

# KINGSTONE AND THRUXTON NEIGHBOURHOOD PLAN

Submission Draft Version

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

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19 August 2016

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## 1.0 Summary

- 1.1 The Kingstone and Thruxton Neighbourhood Plan has been prepared to set out the community's wishes for this parish which contains the villages of Kingstone and Thruxton. The context for the preparation of the Plan is the adopted Herefordshire Council's Core Strategy 2015 which included Kingstone as one of the "settlements which will be the main focus of proportionate housing" and Thruxton as an "other settlement where proportionate housing is appropriate". The Parish lies within the Ross on Wye Rural Housing Market Area (HMA), for which there is an indicative target of 14% for housing growth in the main villages over the 20 year duration of the Herefordshire Core Strategy up to 2031.
- 1.2 This Neighbourhood Plan sets out local planning policies which are aimed at ensuring the rural character of both villages is retained, and that future development is provided within the defined village settlement boundary and is resisted on land outside the boundary.
- 1.3 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.4 The main recommendations concern:
  - Clarification to the wording of the objectives and the policies on housing, green infrastructure, community infrastructure and flood resilience;
  - Amalgamation of the policies on employment;
  - Amalgamation of the policies on reducing flood risk and surface water flooding;
  - Deletion of the policies on Heritage Assets and Developer Contributions.
- 1.5 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Kingstone and Thruxton Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

## 2.0 Introduction

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

### Legislative Background

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

- (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
- (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.7 I am satisfied that the Neighbourhood Plan subject to the modifications proposed, includes policies that relate to the development and use of land and does not include provision for any excluded development.
- 2.8 The Neighbourhood Plan area is co-terminus with the grouped parishes of Kingstone and Thruxton and was designated by Herefordshire Council on 14 May 2014 as a Neighbourhood Area. Section 1 of the Basic Conditions statement states that the Plan relates to the Kingstone and Thruxton Neighbourhood Area and that there are no other Neighbourhood Plans relating to that area.
- 2.9 Section 1 of the Basic Conditions states that the lifespan of the Neighbourhood Plan is to be from the date the plan is made (2016) up to 2031 the same date as the Herefordshire Core Strategy. However the front cover of the Neighbourhood Plan shows the date 2011 - 2031. It is customary to date a neighbourhood plan from the date it is made and the following recommendation is made for the purpose of clarity.

**Recommendation 1: Revise the date of the Neighbourhood Plan on the front cover to 2016 – 2031.**

- 2.10 The neighbourhood plan making process has been led by Kingstone and Thruxton Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group made up of parish councillors and local residents.
- 2.11 I am satisfied therefore that the Kingstone and Thruxton Neighbourhood Plan satisfies all the requirements set out in paragraph 2.6 above.

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

- 2.12 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;

- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to Neighbourhood Plans:
  - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended)).

### Policy Background

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

- 2.17 The Basic Conditions Statement sets out an assessment of the NPPF Core Planning Principles and how the Neighbourhood Plan has had regard to them. It also assesses each of the Neighbourhood Plan policy to demonstrate how it is in general conformity with the local strategic policies of the adopted Core Strategy.
- 2.18 I have considered the policies of the Neighbourhood Plan against the NPPF and PPG and the strategic policies in the adopted Herefordshire Local Plan Core Strategy 2011 - 2031. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

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

- 2.19 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.20 Herefordshire Council undertook an initial Screening exercise and this concluded that the Neighbourhood Plan would require an SEA due to the breadth of nature conservation designations within the Neighbourhood Area. The environmental appraisal of the Kingstone and Thruxton NDP has been undertaken in line with the Environmental Assessment of Plan and Programmes Regulations 2004. Stage A of the SEA process involved Scoping and Stage B provided a review and analysis of the NDP. Stage C involved preparing an Environmental Report and Stage D comprises a formal consultation on both this and the Draft Plan itself.
- 2.21 The NDP was then refined by the NDP Steering Group/Parish Council to reflect feedback from consultation on the Draft Plan and the Draft Environmental and Habitat Regulation Assessments. None of these materially affected the outcomes of the Stage B SEA process in fact in many cases policies were strengthened. An additional policy was added to include green infrastructure, this has been assessed and concluded that no significant effects would result.
- 2.22 The conclusion was that the Kingstone and Thruxton NDP is in general conformity with both national planning policy contained in the National Planning Policy Framework and strategic policies set within the Herefordshire Local Plan (Core Strategy). Therefore, no further changes are recommended as a result of this SEA (stage D).
- 2.23 Natural England has confirmed that the Environmental Report meets the requirements of the SEA European Directive and national regulations and that they concur with the conclusions.

- 2.24 Habitat Regulation Assessment (HRA) screening has been carried out as the parish falls within the hydrological catchment of the River Wye SAC. The HRA assesses the potential effects of the NDP on this European protected site. Natural England disagreed with the conclusions of the Habitats Regulations Assessment (HRA) and advised that in order to conclude that the NDP will not have a significant environmental effect, the NDP should be adopted only after the Herefordshire Local Plan Core Strategy was adopted, or suitable policies were included in the NDP. Since then the Local Plan Core Strategy has been adopted, but the Parish Council also agreed to include the proposed additional wording for some policies to help provide protection to the River Wye Special Area of Conservation (SAC).
- 2.25 The HRA Addendum report assessed the revisions that were incorporated into the plan following consultation on the draft plan. The report concluded that the Kingstone and Thruxton NDP will not have a likely significant effect on the River Wye SAC.
- 2.26 Natural England has confirmed that the HRA Report and Addendum that they agree with the conclusions that the NDP will not have a likely significant effect on the River Wye SAC.
- 2.27 The Basic Conditions Statement states that *“the Submission draft Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels”*. It is concluded that in general, the policies and proposals will not have a discriminatory impact on any particular group of individuals
- 2.28 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

### **Contributes to sustainable development**

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



## **The Neighbourhood Plan Preparation**

- 2.31 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.32 Paragraph 1.13 of the Neighbourhood Plan sets out an overview of the consultation process. The Consultation Statement sets out the details of the consultation on the pre-submission draft plan under Regulation 14.
- 2.33 Kingstone & Thruxton Group Parish Council held a Neighbourhood Plan Drop in Session at Kingstone Village Hall, on 18th April 2015. Around 50 local residents attended and gave feedback on the emerging draft plan, its vision, objectives and draft policies. Key headline results are included in the Consultation Statement and were used to inform the content of the Draft Neighbourhood Development Plan.
- 2.34 Consultation on the pre-submission draft plan was undertaken for 6 weeks from 7 September 2015 until 19 October 2015. Around 55 consultation responses were submitted from 12 organisations and individuals.
- 2.35 A comprehensive summary of the issues raised at each stage of pre-submission consultation and the action taken to address them, as appropriate, is included in the Consultation Statement.
- 2.36 Consultation on the submission draft Neighbourhood Plan ran from 10 February 2016 until the 23 March 2016. This resulted in 10 representations.
- 2.37 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in the Neighbourhood Planning (General) Regulations 2012.

## **The Examination Process**

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

- 2.40 This report is the outcome of my examination of the Submission Draft Version of the Kingstone and Thruxton Neighbourhood Plan October 2011-2031. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting then the Plan will be made following approval by Herefordshire Council.
- 2.41 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
  - That the plan should proceed to referendum if modified; or
  - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.42 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
- 2.43 Apart from minor corrections and consequential adjustment of text (referred to in paragraph 3.126 of this report) I have only recommended modifications to the Neighbourhood Plan where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.

### 3.0 Neighbourhood Plan – As a whole

- 3.1 Where modifications are recommended, they are highlighted in bold print, with any proposed new wording in italics.
- 3.2 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*
- 3.3 In order to ensure that a Neighbourhood Plan can be an effective tool for the decision maker, the PPG advises that

*“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

- 3.4 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should *“support the strategic development needs set out in the Local Plan”* and further states that the neighbourhood plan must address the development and use of land by setting out planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”.
- 3.5 Paragraph 16 of the National Planning Policy Framework is clear that those producing neighbourhood plans should support the strategic development needs set out in local plans, including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. PPG guidance under Rural Housing states that *“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless they can be supported by robust evidence”*.
- 3.6 The Basic Conditions require that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general conformity with the strategic local policies.
- 3.7 Before considering the policies individually, I have considered whether the plan as a whole has had regard to national and local strategic planning policies. The plan provides for the future housing, employment and community development of the area, promotes good quality design in new development and safeguards the environment. The plan supports the strategic development needs set out in the Local Plan and does not place blanket restrictions on new development in the area. It is considered therefore that the plan as a whole, subject to the modifications proposed, has had regard to national policies and advice contained in guidance issued by the Secretary of State and is in general conformity with the strategic local policies.
- 3.8 Several of the policies of the plan refer to *“development being permitted or not permitted”*. The basis of decision making is the development plan unless material considerations indicate otherwise. The development plan will include the Local Plan and the Neighbourhood Plan when it has been made. The

material considerations at the time of the determination of a future planning application may be unknown and other factors may be applicable in addition to those set out in the policy. It is often not possible therefore to prescribe whether or not permission will be granted solely through a single policy.

- 3.9 Where a policy sets out the detailed requirements for a development site, it may be appropriate to state that “permission will be granted for”. In other cases where the policy is more general it would be more appropriate to say that “proposals will be supported”. I have recommended modifications to policies so that the basis of decision making on planning applications should be clarified. Those policies that state “planning permission will or will not be granted”, or similar, should instead state “proposals will or will not be supported”.
- 3.10 Several policies include the word “must”. This indicates that the requirements are compulsory in all circumstances. This is likely to be unusual and it is preferable to use the word “should” as this leaves room for exceptions and enables applicants to justify why the policy does not apply to them.

## **Section 1: Introduction and Background**

### **Section 2: A Neighbourhood Plan for Kingstone and Thruxton**

- 3.11 The introductory section sets out a factual description of the plan area and the key issues facing the communities. Section 2 sets out the context for preparing the neighbourhood plan and includes an overview of the strategic planning context, the details of the commitments for housing development and information on the Environmental Assessment.

### **The Neighbourhood Plan’s Vision and Objectives for Kingstone and Thruxton**

- 3.12 The Plan includes a Vision statement that states that the Neighbourhood Plan will support development that maintains the rural character of the region and preserves the rural nature of the parishes of Kingstone and Thruxton. Development is to proceed in a way that minimises impact on the environment and adjoining parishes. Development will be encouraged that supports the local community, including suitable provision of housing, small scale local business and the development of appropriate infrastructure to support these enterprises.
- 3.13 The plan includes two general objectives that seek to ensure that the housing and employment needs of the local community are met in such a way that minimises the impact of development on the rural nature of the parish. Secondly for the plan to provide guidance on how developments can be designed and implemented in accordance with the wishes of the local

community and highlight areas where special consideration needs to be given.

- 3.14 Further detailed policy objectives are included under each section of the plan. Several of these include policy statements in addition to the objective and I have commented on these other objectives under each section.
- 3.15 Several sections of the background text to the policies refer to statements in the SEA Scoping Report. These appear to be quotes from various background evidence reports. It is advised that only the background evidence document should be referenced; there is no need to refer to the SEA Scoping Report.

## The Neighbourhood Plan Policies

### Housing

- 3.16 The introduction to the section explains that in the adopted Herefordshire Local Plan Core Strategy, Kingstone is identified as a larger rural “settlement which will be the main focus of proportionate housing”, and the smaller hamlet of Thruxton is identified as an “*other settlement where proportionate housing is appropriate*”. The parish lies within the Ross on Wye Housing Market Area for which the Local Plan identifies the need for approximately 1150 new homes in the plan period which equates to a housing growth target of about 14%. Paragraph 4.8.21 states that neighbourhood development plans “*will be the principal mechanism by which new rural housing will be allocated. The proportional growth target within Local Plan Policy RA1 will provide the basis for the minimum level of new housing that will be accommodated in each neighbourhood development plan. The target represents a level of growth for parishes, as a percentage, that is proportionate to existing Housing Market Area characteristics. The main focus for development will be within or adjacent to existing settlements*”. These have been divided into those which will be the “main focus” for proportionate housing development and “other settlements”.
- 3.17 Table 1 of the Neighbourhood Plan lists the housing commitments in the parish amounting to 191 additional homes. Of these there are two large sites of 150 and 35 dwellings. These commitments represent a 40% increase in housing numbers which is well in excess of the indicative target of 14% set in the Local Plan.
- 3.18 Paragraph 4.1.7 of the neighbourhood plan states that its policies are “*aimed at ensuring the rural character of both villages is retained, and that future development is provided within the defined village settlement boundary and is resisted on land outside the boundary*”.
- 3.19 The settlement boundary has been drawn to exclude the two housing commitment sites. Policy KTH1 sets out a framework for further housing development within the settlement boundary and Policy KTH2 supports

sustainable development on the larger committed site 1. No policy is set out in relation to site 2.

- 3.20 It is acknowledged that the commitments provide for a level of housing growth well in excess of the target set in the adopted Local Plan and there is no need to allocate any further sites in the neighbourhood plan. Policy KTH1 provides detailed requirements that will be used to assess further housing development in the two settlements with further detailed requirements set out in Policy KTH4 for Kingstone and KTH5 for Thruxton.
- 3.21 The Qualifying Body has provided information on the current position with the two committed sites:
- Site 1 for 150 homes has full planning permission and is subject to a phasing condition; development of the site has not yet commenced.
  - Site 2 for 35 homes has approval for reserved matters and work has commenced on site.
- 3.22 Both sites are shown outside of the settlement boundary for Kingstone due to the local opposition to the development. In order to have a consistent approach to the definition of settlement boundaries in neighbourhood plans in the county, Herefordshire Council has advised Neighbourhood Plan groups to include committed housing sites within settlement boundaries. As both sites have detailed planning permission and work has started on site 2, there appears to be no reason why the sites should not be included in the settlement boundary.
- 3.23 The objective for the housing policies is to provide a robust and sound planning framework for the delivery of an appropriate growth of housing development in the settlements. In addition, the objective includes six bullet points which set out requirements that are phrased as policy-like statements. Amendments are proposed to the wording of the bullet points to ensure that these statements are interpreted as objectives. Points 2 and 4 should be amalgamated as they relate to the same matter.

#### **Recommendation 2:**

**Revise the bullet points in the housing objective as follows:**

- ***To ensure that the overall scale of housing development is proportionate to..... survey. The final sentence should be deleted from the objective and may be included within the supporting text to explain how the objective should be interpreted.***
- ***To ensure that an appropriate range of tenures, types and sizes of houses is provided to meet local housing needs as identified in local housing needs surveys.***
- ***To ensure housing development is sustainable.***
- ***To ensure that housing development outside the settlement boundary is limited to appropriate exceptional circumstances.***

## Policy KTH1 – Housing Development Building and Phasing

- 3.24 Policy KTH1 sets out eight criteria to be used in considering proposals for new housing development in the settlement boundary of Kingstone village and four for proposals in Thruxton. The policy also addresses Rural Exception Housing, phasing and potential impacts on the River Wye SAC. The settlement boundary excludes the two large committed sites.
- 3.25 The opening paragraph of the Kingstone section states that "development proposals will only be permitted when ..." and the opening paragraph of the Thruxton section refers to "proposed sites for housing will be required to..." As noted in paragraphs 3.8 - 3.9 above the decisions on planning applications should take into account policies in the development plan which includes the Local Plan and the Neighbourhood Plan as well as other material considerations. Neighbourhood Plan policies should "support" development rather than "permit" or "require" it subject to it meeting various criteria. A recommendation is made to revise the policy in this respect.
- 3.26 The opening sentences of the Kingstone and Thruxton sections refer to sites within the settlement boundary, whereas bullet point 2 of the Kingstone section and bullet point 1 of the Thruxton section refer to sites adjoining the built up area or adjacent to the existing settlement. The Qualifying Body has commented to say that the aim of the policy was to guide development within the settlement boundary to sites adjoining or within the existing built form. It is noted that the settlement boundaries for both villages have been drawn close to the edge of the existing built up area so that any development within the settlement boundary will be within the existing built form of the village. It is not considered necessary to introduce an additional requirement for development to be "adjoining the built up area" for development that is within the settlement boundary. It is considered that this additional requirement makes the policy unclear and confusing, contrary to advice in PPG that policies should be clear and unambiguous. To improve the clarity of the policy, it is recommended that these bullet points should be deleted.
- 3.27 Bullet point 6 refers to the subsequent section on phasing of housing development. Committed site 1 is subject to a condition requiring the agreement of a phasing plan and there is therefore no need to include this as a policy requirement. Work has started on the development of committed site 2 and there is no means to phase this site. It is considered therefore that reference to the phasing of the committed sites is not necessary as it is covered by condition or is not deliverable. It is recommended that the requirement related to phasing of committed sites be deleted as it does not have regard for PPG advice that policies should be deliverable. The section on phasing in effect will prevent any further houses being developed in the village until after 2026. There is a further requirement that this should only be after major improvements to infrastructure are made as it may not be possible to enforce such a requirement on small scale windfall development sites. This

is considered to be unduly prescriptive and may not be deliverable. Furthermore reference to Policy KTDC1 should be deleted as a consequence of the recommendation to delete the policy.

- 3.28 Bullet point 8 requires new developments to “restore the distinctness of houses in the village”. It is unclear what is required by this. The Qualifying Body has responded to say that *“there has been a loss of local distinctiveness and character over time in the village due to the number of modern, generic house designs in new developments in recent years. Much development has failed to respond positively to local cues such as traditional materials, scale, and layout, and the result has been a range of rather suburban forms of housing and housing estates grouped loosely around the older village core”*.
- 3.29 The Qualifying Body also states that *“the aim of this aspect of the policy is to seek for better quality, more rurally distinctive house designs in the future, which help to create a stronger local identity for Kingstone in the future. More locally appropriate designs that demonstrate a higher quality with use of appropriate materials, scale, and height would be sought. The overall aim is to strengthen sense of place and local distinctiveness through new designs”*. To improve the clarity of this aspect of the policy it is recommended that it be revised to refer to respecting the local vernacular and using appropriate designs and materials. Additional explanatory text could also be added to the justification to the policy.
- 3.30 Herefordshire CC has commented that the Rural Exception Housing section does not make reference to rural exception affordable housing. Policy H2 of the Local Plan sets out the provisions for this type of exceptional development. In order for the neighbourhood plan to be in conformity with the strategic policy it is recommended that this type of housing is included in Policy KTH1.
- 3.31 Natural England acknowledges the additional text on the River Wye SAC.
- 3.32 Subject to the modifications proposed, it is considered that the policy has had regard to national planning policy and is in conformity with strategic local policy.

**Recommendation 3: Revise Policy KTH1 as follows:**

**Revise the opening paragraph of the Kingstone section to read: “Within the settlement boundary for Kingstone Village .....new housing development *will be supported* where they:”**

**Revise the opening paragraph of the Thruxton section to read: Within the settlement boundary for Thruxton .....new housing development *will be supported* where they:”**

**Delete criterion 2 under Kingstone and criterion 1 under Thruxton.**



**Revise bullet point 8 to read “Enhance the character of the area by respecting the local vernacular and using appropriate designs and materials”.**

**Add at the end of the paragraph on Rural Exception Housing: “or is for affordable housing in accordance with Local Plan Policy H2”.**

**Delete the second and third sentences of the section on phasing.**

### **Policy KTH2 – Supporting Sustainable Development on Committed Site 1**

- 3.33 This policy repeats the terms of the planning permission granted for the development on committed site 1. No reason has been given as to the need to include this policy in view of the planning permission for the development and it may be considered to be unnecessary. Apart from the inclusion of the word “etc” in bullet point 5 which introduces some lack of clarity, the policy accords with the basic conditions.
- 3.34 It is recommended that the background text is updated as necessary and an explanation is given as to why it is important to ensure that all aspects of the development are delivered as set out in the policy to ensure that the development contributes to delivering the sustainability of the community.

#### **Recommendation 4: Policy KTH2**

**Delete “etc” from bullet point 4**

### **Policy KTH3 - Meeting Local Housing Needs and Providing a Mix of New Housing**

- 3.35 The policy seeks to ensure that a suitable mix of new housing is required to meet local housing needs as well as for general market housing.
- 3.36 Local Plan Policy H3 sets out the strategic local policy on the provision of an appropriate range and mix of housing. This highlights the need for housing for younger single people and housing suitable for the elderly which larger sites of more than 50 dwellings are expected to deliver.
- 3.37 The policy sets out a requirement that if there is an overprovision of one tenure, type or size of dwelling, small sites of one or two dwellings that would contribute to the further overprovision would not be permitted. It is considered that this requirement is overly prescriptive and would be difficult to implement and should therefore be deleted.
- 3.38 Further recommendations are proposed in order to improve the clarity of the policy and to ensure that it can be interpreted and implemented consistently.

- 3.39 Subject to the modifications proposed, it is considered that the policy has had regard to national planning policy and is in conformity with strategic local policy.

**Recommendation 5: Revise Policy KTH3 as follows:**

**Revise paragraph 1 to read: “*Encouragement will be given to residential development that provides tenures, types and sizes of housing that will help to meet the local housing need, in particular:*”**

**Revise second bullet point of first section to read: “provision of one or two *bedroomed starter homes* to meet the needs of first time buyers; or”**

**Revise the first sentence of the second section to read: “All proposals for new housing development *should demonstrate...*”**

**Delete the second sentence of the first bullet point of the second section.**

**Revise the second bullet point of the second section to replace “must” with “*should*”.**

**Number all the bullet points of the policy consecutively.**

**Policy KTH4 - Character and Distribution of Housing in Kingstone**

- 3.40 This section includes a separate objective; the first part of which relates to the number, tenures, types and sizes of housing. The second sentence refers to the preference being given to the reuse of previously developed land. These matters are addressed in Policy KTH1 whereas Policy KTH4 is focused on the design and layout of development in Kingstone. As the objective does not relate to the Policy KTH4, it is recommended that the objective in paragraph 4.1.23 should be deleted.
- 3.41 Policy KTH4 sets out further detailed considerations for housing development in the settlement boundary of Kingstone. They are mainly factors to be taken into account in the design and layout of the development, although bullet point 1 limits development to a maximum of 15 dwellings; a matter that may be more appropriate to include in Policy KTH1. Bullet point 2 refers to the layout of dwellings having a variety of shapes and sizes. It is unclear how this will be implemented and it is recommended that it be deleted.
- 3.42 Criterion 4 refers to keeping light pollution to a minimum. The Qualifying Body has provided the following explanation as to how this could be applied in new development: “*External lighting should be kept to a minimum in all development to minimise impacts on dark skies. New lighting should minimise light spillage into adjoining areas and the sky. Schemes should demonstrate good practice, such as using low energy bulbs, directing lighting*”

*downwards, keeping lighting low to the ground and fitting hoods or shields to minimise light spillage. Motion sensors should be used to avoid permanently lit outside lights.”* Although these matters may not be controlled through planning conditions, it is recommended that this explanation could be added to the background text to aid interpretation of the policy.

- 3.43 Point 9 encourages consideration to be given to the “Deans” as an example of a house type appropriate for Kingstone. It would be helpful to users of the plan if an explanation of the distinctive features of the house design were included in the background text. The Qualifying Body has provided the following text: *“The Deans is a small low density development of houses, constructed using traditional materials, such as red brick, tiled roofs and wooden window frames. The style of house is very much in keeping with traditional historic buildings in rural South West Herefordshire. The general landscaping is also consistent with the local rural environment. This development is therefore appropriate as a benchmark for future developments in Kingstone.”*
- 3.44 The opening paragraph states that “new housing development ... will only be permitted where ...” As noted in paragraphs 3.8 – 3.9 above the decisions on planning applications should take into account policies in the development plan which includes the Local Plan and the Neighbourhood Plan as well as other material considerations. Neighbourhood Plan policies should “support” development rather than “permit” it subject to it meeting various criteria. A recommendation is made to revise the policy in this respect.
- 3.45 Local Plan Policy LD1 provides advice on development proposals reflecting the landscape and townscape of the locality. Policy OS1 sets out the requirement for all new residential development to make provision for appropriate open space, sports and recreation facilities. Policy OS2 provides advice on the standards to be met and the whether this should be on or off site. Policy SD1 sets out the requirements for sustainable design and energy efficiency. It is considered that Policy KTH4 is in general conformity with these policies.
- 3.46 The following recommendation is made to improve the clarity of the wording of the policy. Subject to the modifications proposed, it is considered that the policy has had regard to national planning policy and is in conformity with strategic local policy.

**Recommendation 6:**

**Delete the objective in paragraph 4.1.23 relating to Policy KTH4.**

**Revise Policy KTH4 as follows:**

**Revise the first paragraph to read: “*The design and layout of new housing development within the Kingstone settlement boundary should take into account the following:*”**

**Delete the following from point 1: “and developments should be limited to small or medium size schemes with a maximum of 15 dwellings”. Add this requirement as a new bullet point to Policy KTH1.**

**Delete “with a variety of shapes and sizes “ from bullet point 2.**

**Replace “must” with “should” in bullet points 3 and 8.**

**Revise point 3 to read “New development should include open space within the development or make a contribution towards the enhancement of existing open spaces, play areas or landscaping in the locality”.**

**Include text in the background to the policy to explain bullet point 4 on minimising light pollution.**

**Include text in the background to the policy to explain the design features that are considered to be locally distinctive and the particular features of the “Deans” house type.**

### **Policy KTH5 - Character and Distribution of Housing in Thruxton**

- 3.47 A separate objective is included for this policy which is worded as a policy-like requirement rather than an objective. A recommendation is proposed to reframe the wording as an objective.
- 3.48 Policy KTH5 provides requirements for residential development in Thruxton. The policy would permit new residential development to be created through the redevelopment, alteration or extension of historic farmsteads and agricultural buildings and on small scale infill plots up to two dwellings within or adjacent to the clusters of buildings in the village.
- 3.49 Local Plan Policy RA5 sets out the requirements relating to the sustainable re-use of redundant or disused buildings, including farmsteads for residential development. NPPF paragraph 55 addresses the same matter. It is considered that the first point in Policy KTH5 which would permit new dwellings to be created through the redevelopment of historic farmsteads and agricultural buildings is not in conformity with the strategic local policy. No justification has been provided for this aspect of the policy; the background text comments on the significance of historic farmsteads in the plan area. It is therefore recommended that the first part of the policy be reworded to accord with Local Plan Policy RA5.
- 3.50 The opening paragraph of Policy KTH5 refers to new housing within the settlement boundary of Thruxton, whereas criterion 2 refers to within or adjacent to the existing clusters of buildings. It is considered that these statements are unclear and confusing, contrary to advice in PPG that policies should be clear and unambiguous. To improve the clarity of the policy, it is

recommended that bullet point 2 be revised to delete reference to “within or adjacent to the existing clusters of buildings in Thruxton”.

- 3.51 The opening paragraph states that “new housing will only be permitted when ...” As noted in paragraphs 3.8 – 3.9 above the decisions on planning applications should take into account policies in the development plan which includes the Local Plan and the Neighbourhood Plan as well as other material considerations. Neighbourhood Plan policies should “support” development rather than “permit” it subject to it meeting various criteria. A recommendation is made to revise the policy in this respect.
- 3.52 Subject to the modifications proposed, it is considered that the policy has had regard to national planning policy and is in conformity with strategic local policy.

#### **Recommendation 7:**

**Revise the objective above Policy KTH5 as follows: “To ensure that housing development in Thruxton contributes to the social wellbeing of the village and does not compromise the quiet rural nature of the parish”.**

**Revise Policy KTH5 as follows:**

**Revise the first sentence to read: New housing will be *supported* within the settlement boundary of Thruxton where it comprises:**

**Revise point 1 to read: “*The sustainable re-use of redundant or disused buildings, including farmsteads. The development should be designed to be of a high quality and respect the character and significance of the building and its setting in accordance with Local Plan Policy RA5.*”**

**Revise point 2 to read: delete “within or adjacent to existing clusters of buildings in Thruxton” and “for instance”.**

#### **Policy KTD1 – Protecting Heritage Assets**

- 3.53 The objective for this policy is to identify and protect Local Heritage Assets.
- 3.54 Paragraph 4.2.3 states that there are a number of non-statutory heritage assets in the plan area, including the five properties identified. Policy KTD1 sets out briefly the requirement for development proposals affecting statutory and non-statutory heritage assets to conserve and enhance such assets and make arrangements for the recording and replacement of the asset if its loss is agreed.
- 3.55 The PPG states that “*Local lists incorporated into Local Plans can be a positive way for the local planning authority to identify non-designated heritage assets against consistent criteria so as to improve the predictability*

*of the potential for sustainable development*". (Reference ID: 18a-041-20140306)

- 3.56 "Local Heritage Listing Historic England Advice Note 7" (2016) sets out English Heritage's guidance on local listing of heritage assets. This advises that communities can play a key role as a Neighbourhood Plan may indicate buildings and sites which merit inclusion on the local list. However identifying potential properties is only the first stage of the process of preparing the local list. Identified sites then have to be assessed and ratified by the local authority following consultation with property owners and the local community before the list is published.
- 3.57 Local Plan Policy LD4 provides a comprehensive policy that addresses the historic environment and heritage assets. Paragraph 5.2.23 states that the policy is applicable to heritage assets whether formally designated or not.
- 3.58 It appears that the purpose of this policy is to identify non-statutory heritage assets in the parish. However no evidence has been provided that the list is comprehensive or how it has been assessed. It is the role of the local authority to prepare and publish the local list of non-statutory heritage assets taking account of potential candidates suggested by local communities. The associated Policy KTD1 provides a very limited policy framework for dealing with proposals affecting heritage assets and does not consider many aspects included in Local Plan Policy LD4. It is considered that it is not in general conformity with the strategic local policy. It is suggested that the candidates for potential non-statutory heritage assets be included in an appendix under the heading "Potential non-statutory heritage assets in Kingstone and Thruxton – this list is not exhaustive". Consequential revisions are suggested to the background text.

#### **Recommendation 8: Delete Policy KTD1 – Protecting Heritage Assets**

**Include the descriptions of the potential non-statutory heritage assets in an appendix headed "*Potential non-statutory heritage assets in Kingstone and Thruxton – this list is not exhaustive*".**

**Delete the last sentence of paragraph 4.2.3 and insert the following "*Descriptions of a number of potential non-statutory heritage assets are included in Appendix XX. This list is not exhaustive. Herefordshire Council will be asked to consider their assessment for inclusion in a local list of non-statutory heritage assets. Development proposals affecting statutory and non-statutory heritage assets will be considered against Local Plan Policy LD4*".**

#### **Policy KTD2 – Protecting Local Green Spaces**

- 3.59 Policy KTD2 aims to ensure that development proposals protect, enhance and introduce new green infrastructure. The policy also proposes the designation of six sites as local green space.

- 3.60 Local Plan Policy LD3 provides the strategic policy for Green Infrastructure. The first part of Policy KTD2 follows a similar format to this strategic policy. Local Plan Policy OS3 sets out the principles to be taken into account in considering proposals that would result in the loss of open space, sport or recreational facility.
- 3.61 It is considered that the first sentence of Policy KTD2 is imprecise and unclear and a recommendation is made to improve its clarity.
- 3.62 The second part of the policy refers to “public open spaces” but goes on to list private playing fields. It is recommended that the word “public” is deleted to improve the clarity of this section of the policy.
- 3.63 The third section requires the suitable replacement of areas of open spaces “under Sport England requirements”. These requirements are not specified in the background text nor referenced in the Bibliography. It is recommended that reference to the relevant guidance is included in the supporting text to the policy.
- 3.64 The fourth section of the policy identifies 6 areas as local green spaces and protects them from development except in very special circumstances.
- 3.65 NPPF 77 advises that “*Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*
- *where the green space is in reasonably close proximity to the community it serves;*
  - *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
  - *where the green area concerned is local in character and is not an extensive tract of land.”*
- 3.66 Table 2 of the Neighbourhood Plan provides the justification for the designation of the six areas as local green space. The sites are playing fields or amenity areas within residential areas; they are in close proximity to the community; they are valued by the community as recreational areas and are local in character. No objections have been raised to the designation by the landowners.
- 3.67 Revisions are proposed to clarify that the policy designates the local green space. Subject to the modifications proposed, it is considered that the policy has had regard to national planning policy and is in conformity with strategic local policy.

**Recommendation 9: Revise Policy KTD2 as follows:**

**Revise the opening sentence to read “*Development proposals should protect existing green infrastructure and where appropriate, enhance or provide new green infrastructure by:*”**

**Revise the second and third sections to read: “*Development that would result in the loss of open spaces, recreation or amenity land will not be supported unless it meets the requirements of Local Plan Policy OS3. Any replacement open space should be secured for the benefit of the community and of an appropriate form and in a location supported by the community.* The following types of open space should be safeguarded: bulleted list**

**Include reference to the relevant Sport England guidance in the background text.**

**Revise the third part of the policy as follows:**

**“*The following areas shown on Map 8 (Local Green Space) are designated as Local Green Space:*” numbered list of names.**

**“*Local Green Space will be protected from development except in very special circumstances.....will not be acceptable*”.**

### **Policy KTD3 – Green Infrastructure**

- 3.68 Although this policy is headed Green Infrastructure it addresses ecological enhancements as part of landscaping and building design. It advises that proposals should include sustainable drainage systems, re-naturalising watercourses, woodland planting, the installation of bat and bird boxes and the use of native species in landscape plating. The policy also protects priority habitats such as traditional orchards and other environmental assets in order to preserve the existing eco-system network.
- 3.69 The NPPF encourages the enhancement of biodiversity. Local Plan Policy LD2 sets out the strategic policy framework for safeguarding and enhancing biodiversity. Policy LD3 supports the protection and management of existing green infrastructure as well as the delivery of new green infrastructure.
- 3.70 Subject to the modifications proposed, the policy has had regard to national policy and is in general conformity with the strategic local policy.
- 3.71 The Qualifying Body has advised that the Herefordshire Local Biodiversity Action Plan 2007 has identified Habitat Action Plans and Species Action Plans. These include a Priority Habitat Plan for traditional orchards. They have also provided some explanatory text to explain the background to this requirement which could be usefully summarised in the background to the policy.
- 3.72 The policy refers to “other environmental assets”. These are shown on Maps 2 and 3 and should be cross referenced to aid plan users.



- 3.73 The first part of the policy requires all development proposals to include ecological enhancements. This may not always be feasible or practical; a revision is proposed to introduce an element of flexibility into the policy.
- 3.74 Recommendations are made to improve the clarity of the policy and to provide some flexibility.

**Recommendation 10: Revise Policy KTD3 as follows:**

**Revise paragraph 1 to read “*Wherever practical and feasible, development proposals should include measures to enhance biodiversity as part of landscaping and building design.*”**

**Revise third paragraph to read: “.....and other environmental assets as shown on Maps 2 and 3.....”**

**Add reference to the Herefordshire Biodiversity Action Plan priority habitats in the background text.**

**Policy KTCF1 – Provision and Protection of Community Facilities and Services**

- 3.75 The first part of the policy seeks to safeguard a number of community facilities from loss to residential uses. These include shops, public houses, post office, school, village hall churches, nursery and other community facilities. The policy sets out how the property is to be marketed prior to the consideration of any planning applications. This part of the policy provides further local details to the requirements set out in the Local Plan Policy SC1.
- 3.76 Herefordshire CC has made a representation concerning the final sentence of the first part of Policy KTCF1 which requires “equivalent or better replacement provision to be made available elsewhere within the settlement boundary”. The question is posed that if the marketing exercise after two years yields no interest then where is the justification for further provision elsewhere in Kingstone.
- 3.77 It is considered that this requirement is more prescriptive than that set out in Local Plan Policy SC1 which requires that an “appropriate alternative facility is available or can be made available or can be provided to meet the needs of the community affected”. There is no requirement for it to be located within the settlement boundary of the village.
- 3.78 Whilst it will be preferable for any replacement facility to be located within the same settlement, this may not always be possible or viable. In order to make this aspect of the policy less prescriptive and in general conformity with the strategic local policy, it is recommended that reference is made to the requirements in Policy SC1.

- 3.79 The second part of Policy KTCF1 sets out the factors to be considered in assessing proposals for new or expanded retail, commercial and community facilities in the plan area. These address the impact on residential amenity, enhancing the character of the village and not having an unacceptable impact on traffic management. To improve the clarity of the policy, it is recommended that the third bullet point is revised to refer to “not having an unacceptable impact on the local highway network”.
- 3.80 This part of the policy is in general conformity with Policy SC1 which supports enhancing of social and community facilities and Policy RA6 which supports the diversification of the rural economy.
- 3.81 The policy refers to the developments being or not being permitted by the policy; modifications are proposed in accordance with paragraphs 3.8 – 3.9 above.

**Recommendation 11: Revise Policy KTCF1 as follows:**

**Replace “permitted” in lines 2 and 9 with “supported”.**

**Revise the second sentence of the first paragraph to read: “*Where a development proposal would result in the loss of a community facility or service, the proposal should demonstrate how the factors set out in Local Plan Policy SC1 have been considered.*”**

**Revise Point 3 to read “They do not have an unacceptable impact on the local highway network”.**

### **Employment**

- 3.82 Para 4.4.2 and 3 of the introductory text to the employment section refer to “employment uses outlined below”. It is unclear what is being referred to. The Qualifying Body has advised that the term “employment development” would be a clearer term.
- 3.83 Paragraph 4.4.3 states that “*This policy is therefore aimed at ensuring the rural character of both villages is retained, and that planning applications for the employment uses outlined below, will be resisted outside these sites, and not permitted outside the village settlement boundary*”. However whilst Policy KTE1 does seek to resist development outside the Industrial Estate, it does make provision for some exceptions. To avoid uncertainty in interpretation, it is therefore recommended that the second part of the paragraph referring to development in the countryside being resisted be deleted.
- 3.84 The opening sentence of the Economy objective refers to the desire to provide a robust and sound planning framework for the delivery of an appropriate growth of work unit development for local employment in Gooses Foot Industrial Estate. I consider that this forms a clear and appropriate

objective although it does fail to consider employment development outside of the industrial estate.

- 3.85 However the text of the objective goes on to set out policy requirements including the maximum floorspace for various types of employment uses, employment development outside the settlement boundary, landscaping and the design of broadband infrastructure. The objective of a plan should set out the principal aims of the plan to provide a clear focus for the development of the policies. Objectives should not include policy statements – these should be in the policies themselves.
- 3.86 The text of the objective seeks to limit development to B1, B2 and B8 uses up to a maximum floorspace of 500 square metres. No evidence has been provided to support the maximum floorspace requirement for the various uses and it is considered to be unduly prescriptive. I recommend that they be deleted. The Qualifying Body has commented that they consider that large scale industrial and commercial units would be inappropriate. I consider that this could be addressed with minor revisions to the wording of the policy to refer to small scale development without setting out maximum floorspaces.
- 3.87 Some bullet points are policy statements which should be included in the relevant policies. Others provide explanations as to how policies should be applied (eg through noise attenuation measures and traffic management plans) and these matters would more appropriately be set out in the background text.

#### **Recommendation 12:**

**Revise the economy objective to read “*To provide for the delivery of an appropriate growth in work unit development for local employment opportunities within Gooses Foot Industrial Estate and for a limited amount of appropriate employment development outside the settlement boundary to support rural diversification*”.**

**Delete the second sentence of the objective and the bullet points.**

#### **Policy KTE1 – Proposals for New Employment**

#### **Policy KTE2 - Protecting Existing Employment**

- 3.88 Policy KTE1 makes provision for the development of new employment uses on the Gooses Foot Industrial Estate providing that four criteria are met. The policy seeks to resist proposals for development outside the industrial estate unless they are for replacement buildings or they reuse redundant buildings. Further clauses are included on sites being well related to the village, not being at risk of flooding or likely to increase flooding elsewhere and the provision of broadband. The final paragraph covers the potential impact on the River Wye SAC which has been included following the advice in the HRA.

- 3.89 Policy KTE2 seeks to safeguard existing sources of local employment such as Gooses Foot Industrial Estate. Criteria are included that will be used to consider proposals for the redevelopment or change of use of existing employment premises.
- 3.90 The final part of the policy sets out criteria to be used in considering the change of use of agricultural buildings to business development within and outside the Industrial Estate which includes reference to the criteria set out in Policy KTE1.
- 3.91 The Neighbourhood Plan does not describe the nature of the employment area or opportunities available at Gooses Foot Industrial Estate. Paragraph 4.4.4 refers to a quote from the Employment Land Review that certain premises on the Dene Industrial Site should be protected from alternative uses. It is considered that this paragraph is irrelevant to the Neighbourhood Plan and should be replaced with a summary of the findings of the Employment Land Review relevant to the Gooses Foot Estate, updated to refer to the Local Plan policies and any other changes in circumstances.
- 3.92 The Herefordshire Employment Land Review 2012 provides the following description:

*“5.136 This site comprises both a developed and undeveloped area. The developed area is not protected under (UDP) Policy E5. The undeveloped area is allocated under (UDP) policy E3 (other employment land allocations). The UDP states that employment opportunities in this area are predominantly agricultural and this allocation is an attempt to diversify the economy in this area, particularly given Kingstone’s identification as a main village.*

*5.137 Developed units on the site are generally older and of moderate quality although here are some new units on site. Circulation and parking appears to be problematic. Adjacent uses are open countryside and a poultry farm.*

*5.138 The undeveloped parts of the site have no road frontages of their own and would need to be accessed though the existing estate.*

#### **Commercial (Market Attractiveness)**

*5.139 This site achieves a moderate score in market attractiveness terms. Local roads are not congested or overly narrow but access to the undeveloped parts of the site may be an issue. There are no other obvious physically constraining features and the site is outside of any identified flood risk area. The site is more than 2 km away from any major arterial route or motorway. A small number of industrial type units are currently being marketed as available.*

#### **Environmental Sustainability and Strategic Planning**

*5.140 The site achieves a moderate score in terms of sustainability and planning. The site is less than a ten minute walk from an hourly public transport route but has limited footpath provision and no cycle path provision.*

*The site is outside of an urban area. A mixture of brownfield and greenfield land, the redevelopment/ development of certain parts of the site could increase its townscape character. The development of available land at the site has an ability to increase its contribution to local economic objectives.”*

- 3.93 The Employment Land Review states that there are 4200 sq metres of buildings used for B1 and B2 uses.
- 3.94 Local Plan Policy E2 does not provide a blanket safeguarding of employment areas classified as “moderate”. It sets out criteria for assessing proposals that would result in the loss of employment land in areas such as Gooses Foot. Local Plan Policy RA5 sets out the comprehensive requirements for considering proposals for the reuse of rural buildings. Local Plan Policy RA6 supports the diversification of the rural economy and sets out factors to be considered in assessing development proposals.
- 3.95 NPPF paragraph 28 states that planning policies should support economic growth in rural areas and take a positive approach to new development.
- 3.96 Neighbourhood Plan Policy KTE1 sets out 4 criteria to be used in assessing proposals for new employment opportunities on Gooses Foot Industrial Estate. It refers to the “employment uses above” but it is not clear what these are. Criterion 1 refers to not having a detrimental effect on surrounding residential amenities, however the map indicates that the estate is situated well outside the settlement. Criterion 2 requires the reuse of brownfield land although the Employment Land Review refers to the site being a mixture of brownfield and greenfield land. Criterion 3 refers to not leading to the loss of open space, however, there is no open space within industrial estate. It also requires developers to enhance green infrastructure although it is unclear how this may be considered to be related to the development.
- 3.97 It is considered that this part of the policy is unclear and does not provide an appropriate policy to consider future development proposals on the Industrial Estate.
- 3.98 The remainder of the policy refers to sites outside the Industrial estate. The fourth paragraph only supports replacement work units and the conversion of redundant buildings, whereas the second paragraph is less restrictive and supports sites well related to the built up area. It is considered that it is not clear how the policy is to be used in relation to employment development outside the industrial estate.
- 3.99 There is clearly some overlap between policies KTE1 and KTE2. Policy KTE2 includes criteria for development proposals on Gooses Foot Industrial Estate and elsewhere that would result in the redevelopment or change of use of existing employment premises. The first two criteria refer to “the criteria above and employment uses above” and to proposals meeting the criteria of Policy KTE1 which relates to the development of sites within the Industrial Estate.

- 3.100 Criterion 3 sets out the requirements for marketing vacant employment premises. This set a minimum time of two years, however Local Plan Policy E2 sets a timescale of one year. The Neighbourhood Plan does not provide any evidence to justify this increase in the timescale.
- 3.101 Criterion 4 sets a requirement for “equivalent, or better provision to be made elsewhere within the settlement boundary to replace the proposed loss of local employment space”. This requirement is included in Policy KTCF1 in relation to community facilities which includes various community facilities that are employment opportunities such as shops, public houses, nurseries and schools. I have made recommendations amend this requirement in Policy KTCF1. I do not consider that this is an appropriate requirement for other business developments and would place an unnecessary burden on a developer affecting the viability of a proposal.
- 3.102 Criterion 5 refers to not adversely affecting other occupiers of the site. It is not clear whether this refers to an impact on other neighbouring residential or business uses.
- 3.103 In order to provide a clear policy framework that is in conformity with the strategic local policies and that is not unduly prescriptive or restrictive, it is recommended that the policies be amalgamated and the new policy should refer to the provisions set out in the Local Plan Policy E2 for development on moderate quality industrial estates and Policies RA5 and RA6 for the diversification of the rural economy.

**Recommendation 13: revise Policy KTE1 as follows:**

**New small scale employment development of B1, B2, B8 and other employment uses of an appropriate scale and type should be located on the Gooses Foot Industrial Estate. Any proposals that would result in the loss of employment land on this estate should be considered against the provisions of Local Plan Policy E2.**

**Employment development that would help to diversify the rural economy will be supported on sites outside Gooses Foot Industrial Estate and the settlement boundary where it meets the requirements of Local Plan Policies RA5 and RA6.**

**New or expanded employment development should:**

- 1. not have a detrimental impact on residential amenity;**
- 2. not result in an unacceptable impact on the environment in terms of noise, smells, pollution, light pollution and visual intrusion;**
- 3. where possible, re-use brownfield land;**
- 4. not lead to the loss of open space;**
- 5. be designed to fit into the character of the local area;**

6. incorporate landscaping around the site to screen buildings and parking areas and provide ponds or wetlands as part of SuDS;
7. have a means of access that can accommodate the number and type of vehicles associated with the business;
8. not have an unacceptable adverse impact on the local highway network; and
9. make adequate provision for parking for employees and visitors within the employment site.

**Retain Policy KTE1 paragraph 3 on flood risk, 5 on broadband and 6 on River Wye SAC.**

**Delete Policy KTE2.**

## **Flooding**

- 3.104 The next section of the plan includes three policies on reducing flood risk, flood resilience and reducing surface water flooding. The following objective heads up these policies:

*“To ensure that all planning applications for new buildings and change of use of existing buildings have robust flood and surface water alleviation plans. All submitted planning applications will include a full Flood Survey as desktop flood assessments do not provide adequate evidence on the potential flooding impact within the Parish”.*

- 3.105 It is considered that the objective does not fully embrace the aspirations of the policies which are focused on locating new development away from areas at risk of flooding, encouraging the design of new buildings to be resilient to flooding and ensuring new development is designed to reduce surface water run-off. The wording of the objective in the submitted plan is not framed as an objective and instead sets out requirements for certain assessments to be undertaken as part of planning applications.
- 3.106 In order to show consistency between the objective and the policies, it is recommended that the objective be reframed to highlight the key concepts of the policies in this section.

**Recommendation 14: revise the objective in the Flood Risk section to read:**

**To ensure that new development is designed to include suitable means of surface water management in order to reduce the risk of flooding and to increase its flood resilience.**

## **Policy KTF1 – Reducing Flood Risk**

## **Policy KTF3 – Reducing Surface Water Flooding**

- 3.107 Policy KTF1 states that new development in the settlement boundaries will only be permitted where it provides effective surface water drainage measures to protect existing and future residential and business properties. There follows four criteria which cover development in flood zones 2 and 3; a requirement for all proposals within the parish to include a surface water drainage assessment; and encouragement to be given to reducing the overall level of flood risk through the layout and form of the development and the application of sustainable drainage measures.
- 3.108 There are a number of aspects to the policy that would mean it was difficult to implement. The opening paragraph of the policy states that the policy only applies to development in the settlement boundaries of the villages. Map 9 shows that the villages lie outside flood zones 2 and 3, although some parts of the villages have been affected by surface water flooding. Criteria 1 and 2 would not therefore be relevant. Criterion 3 relates to development throughout the parish. Criteria 3 and 4 relate to the design of development and surface water drainage assessment.
- 3.109 Policy KTF3 states that it relates to Kingstone only, although there is no reason why it should not apply to all development in the parish. It gives five practical solutions to managing and reducing surface water run-off in new development which are in effect the means of implementing criterion 4 of Policy KTF1.
- 3.110 NPPF paragraphs 100 – 104 set out the Sequential Test to be applied when considering the suitability of sites for various forms of development. Local Plan Policy SD3 requires development proposals to be located in accordance with the Sequential Test and Exceptions Tests and to have regard to the County's Strategic Flood Risk Assessment. There is no need to repeat aspects of the tests in the neighbourhood plan policy. The background to the policy could refer to the need for developers to undertake the tests and to explain how Local Plan Policy SD3 is to be applied in the plan area. It is therefore recommended that criteria 1 and 2 of Policy KTF1 be deleted.
- 3.111 Local Plan Policy SD3 sets out a comprehensive policy approach to sustainable water management. Criterion 5 requires development to include appropriate sustainable drainage systems to manage surface water so that development does not increase the rate of run-off.
- 3.112 It is recommended that in order to clarify the application of the policies with regard to managing and reducing surface water run-off, Policies KTF1 and KTF3 should be amalgamated and simplified.



**Recommendation 15: Amalgamate Policies KTF1 and KTF3 and revise as follows:**

**Development proposals should provide effective measures to manage surface water drainage from the site. Development should not result in an increase in run-off from the site and should aim to achieve a reduction in run-off rate and volume, where possible.**

**Development proposals should include a surface water drainage assessment to include on-site soakaway tests.**

**Development should be designed to reduce surface water run-off by:**

- 1. maximising the retention of surface water within the development site and minimising run off to adjacent land and properties;**
- 2. including Sustainable Drainage Systems (SuDS) wherever possible;**
- 3. minimising hard standing and making use of porous surfaces, where possible;**
- 4. taking account of existing topography to manage the flow of water along specific flow routes away from property, and into appropriate storage facilities; and**
- 5. using water alleviation facilities such as bog gardens or child safe facilities such as covered lagoons, ponds and swales.**

**Sustainable building designs that incorporate grey water storage will be encouraged.**

### **Policy KTF2 – Flood Resilience**

- 3.113 The policy sets out a requirement for all new development in the plan area to be designed to be flood resilient. The policy lists five measures that should be incorporated into the design of new development to reduce the consequence of flooding and to facilitate recovery from the effects of flooding.
- 3.114 Planning Practice Guidance advises that when considering the use of appropriate flood resilience and resistance measures “*The first preference should be to avoid flood risk. Where it is not possible, a building and its surrounds (at site level) may be constructed to avoid it being flooded (e.g. by raising it above the flood design level). Since any flood management measures only manage the risk of flooding rather than remove it, flood resistance and flood resilience may need to be incorporated into the design of buildings and other infrastructure behind flood defence systems. Resistance and resilience measures are unlikely to be suitable as the only mitigation measure to manage flood risk, but they may be suitable in some circumstances, such as:*

- *water-compatible and less vulnerable uses where temporary disruption is acceptable and an appropriate flood warning is provided;*
  - *in some instances where the use of an existing building is to be changed and it can be demonstrated that no other measure is practicable;;*
  - *as a measure to manage residual flood risk.*
- 3.115 The Environment Agency and Defra have standing advice for completing flood risk assessment for planning applications. Detailed guidance on designing buildings to be flood resilient is set out in “Improving the Flood Performance of New Buildings Flood Resilient Construction” (DCLG 2007).
- 3.116 Herefordshire Council has commented that the policy would be difficult to enforce as current Building Regulations do not request more stringent standards for development in areas at risk from flooding. The representation suggests that the proposals for development to be designed to be more flood resilient could be included in the supporting text of the section.
- 3.117 It is considered that the policy provides useful guidance to help to ensure that buildings are designed to be more resilient to flooding. The policy has had regard to national policy on the subject. As written the policy seeks to set a requirement for new development to be designed to be flood resilient and the local authority has concerns about how the policy can be enforced. The DCLG document “*Improving the Flood Performance of New Buildings Flood Resilient Construction*” is written as guidance and it is recommended that Policy KTF2 should be revised to be design guidance. It would also be helpful to developers to make reference to the DCLG document and the Environment Agency and Defra standing advice.

**Recommendation 16: Revise Policy KTF2 as follows:**

**Delete the first sentence.**

**Add the following in the supporting text: “*The Environment Agency and Defra have standing advice for completing flood risk assessment for planning applications. Detailed guidance on designing buildings to be flood resilient is set out in ‘Improving the Flood Performance of New Buildings Flood Resilient Construction’ (DCLG 2007)*”.**

**Developer Contributions**

- 3.118 The first part of the objective for the policy is to “*outline developer’s contributions for any new development within our Parish*”. The background text to the policy highlights a number of studies on sports, open space and play facilities. However, the only requirement highlighted for the plan area is for the refurbishment of one play area.
- 3.119 The second part of the objective states that the objective can be clarified using the 1990 Town and Country Planning Act and national guidance on

Planning Obligations. These provide the legislative framework for policies on developer contributions. It is not necessary to refer to them in an objective.

### Policy KTDC1 – Developer Contributions

- 3.120 Policy KTDC1 is a lengthy policy which seeks to set out how developer contributions will be determined, calculated and paid. It lists in general terms the type of sports and community facilities and transport improvements for which developer contributions will be sought as well as contribution towards future maintenance costs.
- 3.121 Herefordshire Council has commented that the policy should be deleted. It is considered that the section as drafted does not comply with current legislation on developer contributions and Section 106 agreements. *“The Planning Authority does this through negotiations with the developer depending on the scheme and arrangements for payment are settled between these two parties. In any case the contributions that local communities are entitled to will amount to 25% and will be paid on a biannual basis to reflect administration arrangements within the council. If this section is to be retained it might be useful to set out how the 25% Community Infrastructure Levy (CIL) entitlement would be spent once the NDP and CIL are adopted”.*
- 3.122 Local Plan Policy ID1 sets out the approach to delivering infrastructure through developer contributions, currently S106 agreements and in future through Community Infrastructure Levy. The background text gives more detail on the application of the policy requirements and how projects will be prioritised.
- 3.123 PPG advises that *“Parish Councils should consider publishing their priorities for spending the neighbourhood funding element, highlighting those that align with the charging authority. Where a neighbourhood plan has been made, it should be used to identify these priorities”.*
- 3.124 I agree with Herefordshire Council that as drafted, Policy KTDC1 is not an appropriate policy for a neighbourhood plan. It is the role of the local planning authority to negotiate developer contributions and in future to set CIL levels, within the legislative requirements. Herefordshire Council has indicated that they are to prepare a Supplementary Planning Document on the subject of Planning Obligations.
- 3.125 It would have been helpful for the Neighbourhood Plan to have identified the community’s priority projects that could be funded through future developer contributions as advised in the PPG.

**Recommendation 17: Delete Policy KTDC1 and the supporting text in section 4.6.**

## Other Minor amendments

3.126 The following minor amendments are advised:

- Update the information in Table 1.
- Revise paragraph 4.0.2 to read “Neighbourhood Plans are required to have regard to national planning policies and to be in general conformity with strategic local policies.”
- Update the background text to Policy KTH2 as necessary.
- Paragraph 4.2.2 revise reference to “English Nature” to “Natural England”
- Rename Policy KTD2 as Protecting and Enhancing Green Infrastructure
- Rename Policy KTD3 and Nature Conservation
- Update section 5 as necessary.

## 4.0 Referendum

4.1 The Kingstone and Thruxton Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.

4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies contained in the Development Plan for the area;
- does not breach, and is otherwise compatible with, EU obligations and human rights requirements

4.3 **I am pleased to recommend to Herefordshire Council that the Kingstone and Thruxton Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**

4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Herefordshire Council on 14 May 2014.

## 5.0 Background Documents

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

- Kingstone and Thrupton Neighbourhood Plan Submission Draft Version 2011- 2031and Appendices
- Kingstone and Thrupton Neighbourhood Plan Basic Conditions Statement
- Kingstone and Thrupton Neighbourhood Plan SEA Screening Report
- Kingstone and Thrupton Neighbourhood Plan Consultation Statement
- Kingstone and Thrupton Neighbourhood Plan Environmental Report
- Kingstone and Thrupton Neighbourhood Plan HRA Addendum Report Jan 2016
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Local Heritage Listing Historic England Advice Note 7 English Heritage 2016
- Woodland for Water: Woodland measures for meeting Water Framework Directive Objectives, Forestry Commission England and Environment Agency, 2004
- Herefordshire Employment Land Review 2012
- Improving the Flood Performance of New Buildings Flood Resilient Construction (DCLG 2007)

## 6.0 Summary of Recommendations

**Recommendation 1: Revise the date of the Neighbourhood Plan on the front cover to 2016 – 2031.**

**Recommendation 2:**

**Revise the bullet points in the housing objective as follows:**

- ***To ensure that the overall scale of housing development is proportionate to..... survey. The final sentence should be deleted from the objective and may be included within the supporting text to explain how the objective should be interpreted.***
- ***To ensure that an appropriate range of tenures, types and sizes of houses is provided to meet local housing needs as identified in local housing needs surveys.***
- ***To ensure housing development is sustainable.***
- ***To ensure that housing development outside the settlement boundary is limited to appropriate exceptional circumstances.***

**Recommendation 3: Revise Policy KTH1 as follows:**

- **Revise the opening paragraph of the Kingstone section to read: “Within the settlement boundary for Kingstone Village .....new housing development *will be supported* where they:”**
- **Revise the opening paragraph of the Thruxton section to read: Within the settlement boundary for Thruxton .....new housing development *will be supported* where they:”**
- **Delete criterion 2 under Kingstone and criterion 1 under Thruxton.**
- **Revise bullet point 8 to read “Enhance the character of the area *by respecting the local vernacular and using appropriate designs and materials*”.**
- **Delete the second and third sentences of the section on phasing.**
- **Add at the end of the paragraph on Rural Exception Housing: “*or is for affordable housing in accordance with Local Plan Policy H2*”.**

**Recommendation 4: Policy KTH2**

**Delete “etc” from bullet point 4**

**Recommendation 5: Revise Policy KTH3 as follows:**

**Revise paragraph 1 to read: “*Encouragement will be given to residential development that provides tenures, types and sizes of housing that will help to meet the local housing need, in particular:*”**

Revise second bullet point of first section to read: “provision of one or two *bedroomed starter homes* to meet the needs of first time buyers; or”

Revise the first sentence of the second section to read: “All proposals for new housing development *should* demonstrate...”

Delete the second sentence of the first bullet point of the second section.

Revise the second bullet point of the second section to replace “must” with “*should*”.

Number all the bullet points of the policy consecutively.

#### **Recommendation 6:**

Delete the objective in paragraph 4.1.23 relating to Policy KTH4.

Revise Policy KTH4 as follows:

Revise the first paragraph to read: “*The design and layout of new housing development within the Kingstone settlement boundary should take into account the following:*”

Delete the following from point 1: “and developments should be limited to small or medium size schemes with a maximum of 15 dwellings”. Add this requirement as a new bullet point to Policy KTH1.

Delete “with a variety of shapes and sizes “ from bullet point 2.

Replace “must” with “should” in bullet points 3 and 8.

Revise point 3 to read “New development should include open space within the development or make a contribution towards the enhancement of existing open spaces, play areas or landscaping in the locality”.

Include text in the background to the policy to explain bullet point 4 on minimising light pollution.

Include text in the background to the policy to explain the design features that are considered to be locally distinctive and the particular features of the “Deans” house type.

#### **Recommendation 7:**

Revise the objective above Policy KTH5 as follows: “To ensure that housing development in Thruxton contributes to the social wellbeing of



the village and does not compromise the quiet rural nature of the parish”.

Revise Policy KTH5 as follows:

Revise the first sentence to read: New housing will be *supported* within the settlement boundary of Thruxton where it comprises:

Revise point 1 to read: *“The sustainable re-use of redundant or disused buildings, including farmsteads. The development should be designed to be of a high quality and respect the character and significance of the building and its setting in accordance with Local Plan Policy RA5.”*

Revise point 2 to read: delete “within or adjacent to existing clusters of buildings in Thruxton” and “for instance”.

#### **Recommendation 8: Delete Policy KTD1 – Protecting Heritage Assets**

Include the descriptions of the potential non-statutory heritage assets in an appendix headed *“Potential non-statutory heritage assets in Kingstone and Thruxton – this list is not exhaustive”*.

Delete the last sentence of paragraph 4.2.3 and insert the following *“Descriptions of a number of potential non-statutory heritage assets are included in Appendix XX. This list is not exhaustive. Herefordshire Council will be asked to consider their assessment for inclusion in a local list of non-statutory heritage assets. Development proposals affecting statutory and non-statutory heritage assets will be considered against Local Plan Policy LD4”*.

#### **Recommendation 9: Revise Policy KTD2 as follows:**

Revise the opening sentence to read *“Development proposals should protect existing green infrastructure and where appropriate, enhance or provide new green infrastructure by:”*

Revise the second and third sections to read: *“Development that would result in the loss of open spaces, recreation or amenity land will not be supported unless it meets the requirements of Local Plan Policy OS3. Any replacement open space should be secured for the benefit of the community and of an appropriate form and in a location supported by the community. The following types of open space should be safeguarded: bulleted list*

Include reference to the relevant Sport England guidance in the background text.

Revise the third part of the policy as follows:

***“The following areas shown on Map 8 (Local Green Space) are designated as Local Green Space:”*** numbered list of names.

**“Local Green Space will be protected from development except in very special circumstances.....will not be acceptable”.**

**Recommendation 10: Revise Policy KTD3 as follows:**

**Revise paragraph 1 to read *“Wherever practical and feasible, development proposals should include measures to enhance biodiversity as part of landscaping and building design.”***

**Revise third paragraph to read: *“.....and other environmental assets as shown on Maps 2 and 3.....”***

**Add reference to the Herefordshire Biodiversity Action Plan priority habitats in the background text.**

**Recommendation 11: Revise Policy KTCF1 as follows:**

**Replace “permitted” in lines 2 and 9 with “supported”.**

**Revise the second sentence of the first paragraph to read: *“Where a development proposal would result in the loss of a community facility or service, the proposal should demonstrate how the factors set out in Local Plan Policy SC1 have been considered.”***

**Revise Point 3 to read *“They do not have an unacceptable impact on the local highway network”.***

**Recommendation 12:**

**Revise the economy objective to read *“To provide for the delivery of an appropriate growth in work unit development for local employment opportunities within Gooses Foot Industrial Estate and for a limited amount of appropriate employment development outside the settlement boundary to support rural diversification”.***

**Delete the second sentence of the objective and the bullet points.**

**Recommendation 13: revise Policy KTE1 as follows:**

**New small scale employment development of B1, B2, B8 and other employment uses of an appropriate scale and type should be located on the Gooses Foot Industrial Estate. Any proposals that would result in**

**the loss of employment land on this estate should be considered against the provisions of Local Plan Policy E2.**

**Employment development that would help to diversify the rural economy will be supported on sites outside Gooses Foot Industrial Estate and the settlement boundary where it meets the requirements of Local Plan Policies RA5 and RA6.**

**New or expanded employment development should:**

- 1. not have a detrimental impact on residential amenity;**
- 2. not result in an unacceptable impact on the environment in terms of noise, smells, pollution, light pollution and visual intrusion;**
- 3. where possible, re-use brownfield land;**
- 4. not lead to the loss of open space;**
- 5. be designed to fit into the character of the local area;**
- 6. incorporate landscaping around the site to screen buildings and parking areas and provide ponds or wetlands as part of SuDS;**
- 7. have a means of access that can accommodate the number and type of vehicles associated with the business;**
- 8. not have an unacceptable adverse impact on the local highway network; and**
- 9. make adequate provision for parking for employees and visitors within the employment site.**

**Retain Policy KTE1 paragraph 3 on flood risk, 5 on broadband and 6 on River Wye SAC.**

**Delete Policy KTE2.**

**Recommendation 14: revise the objective in the Flood Risk section to read:**

**To ensure that new development is designed to include suitable means of surface water management in order to reduce the risk of flooding and to increase its flood resilience.**

**Recommendation 15: Amalgamate Policies KTF1 and KTF3 and revise as follows:**

**Development proposals should provide effective measures to manage surface water drainage from the site. Development should not result in**

an increase in run-off from the site and should aim to achieve a reduction in run-off rate and volume, where possible.

Development proposals should include a surface water drainage assessment to include on-site soakaway tests.

Development should be designed to reduce surface water run-off by:

1. maximising the retention of surface water within the development site and minimising run off to adjacent land and properties;
2. including Sustainable Drainage Systems (SuDS) wherever possible;
3. minimising hard standing and making use of porous surfaces, where possible;
4. taking account of existing topography to manage the flow of water along specific flow routes away from property, and into appropriate storage facilities; and
5. using water alleviation facilities such as bog gardens or child safe facilities such as covered lagoons, ponds and swales.

Sustainable building designs that incorporate grey water storage will be encouraged.

**Recommendation 16: Revise Policy KTF2 as follows:**

**Delete the first sentence.**

**Add the following in the supporting text: *“The Environment Agency and Defra have standing advice for completing flood risk assessment for planning applications. Detailed guidance on designing buildings to be flood resilient is set out in ‘Improving the Flood Performance of New Buildings Flood Resilient Construction’ (DCLG 2007)”.***

**Recommendation 17: Delete Policy KTDC1 and the supporting text in section 4.6.**