local Corridors in that document.

A section then follows which refers to national character areas.

A subsequent section entitled “Local Heritage Assets” refers to Appendix III in paragraph 4.1.27. According to the version of the Plan I have this should be Appendix II.

- **Change the reference to “Appendix III” to “Appendix II” in paragraph 4.1.27, but note that if my suggestion on page 30 is implemented this appendix will become Appendix I**

### **Policy CH3 Local Heritage List**

The section preceding the policy explains that non-designated heritage assets are of importance and that local heritage listing provides a way for the community and a local planning authority to jointly identify such assets. I agree that such a list provides clarity and can assist with identifying what is significance about the heritage asset. The Plan explains that such a list will be drawn up in partnership with HC and this is a worthwhile initiative that is to be commended.

Policy CH3 then refers to those non-designated heritage assets once the list has been drawn up. As a result modification is needed so that the policy ‘stands on its own two feet’ and better reflects national policy and guidance on non-designated heritage assets. In addition the final sentence of the policy catches “all other significant but unlisted buildings”; this is imprecise and it would be difficult to know whether the policy applied to a particular building or not and in any case seems to contradict the principle firmly laid out of producing a local list. Modifications are recommended to enhance clarity and precision.

I would also urge the Group Parish to take account of advice in PPG<sup>28</sup> which considers non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments<sup>29</sup> given the archaeological interest in the area.

**Therefore the following modifications are recommended:**

- **Delete the words “Once the local heritage list for Callow and Haywood has been adopted by Herefordshire Council” from the start of Policy CH3**

<sup>28</sup> PPG para 040 ref id 18a-040-20140306

<sup>29</sup> NPPF para 139

- **Add at the end of the first paragraph of the policy “*taking account of the significance of the heritage asset.*”**
- **Delete the sentence “This policy applies to all other significant but unlisted historic buildings.” from the third paragraph of the policy**
- **Reword the final sentence of the policy so that it reads: “*The whole or partial loss of any locally listed building or structure will normally be resisted.*”**

Policy CH3 is then followed by a useful section (paragraph 4.1.32) that details which aims and objectives Policies CH1 to CH3 support. I found it confusing that the relevant objectives are numbered differently to how they appear in the earlier Vision, Aims and Objectives section and of course my comments in relation to those aims and objectives outlined above in this report will also need to be followed through here.

Paragraph 4.1.33 helpfully sets out how Policies CH1 – CH3 relate to strategic development plan policies at HC level. This section will need updating now that with the passage of time the Core Strategy has been adopted. In addition a check needs to be made to ensure that the Unitary Development Plan 2007 (UDP) policies referred to in this paragraph have now not been superseded by the adoption of the Core Strategy; references to UDP policies should therefore be removed as appropriate.

Paragraphs 4.1.34 to 4.1.38 usefully set out activities that the Parish Council will undertake to support Policies CH1 to CH3. These should be clearly identified as community aspirations if they are retained in the Plan in this way or ideally moved to a separate section or appendix of the Plan. In addition the contents of this section may need updating as the Core Strategy has now been adopted.

**As a result the modifications suggested are:**

- **Renumber the objectives which appear as 6 – 10 in Aim 1 and 6 – 7 in Aim 2 in paragraph 4.1.32 to be consistent with how they appear in Section 3.0**
- **Undertake the recommended modifications for any of the relevant objectives as detailed in Section 3.0 earlier in this report**
- **Update references to Core Strategy and its policies in paragraph 4.1.33 as necessary**
- **Update the information relating to the Unitary Development Plan from the box in paragraph 4.1.33 as appropriate**
- **Clearly identify / label the section that paragraphs 4.1.34 to 4.1.38 inclusive make up as community aspirations or move this section to a separate annex or document clearly labeled community aspirations**

## 4.2 Urban Fringe Sensitivity

This section of the Plan quotes extensively from the Urban Fringe Sensitivity Analysis 2010 described on HC's website as "a technical paper which supports the Strategic Housing Land Availability Assessment in the identification of appropriate sites for housing. The aim of the Urban Fringe Sensitivity Analysis is to classify the level of landscape sensitivity of the urban fringe land on the edges of Hereford and the five market towns: Bromyard, Kington, Ledbury, Leominster and Ross-on-Wye."

### Policy CH4 Protecting the Sensitive Landscape Assets in the Urban Fringe

This policy seeks to ensure that any development in areas of high-medium and high landscape sensitivity as defined in the Urban Fringe Sensitivity Analysis 2010 demonstrate that they enhance local landscape character and avoid urbanisation.

The first paragraph of the policy refers to Map 7, but I believe this should be Map 6. It also reads a little oddly to me and so in order to provide a practical framework for decision-making, I suggest the wording is sharpened up. The second and third paragraphs can readily be amalgamated and made more precise in the reworded policy. The suggested modification also takes account of a representation from Natural England.

Again paragraph 4.2.12 will need revision given that the Core Strategy has now been adopted and replaced many policies in the UDP.

#### The recommended modifications are:

- **Reword Policy CH4 to read:**

***"Applications for development which affect or would potentially affect the landscape character and assets in areas of high-medium and high landscape sensitivity identified on Map 6 should be accompanied by an appropriate landscape impact analysis. This will include details of how the proposal would preserve or enhance the landscape character and its assets as well as taking local topography and skyline into account and demonstrate it would not contribute to the urbanisation of the rural area.***

***In addition consideration should be given to the River Wye Special Area of Conservation and development should include appropriate landscape designs to ensure that any potential impacts on local wildlife habitats are minimised. Development that would have an adverse effect on the River Wye SAC will not be permitted.***

***Development will only be permitted when it does not compromise the ability of the Nutrient Management Plan to deliver the necessary overall nutrient***

*reductions along those stretches of the River Wye SAC which are already exceeding water quality targets, or are at risk of doing so.”*

- **Update references to Core Strategy and its policies in paragraph 4.2.12 as necessary**
- **Update the information relating to the Unitary Development Plan from the box in paragraph 4.2.12 as appropriate**

### **4.3 Local Economy, Business and Tourism**

Paragraph 4.3.3 refers to the Old Mushroom Farm site and expresses an opinion that further development on the site would not be appropriate. This could be construed as a statement of policy and may fetter the decision making process. As a result these elements should be removed from the supporting text.

- **Delete the words “...Further development would exacerbate...” to the end of this sentence in paragraph 4.3.3**

### **Policy CH5 Managing New Business Development in Former Agricultural Buildings**

Policy CH5 supports businesses in the rural area through conversion of agricultural buildings subject to a number of criteria. Whilst this supports farm diversification, this is rather a narrower view of supporting economic growth than the NPPF. The NPPF<sup>30</sup> supports new buildings as well as the conversion of existing rural (not just agricultural) buildings and also refers to the diversification of other land-based rural businesses as well as agricultural businesses. Having said that the policy in itself does not prevent this, but arguably gives the impression of being more restrictive than need be. Therefore some amendments are recommended to address this concern together with more precision and clarity. For example the noise attenuation measures referred to in criterion 3 would cover the hours of operation point in criterion 4.

**The following modifications are suggested:**

- **Change the words “former agricultural buildings” in the title of, and references in, the policy to “former agricultural *and other land-based rural businesses* buildings”**
- **Change the words “other business type uses” to “other *businesses*” in paragraph one of the policy**
- **Delete the words “in principle” from paragraph one of the policy**

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<sup>30</sup> NPPF para 28

- Add the words *“and other land-based rural businesses”* after “farm” and before “diversification” in paragraph one of the policy
- Delete the words “consideration has been given to all the following criteria” in paragraph two of the policy
- Reword criterion 1 to read: *“Access is suitable for the proposed use and will not adversely affect the local road network;”*
- Reword criterion 2 to read: *“Appropriate landscaping is provided;”*
- Delete the words “to be are” in criterion 3
- Reword criterion 4 to read: *“Suitable measures are put in place to ensure that any traffic generated by the proposed use is compatible with the rural area and has a satisfactory relationship with the occupiers of any nearby residential property with particular regard to noise and disturbance.”*
- Remove the numbered criterion 5 and retain this as a standalone paragraph and reword it so that it reads: *“Development should ensure that there would be no adverse impact on the natural environment, especially the River Wye SAC.”*

## Policy CH6 Supporting Tourism and Local Business Development in Callow and Haywood

There is a small typo in paragraph 4.3.7 which precedes this policy.

This policy supports the development of tourism and tourism related enterprise. This chimes with the NPPF which supports sustainable rural tourism which benefits businesses in rural areas, communities and visitors and which respects the character of the countryside.<sup>31</sup> It will help to achieve sustainable development. With the exception of a small addition to reflect the point made in the discussion of the previous policy regarding the inclusion of other land-based rural businesses it meets the basic conditions.

**The recommended modifications are:**

- Change the word “quite” to “quiet” in paragraph 4.3.7
- Add the words *“and other land-based rural businesses”* after “farm” and before “diversification” in criterion 4 of the policy

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<sup>31</sup> NPPF para 28



## Policy CH7 New Communication Technologies and Energy Saving

Criterion 1 of the policy is clear and supports the provision of high quality communications infrastructure. It echoes the NPPF<sup>32</sup> in that equipment located on new sites should be sympathetically designed and camouflaged where appropriate.

Criterion 2 encourages all new development to make provision for communication networks. Whilst this catches all development and of course it would not be possible or appropriate for all types of development to achieve this given the criterion encourages rather than requires it has sufficient flexibility.

Criterion 3 would benefit from some sharpening up to improve clarity and sense; for example I am not sure what the phrases “all options” or “taking account of sympathetic planning constraints” mean. I have therefore hopefully put forward a positively worded suggestion that tries to address my concerns, but also reflects what the community supports whilst widening out the requirement to take into account landscape character.

It also does not seem to reflect the contents of the preceding supporting text, particularly in paragraph 4.3.10, and so some revision to the supporting text may also be necessary. This paragraph talks about wind farms, but the policy does not specifically refer to wind farms. The Group may also like to consider a Written Ministerial Statement (WMS)<sup>33</sup> published after this version of the Plan which states that wind energy developments involving one or more wind turbines should only be granted planning permission if a site is in an area identified as suitable for wind energy development in a local or neighbourhood plan and after consultation with the community the planning impacts identified by communities have been satisfactorily addressed and the proposal has community support. It should be noted there are also transitional arrangements as well.

The last criterion refers to the River Wye SAC.

Overall the intent of the policy is in tune with national policy and guidance and will help to achieve sustainable development.

Paragraph 4.3.13 will need revision given that the Core Strategy has now been adopted and replaced many policies in the UDP.

**These modifications are therefore recommended to improve clarity, precision and accuracy:**

- **Consider if there is a missing word at the end of the policy’s title; add the word “*measures*”**

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<sup>32</sup> NPPF para 43

<sup>33</sup> WMS 18 June 2015

- **Reword criterion 3 to read: “Sustainable technology and renewable and low carbon energy proposals will be supported in appropriate locations and be of a scale and design which respects the local built and natural character and appearance of the area.”**
- **Consequential amendments to the supporting text may be required**
- **Update references to Core Strategy and its policies in paragraph 4.3.13 as necessary**
- **Update the information relating to the Unitary Development Plan from the box in paragraph 4.3.13 as appropriate**

#### 4.4 Protection of Local Community Facilities

##### Policy CH8 Provision and Protection of Local Community Facilities

This policy supports new community facilities in the widest sense of the word. Facilities include community gardens and greens as well as buildings. This accords with the tenor of national policy and guidance which encourages the provision of shared space such as meeting places, facilities and other local services to support communities<sup>34</sup> and will help achieve sustainable development. Protection is also afforded to the River Wye SAC.

The second paragraph of the policy protects local community facilities as “community assets”. On a fair reading this might be taken to mean that such facilities are regarded as assets and so should be protected. However there are also “assets of community value” introduced in the Localism Act 2011. These can be nominated by parish councils or groups in line with a specified process and if listed as an asset of community value, local groups are given time to bid for the asset should it come onto the market. To avoid any confusion and as I take it to be the former explanation which has been confirmed by the Parish Council in response to a query, I have recommended a modification to the second paragraph in the interests of clarity. The reworded element also incorporates greater flexibility in line with national policy and guidance.

The suggested modification to paragraph two means that paragraph three is superfluous.

Paragraph 4.4.4 (of which incidentally there are two; refer to pages 50 and 51) details the aims and objectives that Policy CH8 supports. I cannot see how the policy supports any of the objectives referred to in this paragraph. It seems to me that the most relevant objective is the fifth objective of Aim 2.

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<sup>34</sup> NPPF para 69 onwards

Again in line with previous modifications, (renumbered) paragraph 4.4.5 will need revision as the Core Strategy has now been adopted and replaced many policies in the UDP.

The following modifications are suggested:

- **Reword paragraph two of the policy to read: “Local community facilities such as community centres and religious buildings will be protected and retained for community use unless it can be satisfactorily demonstrated that the use is no longer viable or the use would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location and in line with Core Strategy Policy SC1. In determining applications for the change of use of such facilities in these circumstances, other health, education or community type uses will be preferred.”**
- **Delete the third paragraph of the policy and its two subsequent numbered criteria**
- **Change the relevant aims and objectives in (the first) paragraph 4.4.4 to be Aim 2 and objective 5**
- **Change the paragraph numbering on page 51 of the Plan to “4.4.5”**
- **Update references to Core Strategy and its policies in the box in the (renumbered) paragraph 4.4.5 as necessary**
- **Update the information relating to the Unitary Development Plan from the box in (renumbered) paragraph 4.4.5 as appropriate**

## 4.5 Housing

The strategy for the rural areas in the CS<sup>35</sup> is positive growth. The strategy is based on seven housing market areas (HMA) and the Group 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 preamble to Policy CH9 refers to earlier versions of the Core Strategy and, as previously indicated on a number of occasions, with the passage of time the Core Strategy has been adopted and so of course some of the references are incorrect. These should be corrected and include the need to update the figure of 14% in paragraph 4.5.2 to 18% to align with CS Policy RA1 and the removal of references to main modifications (to be replaced by the text in the adopted CS as relevant). HC and

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<sup>35</sup> Core Strategy Section 4.8

the PC have helpfully confirmed their agreement that the figure should be 18% which equates to fourteen units.

The main focus for development is within or adjacent to existing settlements listed in two figures in the CS; 4.14 and 4.15. CS Policy RA2 translates this into policy. Grafton and Twyford Common are both identified in Figure 4.15 as “other settlements where proportionate housing is appropriate”<sup>36</sup> which means that the Plan has local flexibility to apportion the minimum housing requirement between the two. CS Policy RA2 supports sustainable housing growth in or adjacent to these two settlements. It then sets out various criteria that housing proposals are expected to meet. In ‘Figure 4.15’ settlements CS Policy RA2 explains proposals are to pay particular attention to the form, layout, character and setting of the site and its location and/or contributes to the social well-being of the settlement.

Paragraph 4.5.1 explains that the community considers the inclusion of Twyford Common in figure 4.15 to be generally inappropriate because of the settlement’s nature and access. The Plan then directs development to Grafton instead. This approach is in line with the CS<sup>37</sup> and illustrates the opportunity neighbourhood plans bring to local communities in helping to determine where development should be located. The policy in itself does not however exclude any development at Twyford Common.

The text goes on to describe the settlement boundaries of Twyford Common and Grafton, but these are not illustrated on any accompanying maps. However, the Parish Council has helpfully confirmed in response to my query that given the nature of the settlements, and I agree, it is appropriate that a written description of the boundaries is included.

- **Update references to the Core Strategy as appropriate including the need to change the figure of “14%” in paragraph 4.5.2 to “18%” and the deletion of main modifications text on page 53**

## Policy CH9 Housing

The policy refers to “at least 7” units and sensibly does not impose a cap on housing numbers in line with strategic policy. It restricts any one proposal to a maximum of five units and encourages a mix of units particularly highlighting the need for starter homes and homes suitable for older people. Given the nature of this rural area and its sporadic development pattern this is appropriate and the particular emphasis on starter homes and accommodation for older people is in line with national policy and guidance.

The second paragraph of the policy directs new development to small infill plots within or adjacent to existing clusters of buildings or the more built-up areas of Grafton wherever possible. My site visit confirmed that this is a sensible approach to new

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<sup>36</sup> *Ibid* Figure 4.15

<sup>37</sup> Core Strategy para 4.82

development given the character and nature of Grafton which is essentially a cluster of buildings with a variety of house styles, types and sizes with a narrow access road.

However, I note a representation<sup>38</sup> that indicates restricting schemes up to five units will remove the likelihood of affordable housing being delivered in the Parish. Affordable housing is an objective of the Plan. With the passage of time the Court of Appeal has upheld the Secretary of State's appeal overturning a High Court judgment that the policies in a Written Ministerial Statement of 28 November 2014 should not be treated as a material consideration.<sup>39</sup> The policies directed decision-makers not to impose affordable housing or tariff-style contributions on schemes of ten units or less and which have a maximum combined gross floor space of 1000 square metres although in designated rural areas a lower threshold can be implemented. The judgment means that the policies should once again be considered as national planning policy defining the circumstances where contributions for affordable housing should not be sought from small scale or self build development and confirming that these restrictions do not apply to rural exception sites.

Policy CH9 would not be at odds with current national policy on this point and specifically indicates that starter homes and housing suitable for older people would be welcomed. In addition the policy would not prevent rural exception sites coming forward in line with CS Policy H2.

Specific mention is made of the form, layout, character and setting of the site and the expectation that the development should contribute to the social well-being of Grafton echoing CS Policy RA2.

The third paragraph refers to new development in Twyford Common area indicating that suitable access will need to be provided and that proposals should be adjacent to or closely linked to existing built form. In my view this is also an appropriate approach given the nature of Twyford Common and the awkward access to it which I experienced on my site visit.

The fourth paragraph encourages sustainable design, use of low carbon technologies and live work accommodation. All are in line with national policy and guidance.

The final paragraph supports gypsy and traveller sites in suitable locations and it is commendable to see consideration of this need in a neighbourhood plan. CS Policy H4 takes a criteria-based approach to proposals for sites and I consider that this element of the policy generally conforms to it and takes account of "Planning policy for traveller sites" published by DCLG in August 2015.

To reflect Natural England's suggestion<sup>40</sup> a modification to include a criterion on the River Wye SAC is also recommended.

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<sup>38</sup> Representation from HC Adults and Wellbeing Directorate dated 29 May 2015

<sup>39</sup> SSCLG v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

<sup>40</sup> Representation from Natural England dated 3 July 2015

All in all the policy is clearly worded, takes account of national policy and guidance, is in general conformity with the CS subject to some updates needed given the passage of time and will help to achieve sustainable development.

In line with previous modifications, some updating of paragraph 4.5.7 is needed.

**Therefore the modifications recommended are:**

- **Add a new paragraph at the end of the policy which reads: “*Development will not have a harmful impact on the River Wye SAC and SSSI.*”**
- **Update references to Core Strategy and its policies in the box in the paragraph 4.5.7 and elsewhere as necessary including paragraphs 4.5.1, 4.5.3**
- **Delete the information relating to the Unitary Development Plan from the box in paragraph 4.5.7 as appropriate**

## 5.0 Next Steps

This is a very helpful section which succinctly explains the process and various stages of neighbourhood planning. However, naturally it will need updating or even deletion in the final version of the Plan.

- **Update or delete this section as necessary**

## Appendices

A number of appendices follow.

Appendix I summarises the result of the Community Led Plan from March 2012. To my mind it is not necessary to include this appendix in the final version of the Plan and it might be better as a standalone document that is perhaps referred to in the Plan.

Appendix II is a directory of the listed buildings and if retained it would be useful to just insert a sentence to ensure that anyone referring to the Plan seeks out the most up to date information and that the information is up to date on a particular date as this information may well become out of date over the Plan period.

Appendix III is a bibliography of relevant documents.

Appendix IV details the results of the pre-submission consultation on the Plan and is also to be found as Appendix 1 of the Consultation Statement. Given the stage the Plan has now reached, it is more appropriately located in the Consultation Statement. It is not necessary or appropriate to retain this appendix in the Plan.

The following modifications should be considered:

- Consider the need for Appendix I to be attached to the Plan document itself
- Insert a sentence in Appendix II that reads: *“Information correct as at [insert date]. Please ensure that the most up to date information is sought on listed buildings from the local planning authority or Historic England”*
- Delete Appendix IV from the Plan, but retain in the Consultation Statement

## 9.0 Conclusions and Recommendations

I am satisfied that the Callow and Haywood 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 delighted to recommend to Herefordshire Council that, subject to the modifications proposed in this report, the Callow and Haywood Neighbourhood Development Plan should proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Callow and Haywood 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 Callow and Haywood Neighbourhood Plan area as approved by Herefordshire Council on 25 November 2013.

Ann Skippers  
Ann Skippers Planning  
16 May 2016

## **Appendix List of Key Documents specific to this Examination**

Callow and Haywood Submission Draft Neighbourhood Development Plan 2011-2031

Callow and Haywood Group Neighbourhood Area Policies Map

Grafton Policies Map

Twyford Common Policies Map

Basic Conditions Statement

Consultation Statement dated February 2015

Environmental Report dated May 2015

Environmental Report Addendum dated February 2016

Habitats Regulations Assessment dated November 2014

Habitats Regulations Assessment Addendum dated February 2015

Habitats Regulations Assessment Second Addendum dated May 2015

Habitats Regulations Assessment Third Addendum dated February 2016

Herefordshire Core Strategy 2011-2031 October 2015 and Appendices

**List ends**



## Appendix Questions of clarification from the Examiner

### Callow and Haywood Neighbourhood Plan Examination

#### Questions of clarification from the Examiner to Callow and Haywood Parish and HC

Having completed an initial review of the Neighbourhood Plan (the Plan) and the evidence submitted in support of it, 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.

1. Page 12 of the Plan and Policy CH9 refer to a growth target of 14% for the Hereford Housing Market Area. The adopted Core Strategy refers to 18% and I'd be grateful for confirmation that this change is simply reflective of the passage of time. Assuming this to be the case, it would then follow that the figure of a minimum of 7 new housing units over the Plan period would also need revising. Please advise me what this new figure should be. It would be helpful if agreement on the figure between the Parish and HC could also be confirmed.
2. Reference is made throughout the Plan to a proposed southern link road. Please could you give me some brief factual information about the link road, what is intended and current status of this proposal?
3. Page 24 of the Plan has a bracketed "(see above)" after Bullinghope, but it is not clear to me what this refers to. Please advise.
4. Policy CH1 criterion 2 refers to the use of "appropriate styles"; please clarify what is meant by this term – is it design and form for instance?
5. Policy CH8 in paragraph two refers to "community assets". Is this term used in the general sense or the specific i.e. assets of community value?
6. Policy CH9 refers to the settlement of Grafton and a boundary for either the settlement or the Parish (which is it?) is described on page 52 of the Plan. The comments from HC Strategic Planning indicate that the supporting text to CS Policy RA2 (para 4.8.23) suggests that neighbourhood plans or the Rural Areas Sites Allocation DPD should define settlement boundaries. Policies Maps are also included with the Plan. I would welcome your confirmation as to 1) whether the description on page 52 relates to the settlement of Grafton or the whole Parish; 2) your comments in relation to the comments made by Strategic Planning and whether the Plan intended to define any settlement boundary for Grafton or Twyford Common (as currently presented, it does not appear to me to do so) and 3) the purpose of the Policies Maps.
7. The Consultation Statement (page 9) indicates that some 70 representations or comments were received at Regulation 14 stage. Please confirm that this figure refers to the number of comments rather than the number of representators and

that all representations received are included in Table 1 of the Consultation Statement.

8. The Basic Conditions Statement refers to the UDP 2007 and an earlier version of the Core Strategy understandably. The Core Strategy has now been adopted and its Appendix 1 explains which UDP policies have been superseded by it. Please could the Parish Council provide a short statement to confirm (or not) that they have considered their neighbourhood plan policies in the light of the adopted Core Strategy and consider them to be in general conformity with the Core Strategy policies of relevance.

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 crop up.

With many thanks.  
Ann Skippers  
19 January 2016

## Appendix Letter from the Examiner



E. [ann@annskippers.co.uk](mailto:ann@annskippers.co.uk)  
T. 07776 204651

8 February 2016

*Dear Ms. Webster,*

### **Examination of the Callow and Haywood Neighbourhood Plan**

I am writing in relation to the above examination which I am undertaking via NPIERS.

The Environmental Report as submitted does not appear to identify, describe or evaluate the likely significant effects on the environment of any reasonable alternatives taking into account the objectives and the geographical scope of the plan in line with Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR). In fact the Environmental Report itself indicates on pages 3, 4 and 10 and again on page 2 of Appendix 5 that no reasonable alternatives are considered.

I am mindful of the information on the Planning Practice Guidance website in relation to the strategic environmental assessment requirements for neighbourhood plans. In particular the need for such assessments to be appropriate for the content and level of detail in the neighbourhood plan.

Furthermore it is widely accepted that the assessment of reasonable alternatives does not mean all possible alternatives, but requires a judgement as to which alternatives should be included in any evaluation. On occasion it may be the case that only one policy might meet the objectives of the neighbourhood plan.

It does however seem to me that consideration should have been given to reasonable alternatives. The Plan would not comply with the basic conditions if Regulation 12 of the EAPPR has not been followed. I have therefore decided that the best course of action would be to suspend my examination of the Callow and Haywood Neighbourhood Plan to allow the responsible body to undertake this work perhaps as an addendum to the Environmental Report and then to ensure compliance with the other regulations of the EAPPR and the Neighbourhood Planning Regulations and in respect of further consultation.

Once I have received the requisite documents I shall resume the examination and complete it as soon as possible.

I appreciate that this delay will come as a disappointment to you and the Group Parish Council and others involved in the development of this Plan; it is only after very careful consideration I believe this is the right way to proceed. It is, I feel, important to ensure that all the basic conditions are satisfactorily met and that the Plan once it proceeds to its latter stages can do so with confidence.

The comments made in this letter are without prejudice to my conclusions on any other issue.

Yours sincerely,

*Ann Skippers*  
Ann Skippers

*via email to Gemma Webster, Neighbourhood Planning Team, Economic, Environment and Culture Services, Herefordshire Council,*