

# **Humber, Ford and Stoke Prior Neighbourhood Development Plan**

## **Independent Examiner's Report**

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29 April 2016

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## Summary

I have been appointed as the independent examiner of the Humber, Ford and Stoke Prior Neighbourhood Development Plan. The Group Parish comprises the two parishes of Humber and Ford & Stoke Prior and my visit to the Plan area revealed two main settlements of Stoke Prior and Risbury and six hamlets of Humber, Fairmile, Steen's Bridge, Marston Stannet, Wickton and Ford. Lying a few miles to the southwest of Leominster, the area is crisscrossed by relatively narrow lanes and benefits from some interesting landscape and impressive views.

The Plan recognises the need for growth in line with the Core Strategy and has defined settlement boundaries for Stoke Prior, Risbury and Steen's Bridge to accommodate this growth whilst seeking to respect the landscape and characteristics that make these Parishes so distinctive and special.

The Plan is presented well and takes an exemplary approach to those non development and use of land issues which have been captured as a result of community engagement. Consultation with the community has been sustained over a long period of time with the emphasis firmly on local volunteers interacting personally with residents. Together with free BBQs and refreshments and an innovative approach to engagement, this resulted in an 82% response rate to one questionnaire which is likely to be the envy of many other Groups working on their plans.

As well as an Environmental Report, a Habitats Regulations Assessment has also been undertaken because the area falls within the catchment of the River Wye which is a Special Area of Conservation.

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, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore delighted to recommend to Herefordshire Council that the Humber, Ford and Stoke Prior 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  
29 April 2016



## 1.0 Introduction

This is the report of the independent examiner into the Humber, Ford and Stoke Prior 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 Group Parish comprises the two parishes of Humber and Ford & Stoke Prior. My visit to the Plan area revealed two main settlements of Stoke Prior and Risbury and six hamlets of Humber, Fairmile, Steen's Bridge, Marston Stannet, Wickton and Ford. Lying a few miles to the southwest of Leominster, the area is crisscrossed by relatively narrow lanes and benefits from some interesting landscape and impressive views.

## 2.0 Appointment of the independent examiner

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

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors and have examined a number 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

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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)

- 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 in addition to those set out in primary legislation and referred to in the paragraph above which is applicable 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.

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 or
- 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

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<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

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 Humber, Ford & Stoke Prior Group Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### **Plan area**

The Plan area is coterminous with the Group Parish Council administrative boundary which covers the two Parishes of Humber and Ford & Stoke Prior. Herefordshire Council approved the designation of the area on 3 July 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 does not indicate a time period and the Plan does not explicitly state this although it is apparent that the Plan extends to 2031. Following a query on this matter, it has been confirmed that the time period is 2011 – 2031 which aligns with HC's Core Strategy. I make a modification to this effect later in my report.

### **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 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. This Plan recognises this and has captured these other issues in a separate Parish Action Plan and offers an overview of these issues in Annex 1.<sup>5</sup> This approach is to be commended. As a result, this requirement is satisfactorily met.

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<sup>5</sup> See pages 9 and 53 of the Plan

## 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,<sup>6</sup> but rather whether the submitted Plan meets the basic conditions, Convention rights and the other statutory requirements.

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.

However, during the course of the examination I did clarify a number of factual matters. The list of my questions is appended to this report and included a request for a map showing the views and local green spaces referred to in Table HFSP16.

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

I undertook an unaccompanied site visit to the neighbourhood plan area on 29 March 2016.

## 6.0 Consultation

A Consultation Statement has been submitted which provides details of the engagement process and meets the requirements of the Regulations. There is a wealth of information in the Consultation Statement and its appendices.

The approach has been to rely on a group of local volunteer residents to personally deliver leaflets and other consultation documents to householders. The Group believes this more personal approach has resulted in the high levels of attendance at events and the high response rates achieved and this certainly seems to be the case. An Awards for All Big Lottery grant was awarded to enable drafts of the Plan to be given to every household and business.

First of all, residents were asked whether they wished to go ahead with the production of a neighbourhood plan in 2013. A consultation exercise known as “Your Community, Your Future” in April 2014 involving several drop-in events and two roadshow events

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<sup>6</sup> NPPF para 182

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

sought information about the issues faced and how these might be tackled. An emphasis on personally delivered leaflets publicising the event and care to include more outlying areas resulted in nearly 40% of residents attending the events. A thorough and informative report of the outcomes of these events is available at Appendix 3.9 of the Consultation Statement. It is clear that the attraction of free drinks and snacks and even a BBQ in one location together with the personal approach of neighbour dropping in on neighbour resulted in high attendance and the opportunity for the events to become social too. The briefings for volunteers are, in my view, exemplary.

This was followed by a series of questionnaires in early Summer 2014 which built on the information gathered at these initial events. The response rate was exceptionally high at 82%. A Land Survey asking for details of land suitable and available for development was also undertaken. Of particular note is a survey for young people that resulted in 72 responses, described as “not far off 100%” in the Consultation Statement. Separate reports on the results of the questionnaires are included as appendices to the Consultation Statement and are thorough and informative documents.

In October 2014 a document titled “Our Emerging Plan” was distributed to each address in the Group Parish. This document is referred in the Plan on numerous occasions and set out a vision and issues and options. It included a further questionnaire which again achieved a high response rate of about 70%. Three drop in sessions were also organised. These responses guided the drafting of the proposed Plan. A comprehensive report on the outcomes of this engagement is included as an appendix to the Consultation Statement.

Pre-submission (Regulation 14) consultation took place between 1 August and 15 September 2015. A printed copy of the draft Plan was delivered to each address in the Parish as well as being available at various locations and on the website. It was also sent to various consultees. Two drop in sessions were held. Any one or organisation making a comment were individually sent the Group Parish Council’s response as well as a collated document being available on the website. The collated responses are to be found in Appendix 6.10 of the Consultation Statement together with a schedule of amendments in Appendix 6.11.

It is apparent that feedback to residents has been thorough and regular.

It is clear that every effort has been made to engage the community and that this effort has been sustained over a long period of time. I am confident that the submission version of the Plan has been the result of sustained effort and consultation.

Submission (Regulation 16) consultation was carried out between 2 December 2015 and 20 January 2016.

This attracted a number of representations which I have carefully considered and taken into account in preparing this report.



Some representations queried the settlement boundaries for Stoke Prior and Risbury. Whilst there will always be a number of different ways in which settlement boundaries can be drawn up, my role is to examine what is before me and I do not find that the proposed boundaries put forward in the Plan are perverse and the rationale for the boundaries is explained within the Plan itself.

In Risbury's case this also included concern over the inclusion of land close to an ancient monument and the deliverability of the sites put forward as well as comments on how the Plan process had been conducted. I note that Historic England have been consulted on the Plan and do not raise any concerns in relation to the ancient monument. In terms of deliverability the Plan has sufficient flexibility and there is no firm evidence before me to suggest otherwise. In relation to the last point, the evidence strongly points to a Plan that has emerged as a result of seeking, and taking into account, the views of the community and other bodies over a long period of time.

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 takes a suitably proportionate approach and constitutes a very good example of community led planning".<sup>8</sup>

## 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>9</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>10</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

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<sup>8</sup> Historic England letter of 13 January 2016

<sup>9</sup> NPPF paras 14, 16

<sup>10</sup> NPPF para 184

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>11</sup>

PPG indicates that a policy should be clear and unambiguous<sup>12</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.<sup>13</sup>

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>14</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>15</sup>

The Basic Conditions Statement sets out how the Plan has responded to national policy and guidance, focusing on the NPPF.

### **Sustainable development**

A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole<sup>16</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>17</sup>

### **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 a straightforward table that identifies how both the NPPF and the CS relate to each of the Plan policies. The table does this very effectively and is clear and easy to use and digest. This approach is commendable.

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<sup>11</sup> *Ibid* para 17

<sup>12</sup> PPG para 041 ref id 41-041-20140306

<sup>13</sup> *Ibid*

<sup>14</sup> *Ibid* para 040 ref id 41-040-20160211

<sup>15</sup> *Ibid*

<sup>16</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>17</sup> *Ibid* para 7

The Plan 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.

An Environmental Report has been prepared as an earlier screening stage concluded that due to the range of environmental designations in and around the Parish there may be significant environmental effects.

The Environmental Report is a comprehensive and well written and presented document that deals with the issues appropriately for the content and level of detail in the Plan and, in my view, 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>18</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

Initial screening was carried out in June 2013 as the Group Parish falls within the catchment for the River Wye (including the River Lugg) which is a Special Area of Conservation (SAC), a European site as well as a Site of Specific Scientific Interest (SSSI) and a Special Wildlife Site (SWS). Although the Group Parish area does not fall within the SAC it falls within the hydrological catchment and as a result the initial screening of 10 June 2013 indicated a full HRA screening would be needed.

A HRA screening assessment dated July 2015 has been prepared. An Addendum dated November 2015 has also been submitted reflecting changing circumstances and some amendments to the proposed settlement boundaries and amendments to some of the policies during the evolution of the Plan. Both documents conclude that the Plan will not have a likely significant effect on the River Wye SAC.

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<sup>18</sup> PPG para 047 ref id 11-047-20150209

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in primary legislation as detailed in section 3 of this report. I am satisfied that the Plan is not likely to have a significant effect on the River Wye SAC and therefore the Plan complies with this basic condition.

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

The Basic Conditions Statement contains a short statement that the Plan complies with the requirements. I consider that the Plan has had regard to fundamental rights and freedoms guaranteed under the ECHR and 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.

## **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***.

The Plan is generally very well presented with the policies clearly distinguishable in light blue boxes. It contains a number of line drawings by Sheila Mundy of buildings and views of the Parishes that make an important contribution to the uniqueness of this Plan.

The Plan helpfully has a contents page at the start together with a “notice” that indicates the stage the Plan has reached. Clearly this will be updated as the Plan progresses to the next stages.

- **Ensure front cover of the Plan and the “Notice” section are updated as necessary**
- **Add the time period for the Plan of “2011 – 2031” on the front cover and within the Plan itself**

## **Introduction**

### **1. Background to our Group Parish and Neighbourhood Plan**

This section helpfully sets the scene for the Plan. It includes a very intriguing and interesting map of the Group Parish area by Chris Lawley on page 4. What strikes me is

that work on a Group Parish Guide which began in 2008 has clearly provided a basis and focus for work on the Plan to take forward. Far from being “ordinary”<sup>19</sup> I saw on my visit a very unique and picturesque corner of England that this community clearly cares about deeply.

## 2. National and local planning context

Just a few minor revisions are needed to this section to help with accuracy and to ensure the Plan is up to date, explained well and accurately reflects the basic conditions and their wording.

- **Delete “...Neighbourhood Plans must be in line with higher level planning policy, namely the...” and replace with “*Neighbourhood Plans must have regard to national policy and advice including the...*” in paragraph 2.1**
- **Delete “...the Herefordshire Local Plan (2014)” and replace with “*Herefordshire Local Plan Core Strategy 2011 – 2031 (October 2015)*” in paragraph 2.1**
- **Add a sentence to paragraph 2.2 to explain that the five principles of sustainable development are to be found in ‘Securing the Future’ 2005 rather than the NPPF (which contains a different definition in the Ministerial foreword)**
- **Update paragraph 2.3 in relation to the Core Strategy**
- **Delete the second bullet point which reads “Demonstrate that they continue to offer protection to any buildings or landscapes of value” from paragraph 2.6 as this is not a basic condition**
- **Replace the final bullet which reads “Demonstrate compliance with all relevant EU obligations” with “*Not breach, and otherwise be compatible with, all relevant EU obligations.*”**

## 3. The process of producing our Plan

This is an interesting section that demonstrates the high level of commitment to the Plan from the community over a long period of time. There are of course some areas which will require updating as the Plan progresses.

- **Update paragraph 3.11 as necessary**

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<sup>19</sup> See page 5 of the Plan

#### 4. The Humber, Ford & Stoke Prior Neighbourhood Area

This short section confirms that the Group Parish Council is a qualifying body and includes a clear map of the Plan area.

### Our Community: vision, issues and objectives

#### 5. Vision, Issues and Objectives

The clearly articulated vision states:

“Our community will be a place where people can enjoy living and working in a rural setting. The predominantly quiet, small scale nature of our villages and hamlets will be preserved, whilst accommodating the growth and development needed to meet the needs of the community and promote a sustainable and thriving community life.”

The vision is underpinned by five objectives; all are clearly articulated and reflect the concerns and priorities of the community.

#### 6. Promoting a sustainable and thriving community

##### Policy HFSP1: Promoting a sustainable and thriving community

Policy HFSP1 is the overarching policy for the Plan and covers a number of issues. There are one or two areas where modifications are needed.

Criterion (a) is positively worded, but could seek enhancement as well as retention of traditional rural or historic buildings and archeological sites and so a modification is suggested to strengthen this criterion together with a minor wording to aid clarity.

Criterion b) refers to housing mix and requires a modification to remove the rather nebulous phrase “from time to time” to something more precise that will ensure the policy is clearer and unambiguous to take better account of national policy and guidance.

I also have a concern that the supporting text for this criterion on page 14 of the Plan could be interpreted as being at odds with the criterion b) as currently worded as it identifies a wider range of housing needs. The text also explains that the Group Parish’s age profile differs from the rest of Herefordshire and as a result the neighbourhood potentially faces a “more acute ‘ageing population’ problem”.<sup>20</sup> First of all this seems at

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<sup>20</sup> Page 14 of the Plan

odds with the need in criterion b) to provide particularly for local young families although the remainder of the criterion refers to need and a mix of housing types, sizes and tenures. It seems to me that perhaps the thrust of the text means that it is smaller units suitable for young families and older people wishing to downsize. If so the criterion should be changed to reflect this. Lastly, it might be more diplomatic to refer to “issue” or “challenge” rather than “problem”. I have therefore suggested the criterion is changed as best I can in the interests of clarity on the basis of the information I have.

Criterion d) gives addressing traffic speed and the impact of heavy good vehicles as examples of measures which might be introduced to ensure the effect of traffic is acceptable. Whilst traffic management in relation to new development is a matter for planning policy, these specific measures are usually more appropriately dealt with through non-planning mechanisms and so should be deleted from the policy, but could be retained as separately identified community aspirations in the separately labeled appendix or document if desired.

The penultimate paragraph of the policy refers to the circumstance in which all proposals must reflect the sustainable development priorities set out in this policy if the Plan does not cover such a proposal.

The final paragraph of the policy refers to the scenario that where “other material considerations outweigh policies...the objectives sought through Policy HFSP1 should nevertheless be addressed through compensatory or mitigation measures.”

Paragraph 6.2.1 explains that this policy seeks to guide all development in the neighbourhood. It explains that where other policies in the Plan do not apply or are outweighed by other material considerations it is the intention that this policy will still guide development. It further explains that if development contrary to (another) policy in the Plan is granted, then that development should still “include measures or features which would mitigate or compensate elsewhere for the unwanted impact of the development.”

It seems that the intention of the policy is therefore to try to ensure that the priorities and principles in this policy should apply to development proposals which were not covered by other policies in the Plan.

Overall, I find the last two paragraphs of the policy and paragraph 6.2.1 confusing. Given that the policy is an overarching one, it is more than likely to apply to any proposal put forward. Should other policies in the Plan not apply to a particular proposal then this policy would not automatically fall as well; if this policy applies then it applies regardless of whether there are other policies in the Plan that might also apply. In relation to the relevant legislation<sup>21</sup> if other material considerations indicate that a proposal is not to be determined in accordance with the Plan, then on my reading the final paragraph of the policy tries to ensure that the policy’s objectives are still

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<sup>21</sup> Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990

sought. I consider the last two paragraphs of the policy are unclear and confusing, unnecessary and to be at odds with the relevant legislation. As a result, they do not have regard to national policy and guidance in that they do not provide a practical framework and will not help to achieve sustainable development. These paragraphs should therefore be deleted together with the relevant supporting text.

Subject to these changes shown on the next page, the policy will help to achieve the objectives of the Plan and meets the basic conditions.

- **Change the second sentence of criterion (a) to read: *“They should also seek and take every opportunity to contribute to the area’s biodiversity and its networks. Traditional rural buildings, historic buildings and archeological sites should be retained and, wherever possible, enhanced.”***
- **Delete criterion b) and replace it with a new criterion b) to read: *“A mix of housing types, sizes and tenures should be provided. The precise housing mix should meet the needs of the community over the Plan period and be based on the most up to date information available and support the wider local community where the requirement for specific types of accommodation are identified. In particular the Plan is keen to ensure that the needs of local young families are met.”***
- **Delete “...addressing excessive speed of vehicles, the effect of heavy goods traffic...” from criterion d), but include this as a community aspiration if so desired**
- **Change the word “problem” in paragraph 6.2.7 to “issue”**
- **Delete the last two paragraphs of the policy**
- **Delete paragraph 6.2.1 from the third sentence which begins “Where other policies...” to end**

## **7. Development Strategy**

### **Policy HFSP2: Development strategy**

CS Policy SS2 accepts new housing development in rural areas where it meets housing needs and supports the local economy and services and facilities and is responsive to the needs of the community. In the wider rural areas, new housing is to be controlled recognising the intrinsic character and beauty of the countryside.

CS Policy RA2 supports sustainable housing growth in or adjacent to certain settlements listed on Figures 4.14 and 4.15 of the CS. Risbury and Stoke Prior are identified in Figure 4.1.4 as settlements which will be the main focus for proportionate housing



development and Steen's Bridge in Figure 4.15 where proportionate housing is appropriate. The CS indicates that residential development is to be located within or adjacent to the main built up area(s) of the settlements thereby avoiding isolated dwellings in the countryside. The text explains that the indicative housing growth target in CS Policy RA1 provides the basis for the minimum level of new housing to be accommodated in each neighbourhood plan. In parishes which have more than one settlement listed in Figures 4.14 and 4.15, local communities have the flexibility to apportion the minimum housing requirement between the settlements.

The CS encourages the definition of settlement boundaries where appropriate and indicates in the interim that HC will assess any applications in the settlements against their relationship to the main built up form of the settlement. Outside of the settlements, residential development is limited to proposals outlined in CS Policy RA3.

This policy directs the main focus for housing and community facilities developments to Stoke Prior and Risbury and, as a secondary focus, to Steen's Bridge. It cross-references other policies in the Plan that relate to these three settlements. These three cross-referenced policies define a settlement boundary for each of the three settlements listed in Figures 4.1.4 and 4.15 and therefore this approach is in line with the CS.

Policy HFSP2 supports limited small scale employment and essential community and infrastructure development inside and outside of these settlements. It also refers to the policies of the Core Strategy relating to open countryside in relation to housing development.

The policy uses the phrase "controlled growth" and this could be construed as negative rather than positive planning. As a result I suggest the phrase "managed growth" might be preferable.

Paragraph 7.2.5 needs a simple update to the reference to the CS which of course has now been adopted. It also seems to me that the CS does not require the definition of the settlement boundaries; the CS states "where appropriate" and so in the interests of accuracy this should be corrected.

- **Change the phrase "controlled growth" to "*managed growth*" in each of the first three bullet points of the policy**
- **Update paragraph 7.2.5 to refer to the adopted Core Strategy and substitute the word "*encourages*" for "*requires*" in the third sentence of this paragraph**

## Our Future Housing

### 8. Meeting housing needs: housing development and phasing

#### Policy HFSP3: Housing development and phasing

The strategy for the rural areas in the CS<sup>22</sup> is positive growth. The strategy is based on seven housing market areas (HMA) and the Group Parish falls within the Bromyard HMA which has an indicative housing growth target of 15% according to CS Policy RA1. As explained above, the 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. Sensibly, the policy provides for a minimum of 43 new homes and this approach is in line with the CS.

The policy also seeks to spread development over the Plan period prescribing rates in Stoke Prior and Risbury. The policy states that any variation to the phasing will need to be evidenced and later rates adjusted if a higher number occurs in the early part of the Plan period. The policy indicates the rate of adjustment will be advised by the Parish Council. This latter requirement is not a development and use of land matter and should not appear in the policy. In any case there is little explanation or justification of the phasing sought. As a result this is too prescriptive and may prevent sustainable development from occurring and housing needs being met. Therefore this element of the policy is recommended for deletion.

- **Delete the second paragraph of Policy HFSP3**
- **Delete the last sentence of paragraph 8.2.8**
- **Revise the section heading and policy title to reflect the deletion of the phasing element of the policy**

### 9. New homes in Stoke Prior

#### Policy HFSP4: New homes in Stoke Prior

This policy supports housing development within a newly defined settlement boundary for Stoke Prior. The settlement boundary is an expression of where the built up form of settlement currently is and includes areas adjacent to the main built up area on which development would be acceptable. This in itself will help to meet the proportionate growth for the Parish as envisaged in the CS and will help to achieve sustainable development.

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<sup>22</sup> Core Strategy Section 4.8

The policy then details eight criteria which any development will need to meet. Given the local character of the village and the way in which the settlement boundary has been drawn, all seem to me to be reasonable requirements that will ensure development respects the character of the village and reinforces local distinctiveness. The policy adds a more local level of detail to the relevant policies in the CS. However, there are two criteria that would benefit from greater clarity.

The first is criterion (d) which refers to the effect on heritage assets. In order to take better account of national policy it should refer to the significance of heritage assets.

The second is criterion (e) requires more precision to enable it to be the practical framework for decision making required by national policy and I suggest a revised form of words to address this.

With regard to the supporting text, there is a level of detail particularly in paragraph 9.2.5 about various planning applications and so on which is likely to quickly become out of date and may appear confusing over the life of the Plan. Consideration should therefore be given to the removal of such detailed information.

Some of the contents of paragraph 9.2.7 could be interpreted as veering into policy; for example it indicates that a disused pit is inappropriate for development and suggests development at the top of Stoke Prior Lane would be detached from the village and affect views. Whilst this may be unintentional, it is not appropriate to introduce policy in the supporting text and this type of language could lead to a lack of clarity or be construed as fettering any future determination of planning applications and so in the interests of providing a practical framework, any such statements should be removed from the supporting text.

- **Add the words “*the significance of*” to criterion (d) after “...adversely affect...”**
- **Change criterion (e) to read: “*Where an undeveloped site comprises a frontage of more than 30 metres, development on that site must ensure that at least a third of the frontage is retained as, or makes provision for, open green space;*”**
- **Consider the removal or revision of paragraph 9.2.5**
- **Delete the words “...and so is inappropriate for development...” from the penultimate sentence of paragraph 9.2.7**
- **Delete the last sentence of paragraph 9.2.7 in its entirety**

## 10. New homes in Risbury

### Policy HFSP5: New homes in Risbury

Similar to Policy HFSP4, Policy HFSP5 defines a new settlement boundary for Risbury which reflects the main built up area and includes additional land considered suitable for development. This approach is in line with the CS.

Eight criteria are then included in the policy; all are clearly worded and will help to ensure new development respects the character and local distinctiveness of Risbury. Only criterion (d) requires a modification to better take account of national policy and guidance.

Paragraph 10.2.5 introduces prescriptive requirements for development in two substantial gaps included within the settlement boundary. Whilst these may not be undesirable, they appear as policy requirements and may well prevent sustainable development being achieved or at least hamper a design-led solution to these sites. Therefore whilst they can be retained as suggestions, the language needs to be revised so that they do not appear as a requirement.

In line with my comments on Policy HFSP4 above, it is important that the supporting text does not introduce policy, however unintentionally. Paragraphs 10.2.3 and 10.2.6 do this and so require revision.

- Add the words *“the significance of”* to criterion (d) after “...adversely affect...”
- Amend paragraph 10.2.5 to read: **“Two relatively large substantial gaps exist within the settlement boundary frontages running east-west through the village, one at the north-west corner and one to the south. Development within these gaps should minimise the number of accesses on to the village street, avoid any increase in on-street parking along the narrow road, and avoid the impression of creating further ribbon development. Consequently the proposed plot depth is greater than that accommodating existing development to encourage the provision of shared access and a landscaped buffer between the road and the shared access to be provided, which will enhance the street scene and maintain, albeit to a limited extent, the rural appearance of the village street at these points. It is suggested that the plot depth for such development should be a minimum of 35.5 metres. The plot to the north-west has a minimum depth of about 48m, and the settlement boundary for the plot to the south has been set at approximately 40m distance from the roadway. Although a range of property sizes should be provided if possible within these frontages, the maintenance of gaps within their development will assist with this objective.”**
- Delete the words “...which is not suitable for development...” from paragraph 10.2.3 (modifications continue on next page)

- Delete the words “...and development of housing along Blacksmiths Lane would involve eating into existing large parcels of agricultural land...” from paragraph 10.2.6

## 11. New homes in Steen’s Bridge

### Policy HFSP6: New homes in Steen’s Bridge

This policy defines a settlement boundary for Steen’s Bridge and this approach is in line with the CS.

Similar to Policies HFSP4 and HFSP5, this policy is criteria-based. Criterion (c), in line with previous recommendations, requires amendment. Criterion (f) gives me some concern; it seeks a contribution towards the provision of a footpath link between Humber Close and Stoke Prior Lane. In itself this is arguably desirable; however this requirement may well mean that development in Steen’s Bridge becomes unviable and therefore undevelopable. The NPPF reminds us that development should not be subject to such a scale of obligations that threaten viability.<sup>23</sup> I note the supporting text, rightly I think, indicates the footpath link contribution as a possibility and my suggested modification takes its lead from this phrase.

In line with comments on the two preceding policies and their supporting text, it is necessary to alter the wording of paragraph 11.2.6 to ensure it does not introduce policy.

- Add the words “*the significance of*” to criterion (c) after “...adversely affect...”
- Reword criterion (f) to read: “*Whenever possible and subject to viability considerations, every opportunity should be taken to provide, or make a contribution towards the provision of, a footpath link between Humber Close and Stoke Prior Lane.*”
- Delete the words “would be inappropriate” from the fourth sentence of paragraph 11.2.6 and replace them with the words “*is likely to be inappropriate*”

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<sup>23</sup> NPPF para 173

## 12. Provision of affordable housing

### Policy HFSP7: Provision of affordable housing outside the villages

The principle behind the policy is supported; the policy seeks to ensure provision is made for affordable housing for local people on rural exception sites and in accordance with CS Policy H2. Policy HFSP7 adds a layer of local detail to CS Policy H2 in that it also specifically refers to hamlets and includes self-build within its definition of affordable housing.

However, it also requires that on developments of three or more homes, housing for older people should be included and an occupancy restriction placed on those homes and that this restriction would apply to both affordable units and any market units which subsidise the affordable housing provision. There is little justification to indicate why such a threshold might be appropriate. In any case, despite a demonstrated need for this type of housing across the County, this is an onerous requirement and one that may well affect the viability and deliverability of any housing and so should be deleted. It would be possible to retain encouragement or particular support for housing suitable for older people within the policy or supporting text if desired. Otherwise, the policy is generally worded clearly.

The supporting text refers to a national policy threshold which precludes requiring any affordable housing on sites for ten or less dwellings that was introduced in a Written Ministerial Statement (WMS).<sup>24</sup> A judgment from the High Court<sup>25</sup> on 31 July 2015 quashed these policy changes. Since then leave has been given for the Government to appeal the High Court decision and this case has now opened at the Court of Appeal. There is then some uncertainty, but at the time of writing there is no threshold. However, I note that CS Policy H1 refers to sites of more than 10 dwellings in relation to open market proposals and the contribution for affordable housing. The Plan should be updated to reflect the latest position in the interests of accuracy.

- **Change criterion (iv) of the policy to read: “*Development is encouraged to include provision for housing suited to older people.*”**
- **Update paragraphs 12.1 and 12.2.2 in relation to the threshold for affordable housing noting the situation with the national policy and by reference to the CS**

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<sup>24</sup> WMS 28 November 2014

<sup>25</sup> West Berkshire District Council and Reading Borough Council v SSCLG [2015] EWHC 2222 (Admin)

## 13. Design criteria for housing and sites

### Policy HFSP8: Design criteria for housing and sites

Policy HFSP8 applies throughout the Plan area and has nine criteria that new housing should comply with.

The policy requires an integrated approach including the “maximum possible reduction in the carbon footprint” of any development. The Government has created a new approach to setting technical standards for new housing development. A Written Ministerial Statement (WMS)<sup>26</sup> made it clear that neighbourhood plans cannot set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. Optional new technical standards can now only be required through Local Plan policies. I have therefore little option but to recommend deletion of this element (although it could be modified to address non-residential development if so desired as the WMS refers only to housing) and changes to any criteria that cover such requirements. I note however that CS Policy SD1 does cover similar issues and again in one or two instances has similar wording and so many of the aims of Policy HFSP8 will be achieved through policies in the CS.

Turning now to the nine criteria, criteria (c), (f), (g) and (i) require amendment or deletion for the reasons given above. All other criteria accord with the basic conditions.

- **Delete the words “...including the maximum possible reduction in the carbon footprint of any development.” from the first paragraph of the policy**
- **Delete the words “...in addition to regulatory requirements...” from the second paragraph of the policy**
- **Amend criterion (c) so that it reads: “*Encouraging the use of physical sustainability measures...*”**
- **Amend criterion (f) so that it reads: “*Encouraging on site measures...*”**
- **Add “*wherever possible*” to criterion (g)**
- **Add “*wherever possible*” to criterion (h)**

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<sup>26</sup> Written Ministerial Statement of 25 March 2015

## Our community facilities

### 14. Development and retention of our community facilities

#### Policy HFSP9: Development of community services and facilities

The intention of this policy is to support community services and facilities and reflects CS Policy SC1. However, the policy is worded in such a way that it will only support those services and facilities needed in the Parish – and those are then listed in the policy itself. It may be that this was the intention; if so then it unduly restricts the range of facilities that might be provided and will not help to achieve sustainable development. So I have taken the policy to be supportive in general terms of community facilities as long as they meet the criteria (i) to (v) in the policy and this is supported by my reading of the reasoned justification that sits alongside this policy.

There is always a danger in identifying proposals or projects that are needed now, at the time of writing the Plan, that needs are likely to change over the lifetime of the Plan and so it is important to ensure that the Plan is future proofed. For this reason I suggest some changes to the wording of the policy to ensure that it is not unduly onerous and will contribute to the achievement of sustainable development.

- **Delete the words “identified as necessary within the Parish” from the first sentence of the policy**
- **Delete the second sentence of the first paragraph that begins “Those currently identified as being needed to support...”**
- **Change the order of the policy so that criteria (i) to (v) and the preceding sentence are placed underneath the first sentence**
- **Start a new paragraph to begin a reworded second sentence: “Those *facilities* currently identified...” to end of the existing second sentence and include criteria (a) to (d)**
- **For the avoidance of doubt retain the last paragraph of the policy as currently worded as the final paragraph**

#### Policy HFSP10: Retention of community services and facilities

This policy understandably seeks to retain the Lamb Inn pub for community uses and the Post Office. CS Policy SC1 is referred to in the policy and seeks to retain facilities unless an alternative is provided or the facility is no longer required, viable or fit for purpose and where appropriate has been marketed for alternative community uses



without success. Policy HFSP10 should be modified to better reflect national policy and guidance and CS Policy SC1; as it is currently worded it is too onerous, the retention of the Post office may not be within the gift of planning policy as indeed the supporting text recognises.

- **Delete the second paragraph of the policy and replace it with “*Proposals for development that would lead to the loss of Stoke Prior Post Office will not be supported unless it can be demonstrated that an alternative facility is available or can be provided or that its loss otherwise accords with Core Strategy SC1.*”**

## **Our roads, footpaths and transport**

### **15. Highways and transport infrastructure**

#### **Policy HFSP11: Highways and transport infrastructure**

This policy seeks to ensure that new development is safe and will not have an undue impact on the amenities of the Parish. It is generally clear and well worded and reflects CS Policies SS4, SS7 and MT1; the only concern is the reference to traffic speed in criterion (d) and subject to a modification to address this, the policy meets the basic conditions.

Paragraph 15.2.8 refers to Policy HFSP6 and the footpath sought from Humber Close to Stoke Prior Lane. A check should just be made that any modifications to Policy HFSP6 are reflected in the text in this part of the Plan in the interests of consistency.

- **Change criterion (d) to read: “*Proposals should demonstrate that their impact on the local road network is acceptable;*”**
- **Ensure that any modification to Policy HFSP6 is reflected in paragraph 15.2.8 and action as appropriate**

## **Our businesses**

### **16. Developing and supporting local businesses**

#### **Policy HFSP12: Developing and supporting local businesses**

This policy supports business development in the Group Parish subject to a number of criteria. All of the criteria are appropriate, reflect CS Policies SS5, RA5, E1 and E3 and

will help to ensure sustainable development is achieved. The policy is clearly worded and meets the basic conditions and so no modifications are recommended to the policy.

Paragraph 16.2.2 refers to various pages in the CS. In response to a query it was helpfully confirmed that these references should be updated as they refer to the draft, rather than the adopted, CS. Therefore in the interests of accuracy, a modification is suggested.

- **Update references to the Core Strategy in paragraph 16.2.2 as appropriate so that they reflect the adopted version of the Core Strategy and check the quotes remain accurate**

## 17. Broadband infrastructure

### Policy HFSP13: Broadband infrastructure

This policy supports technology and plans positively for high quality communications infrastructure in line with the NPPF and CS Policy SS5. Poor infrastructure such as broadband and mobile phone coverage is often a key barrier to economic growth.

Criterion (b) of the policy requires (all) development proposals to provide suitable ducting for fibre connectivity; this could be regarded as an onerous requirement for a single dwelling for instance or one that might even be unnecessary given there may be other options. Subject to a small addition to make the policy more flexible, the policy meets the basic conditions.

- **Add “*where appropriate*” after “Requiring new development proposals...” in criterion (b)**

## Our environment

### 18. Surface and foul water drainage

#### Policy HFSP14: Surface and foul water drainage

Policy HFSP14 aims to ensure that development incorporates sustainable drainage measures and does not exacerbate existing flooding problems. The policy requires developers to potentially contribute to helping to address existing problems if development exacerbates conditions. It is not feasible to require new development to address pre-existing problems and so subject to this element of the policy being removed, the policy meets the basic conditions.

Paragraph 18.2.4 adds requirements on developers that do not appear in the policy. Therefore this paragraph should be amended to ensure that it does not introduce policy requirements.

- **Delete “...contributing towards addressing existing problems where their developments will exacerbate conditions.” from the policy**
- **Reword paragraph 18.2.4 to read: “*The community therefore considers that developments should take every opportunity to increase the natural permeability of rainwater into the soil and reduce the load on the ditch network.*”**

## **19. Renewable energy**

### **Policy HFSP15: Renewable energy**

This policy supports small scale renewable energy schemes; it reflects CS Policy SD2 whilst adding a local layer to policy and meets the basic conditions.

A minor revision is needed in the interests of consistency to the supporting text as paragraph 19.2.3 refers to Policy HFSP8 which has been recommended for modifications in relation to energy measures.

- **Ensure the reference to Policy HFSP8 in paragraph 19.2.3 reflects the modifications made to Policy HFSP8**

## **20. The Natural Environment**

### **Policy HFSP16: The Natural Environment**

This criteria-based policy seeks to ensure that development contributes positively to the area’s rural character and its environment and landscape character is protected and enhanced. This reflects CS Policies LD1, LD2 and SS6.

There are two areas of concern with this policy. The first area of concern is readily addressed. Criterion (c) requires all development to add to local natural and wildlife assets; this is a high bar to achieve and one that might not be possible or appropriate. Subject to more flexibility this criterion can be retained.

The second area of concern relates to criteria (b) and (g). In essence criterion (b) requires the retention of “important views, vistas and panoramas” identified in Table HFSP16 which is to be found on pages 48 and 49 of the Plan. Criterion (g) refers to the retention of “local green spaces”; this terminology has a particular meaning in the

NPPF<sup>27</sup> and the criterion seeks to protect those areas identified in Table HFSP16. However, that table listing these areas refers to them as “green open spaces” and this has the potential to lead to confusion, but is readily remedied by altering the title of the table.

Although the 20 views and areas of green open space are listed in Table HFSP16 none are identified on a plan. Therefore in order to provide clarity, certainty and the practical framework needed, I requested that the views and the green open spaces should be identified on a map to aid my consideration of this matter. Helpfully Table HFSP16 has been revised by the simple addition of numbering all the views, vistas, panoramas and green open spaces which are then shown on two maps; one for the Stoke Prior area and the other for those in and around Risbury.

Taking those views and green spaces in Stoke Prior, I consider numbers 13 – 15 to be views and numbers 1 – 12 to be proposed local green spaces. In relation to Risbury, I consider numbers 19 and 20 to be views and numbers 16, 17 and 18 to be proposed local green spaces.

Turning to the views first, the protection of views which have been identified by a community as being of particular importance is, in my opinion, in principle acceptable. The supporting text explains why the environment and landscape is so important. I also saw on my site visit that these views are important to the unique character and topography of the area.

Criterion (b) of the policy as worded would not preclude any new development as long as these views were retained, but it is important to ensure there is an appropriate balance between the presumption of sustainable development and the protection of local distinctiveness. As a result I consider that this criterion needs more clarity and flexibility to ensure that it provides the practical framework national policy and guidance seeks.

In relation to the proposed local green spaces, the NPPF indicates that this designation which rules out new development other than in very special circumstances will not be appropriate for most green areas or open space.<sup>28</sup> The NPPF indicates that such areas must a) be in reasonably close proximity to the community it serves, b) be demonstrably special and hold a particular local significance and c) be local in character and not an extensive tract of land. Table HFSP16 sets out a brief justification for retaining these spaces.

Taking each in turn, area 1 is adjacent to the new settlement boundary and consists of an orchard on sloping land, but there is nothing to help me to support this proposal in that I am not told why this particular orchard is demonstrably special or holds a particular local significance, particularly given that orchards are a feature of the area.

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<sup>27</sup> See NPPF paras 76 - 78

<sup>28</sup> NPPF paras 76 - 78

Area 2 is justified by the views it affords towards the village and I agree this view is important. However, this view is in itself protected as number 13. No other justification is given. To add to my concern the area is then described as “extensive open farmland”.

Area 3 is a relatively large orchard and no justification is given in relation to the criteria in the NPPF.

Area 4 forms part of St Luke’s. It is a small area, close to the community it serves and is used for community events and it has seating. This meets the criteria satisfactorily.

Areas 5 and 6 are close to each other on opposite sides of one of the approach roads into the village. Area 5 is extensive and whilst a smaller area might be appropriate, the proposed designation is open land and the justification is a view to the village. Area 6 is an important entrance feature to the village containing a pond and this area meets the criteria satisfactorily.

Area 7 is an extensive tract of land. The justification includes the views which is covered by number 16, but otherwise there is a general reference to orchards and open character.

Area 8 is a driveway justified only by a view to the Old Rectory.

Area 9 is opposite area 7 and close to the school. It is described as a special interest site, but again views appear to be the main reason for putting forward this site and there is inadequate justification.

Area 10 is described as farmland and is east of the school, but the description indicates this may be a potential area for parking in connection with the school. This seems to me to be at odds with the proposed designation and in any case insufficient justification is put forward with the primary relevance again on views.

Area 11 is a heritage railway embankment and it is self-evident that this area is special and holds a local significance and therefore it meets the criteria satisfactorily.

Area 12 is described as a “proposed new orchard” and forms part of a new development. It is difficult then to see how it meets the criteria at this point in time.

Area 16 is a visually important area to the village of Risbury and whilst it would have been useful to have more explanation of its qualities, its contribution to the area is self-evident and it meets the criteria satisfactorily.

Areas 17 and 18 are extensive tracts of land, both described as “open pastureland” and justified by the views they afford; I do not dispute the views, but views 19 and 20 will go some way to protecting these views and in themselves the areas are not justified satisfactorily.

Therefore in relation to those areas in and around Stoke Prior, numbers 4, 6 and 11 meet the criteria in the NPPF and in relation to Risbury number 16 meets the criteria in the NPPF. The remainder should be deleted from the Plan as there is insufficient evidence to justify their inclusion as local green spaces and/or they do not meet the criteria and high hurdle of the designation satisfactorily.

Paragraph 20.2.6 refers to criterion (f) in the policy in error I believe; it should be criterion (g) instead.

- **Retitle Table HFSP16 “Views, vistas and panoramas and *local green spaces*”**
- **Delete numbers 1, 2, 3, 5, 7, 8, 9, 10, 12, 17 and 18 from Table HFSP16**
- **Ensure that Table HFSP16 identifies each retained view, vista and panorama and local green space by number**
- **Identify and cross-reference each retained view and local green space on a map(s) so that it is consistent with the amended Table HFSP16**
- **Reword criterion (b) to read: “*Any development within the views, vistas and panoramas identified on Table HFSP16 and shown on map X must ensure that the key features of the view can continue to be enjoyed including any distant buildings, areas of landscape and the juxtaposition of village edges and open countryside;*”**
- **Add the words “*where possible*” at the end of criterion (c)**
- **Add “*and as shown on map X*” to the end of criterion (g)**
- **Change the reference to criterion (f) in paragraph 20.2.6 to criterion (g)**

## 21. Protecting Local Heritage

### Policy HFSP17: Protecting Local Heritage

The Parishes have a number of heritage assets which make an important contribution to the character and appearance of the locality. This policy seeks to ensure that these assets are preserved and where possible enhanced reflecting CS Policies SS6 and LD4.

The NPPF<sup>29</sup> confirms that heritage assets are an irreplaceable resource and seeks to ensure they are conserved “in a manner appropriate to their significance”.<sup>30</sup> The policy needs to better align with national policy so that it reflects this and the need to weigh

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<sup>29</sup> NPPF Section 12

<sup>30</sup> *Ibid* para 126

the public benefit of schemes against harm to, or the loss of, heritage assets. For this reason a modification is recommended to criteria (a) and (b).

In relation to heritage assets with archaeological interest, two modifications are needed to ensure the policy provides a clear and practical framework in line with national policy.

- **Replace criteria (a) and (b) with a new criterion (a) which reads: “Ensuring development proposals demonstrate that any harmful effects to the significance of heritage assets including their settings, are avoided or minimised. Any harm or loss should be weighed against the public benefits of any scheme carefully in accordance with national policy.”**
- **Delete the word “even” from criterion (c)**
- **Add the words “including a field evaluation” after “...a full archaeological investigation.” in criterion (c)**
- **Renumber criterion (c) as (b)**

## Monitoring and delivery

Although monitoring of a neighbourhood plan is not a requirement, it is good to see that consideration has been given to the monitoring and delivery of the Plan. The Group Parish Council is to be commended for the approach taken. Some amendments to the table on pages 51 and 52 of the Plan will be needed as a consequence of modifications to the policies and supporting text.

- **Consequential amendments to this section will be needed to reflect changes to the Plan**

## Annexe 1: Summary of Parish Action Plan

This is a clearly differentiated and separate section of the Plan which captures and contains the non development and use of land issues of importance to the community. I consider this to be an exemplary way of addressing these and commend the Group Parish Council for taking this approach and presenting these matters in this way.

## Annexe 2: List of supporting documents available on-line

This again is a useful section enabling any reader interested in looking at associated documents or finding out more to do so. Whilst this is not a matter I can recommend in terms of my role as examiner, may I also suggest that for those without internet access or knowledge a note could be added outlining where this information might be obtainable in different mediums.

## 9.0 Conclusions and Recommendations

I am satisfied that the Humber, Ford and Stoke Prior 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 Humber, Ford and Stoke Prior Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Humber, Ford and Stoke Prior Group Parish 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 can proceed to a referendum based on the Humber, Ford and Stoke Prior Group Neighbourhood Plan area as approved by Herefordshire Council on 3 July 2013.

*Ann Skippers*

Ann Skippers Planning  
29 April 2016



## Appendix List of Key Documents specific to this Examination

Humber, Ford and Stoke Prior Proposed Neighbourhood Development Plan November 2015

Humber, Ford & Stoke Prior Policies Map

Risbury Policies Map

Steen's Bridge Policies Map

Stoke Prior Policies Map

Basic Conditions Statement dated November 2015

Consultation Statement approved 18 November 2015 and various appendices

Environmental Report dated November 2015

Habitats Regulations Assessment dated July 2015

Habitats Regulations Assessment Addendum dated November 2015

Herefordshire Core Strategy 2011-2031 October 2015 and Appendices

Various evidence documents and other information including Housing Land Assessment and Future Housing Development on the Group Parish website [www.fhsp.org.uk](http://www.fhsp.org.uk) and as links within the documents referred to above

**List ends**

## Appendix Questions from the Examiner

### Humber, Ford and Stoke Prior Neighbourhood Plan Examination Questions of clarification from the Examiner to the Group Parish Council 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 the Parish and Herefordshire Councils could kindly assist me in answering the following questions which either relate to matters of fact or are areas in which I seek clarification.

1. Please confirm the time period for the Plan.
2. Please confirm that the designations of the three proposed settlement boundaries took into account the location of flood zones.
3. There are a number of references in paragraph 16.2.2 on page 41 of the Plan which refer to various page numbers of the Core Strategy i.e. pages 21, 182 and 184. Please could these be checked and any corrections sent to me as they do not appear to tie up with the adopted version of the Core Strategy (?)
4. It would be extremely helpful if firstly the “views, vistas, panoramas and green open spaces” identified in Table HFSP16 could be shown on a map(s). It will be important to differentiate between the views, vistas and panoramas and the green open spaces. Secondly, given that there is a description of the 20 views and spaces in Table HFSP16 it would be useful if those 20 items could be numbered or otherwise identified on the Table and the same notation used on the map(s) so it is easy to cross-reference.
5. Policy HFSP17 criterion (c) refers to paragraph 135 of the NPPF. Is this the intended and correct reference?
6. Please could HC confirm that they are satisfied that all the Regulations in respect of the SEA and HRA have been satisfactorily complied with.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur, but in the meantime I am grateful for your kind assistance. With many thanks.

Ann Skippers  
4 April 2016