

Breinton Neighbourhood Development Plan 2011-2031

The Report by the Independent Examiner

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Summary

The preparation of a neighbourhood plan is a very large undertaking for a small parish like Breinton. It is evident that the steering group which has led this initiative has devoted a great deal of effort into preparing a plan that addresses the distinct challenges and opportunities faced by Breinton.

Breinton is a small and dispersed community, within a very attractive rural environment on the edge of the City of Hereford. With substantial residential development anticipated immediately to the north of the parish and the possibility of a relief road for Hereford passing through the western part of the plan area, the Parish evidently and understandably wishes to maintain its distinctive rural character while recognising the strategic context for the Neighbourhood Plan.

The Plan has been positively prepared recognising the need for some new housing development in accordance with the Core Strategy, whilst maintaining the unique qualities of the countryside and recognising the value of these as a recreational resource for the growing in urban population nearby. This has required a delicate balancing of issues and a thorough SEA has been prepared to evaluate the policies and realistic alternatives to them. It is also evident that there has been a very strong commitment to public consultation and that a substantial level of engagement has been achieved.

I have found it necessary to recommend some modifications to the policies of the Plan in order to meet the basic conditions. In some cases, these are to make the policies sufficiently clear to enable them to be used effectively in decision making. In other cases, recommendations for minor modifications have been necessary to align policies more closely with national and local strategic policies and I have recommended the deletion of some policies, or parts of policies which do not add to national policy.

I have also given very careful consideration to the relationship between the provision for housing in the Plan and the strategic context provided by the Core Strategy. I have been concerned that although the Plan provides for some residential development, the criteria to be met cast considerable doubt on whether the target for proportional growth set out in the Core Strategy can be met other than through departures from the policies. I have therefore found it necessary to recommend some modification to Policies B1-B4, suggesting some modifications to the criteria for development at Breinton Common and Lower Breinton. At Kings Acre Road I have recommended that the settlement area should be extended to reflect recent decisions to allow residential developments at Breinton Lee, Cherry Orchard and Hala

Carr and that there should be provision for the possibility of development adjacent to the settlement area as is the case in relation to Breinton Common and Lower Breinton.

I have concluded that, if the modifications that I have recommended are made:

The Breinton Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;

having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;

The making of the Plan would contribute to the achievement of sustainable development;

The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;

The making of the Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

I am therefore pleased to recommend that the Breinton Neighbourhood Development Plan should proceed to a referendum subject to the modifications that I have recommended.

I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. The Plan covers the whole of the Parish of Breinton and I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.¹ **I therefore conclude that there is no need to extend the referendum area.**

¹ PPG Reference ID: 41-059-20140306

Introduction

1. The Localism Act 2011 has provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. Breinton Parish Council is the qualifying body for the Breinton Neighbourhood Development Plan 2011-2031 (which I shall refer to as the BNDP or the Plan). The Plan area covers the whole of the parish of Breinton. It has been prepared by a steering group of Parish Councillors, local residents and business representatives.
3. The Parish of Breinton lies immediately to the west of Hereford and mainly between the A438 and the River Wye which is a European Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI). The Parish has an unusually dispersed settlement pattern with no main village centre. About half of the houses are contained within a ribbon of development along the south side of the A438 and referred to as Kings Acre Road and most of the rest are distributed between five small clusters of development (Breinton Common, Upper Breinton, Lower Breinton, Warham and Cranstone) and a static caravan site along Green Lane. In 2011 the parish had a population of 836.
4. If, following a recommendation from this examination, the Plan proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. As such it will be an important consideration in the determination of planning applications, as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

Appointment of the Independent Examiner

5. I have been appointed by Herefordshire Council (HC) with the agreement of Breinton Parish Council (BPC) to carry out the independent examination of the BNDP. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).
6. I confirm that I am independent of both Herefordshire Council and Breinton Parish Council and have no interest in any land which is affected by the BNDP.
7. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer.

Since 2006 I have been an independent planning and regeneration consultant. I have completed 13 neighbourhood plan examinations and three health checks. I therefore have the appropriate qualifications and experience to carry out this examination.

The Scope of the Examination

8. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B of the Town and Country Planning Act 1990.
9. I must:
 - a) decide whether the Plan complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.
 - b) decide whether the Neighbourhood Development Plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates mainly to the contents of the Plan.
 - c) make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the Plan area.
10. The Plan meets the basic conditions if:
 - a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
 - b) the making of the Plan contributes to sustainable development;
 - c) the making of the 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);
 - d) the making of the Plan does not breach, and is otherwise compatible with, EU obligations.
11. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to

allow adequate consideration of an issue or to allow a person a fair chance to put a case. In carrying out the examination I came to the conclusion that the examination could be completed without a hearing. I did, however, seek clarification by e mail from Herefordshire Council on some policy and procedural matters. This correspondence, which was copied to the qualifying body, is attached at Appendices 1-3.

12. The documents which I have referred to in the examination are listed below.

- Breinton Neighbourhood Development Plan 2011-2031 Regulation 16 re-submission Draft February 2016.
- Breinton Neighbourhood Development Plan 2011-2031 Regulation 16 submission Draft July 2015.
- Breinton Regulation 16 re-Submission Neighbourhood Development Plan Basic Conditions Statement February 2016.
- Breinton Regulation 16 re-Submission Neighbourhood Development Plan Consultation Statement February 2016.
- Breinton Neighbourhood Area Strategic Environmental Assessment Environmental Report, February 2016, Herefordshire Council Herefordshire Council Progression to Examination Document May 2016.
- Breinton Neighbourhood Area Habitats Regulations Assessment February 2015 with Addendum July 2015 and 2nd Addendum February 2016.
- Comments received in relation to Regulation 16 consultation March/April 2016.
- Herefordshire Council Progression to Examination Document May 2016.
- Herefordshire Local Plan Core Strategy 2011-2031 adopted in October 2015.
- Herefordshire Unitary Development Plan 2007 Saved Policies.
- Breinton NDP Action Plan – Changes made since first Regulation 16 Consultation (August. September 2015).
- Breinton NDP Submission version August 2015.
- Breinton NDP Planning Assessment parts 1 and 2 by Kirtwells (Planning consultants) 2014.
- Breinton Housing Capacity Study.
- Identifying important Public Views in Breinton Parish July 2015 parts 1 and 2.
- The Neighbourhood Planning (General) Regulations 2012 as amended in 2015 which are referred to as the NPR.
- The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).
- The National Planning Policy Framework which is referred to as the NPPF.

- National Planning Practice Guidance referred to as PPG.

13. These documents include all of those that are required to be submitted with a neighbourhood plan under regulation 15 and all those documents were submitted with the Plan. Other documents have been accessed through the HC or BPC websites.
14. I made an unaccompanied visit to Breinton on 4 July 2016 to familiarise myself with the Parish and help me to understand the implications of the Plan policies. I spent a day walking round the parish and its surroundings to view all the key locations referred to in the Plan.

The Preparation of the Plan

15. An application for the designation of the whole of the Parish of Breinton as a Neighbourhood Area was submitted by BPC to HC on 5 December 2013. The Council undertook consultation as required by regulation 6 of the NPR for a period in excess of 6 weeks ending on 27 January 2014 and the Council approved the designation under delegated powers on 28 January 2014. The designation was subsequently published on the Council's website in accordance with regulation 7(1) of the NPR.
16. As required under Section 38B (1) (a) of the Planning and Compulsory Purchase Act 2004 the Plan clearly states the period to which it relates, which is 2011-2031.
17. The Plan must not include any provision about development that is excluded development as defined in Section 61K, which is inserted into the 1990 Town and Country Planning Act. Excluded development includes "county matters" such as mineral extraction and waste disposal and major infrastructure projects. I am satisfied that the submitted plan contains no such provision.
18. I am also satisfied that the BNDP does not relate to more than one neighbourhood area.

Public Consultation

19. The process of public consultation on the preparation of the BNDP is set out in the Consultation Statement. During 2013, and prior to the formal designation of the neighbourhood area, there were several parish events and a parish questionnaire was distributed to which over 60% of the population aged over 6 responded. This is, in my

experience, an exceptionally high response rate. The survey identified issues that were of particular concern to residents.

20. In April 2014 there was a public meeting at which the response from the questionnaire and a draft vision and questionnaire were presented. Attendance at the meeting was small, but the meeting was reported in the parish magazine and there was publicity about the preparation of the Plan on parish notice boards, the Hereford Times and the Parish Council website. The July 2014 issue of the parish magazine included the draft objectives for the Plan and emerging policy headings.
21. Following this informal consultation, a draft plan was prepared and consultation under regulation 14 of the NPR was carried out from 16 February to 30 March 2015. At the same time the Draft Scoping report for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) were published for consultation. The draft plan could be viewed from the BPC and HC websites and was available in hard copy format at Hereford Library. It was also available on request from Parish Councillors and the Parish Clerk. A flyer detailing the consultation process was delivered by hand to all households and local businesses, posters were displayed on parish notice boards and in local businesses, and there were displays in a local fruit farm shop and in the parish church. The consultation was also the subject of press releases and was an item at Parish Council meetings.
22. The consultation report summarises all the comments received in response to this consultation process and identifies changes that were made to the draft plan in response to these comments.
23. The Plan was submitted to HC in the summer of 2015 and HC carried out regulation 16 consultation from 4 August to 15 September. The Plan and other submission documents were available on the HC website and in hard copies at three libraries. BPC continued to publicise the submission plan in its monthly newsletter, meetings and through the Hereford Times.
24. The comments to the Submission Plan at this stage included comments by HC many of which referred to the relationship between the Plan and the Core Strategy which was subsequently adopted in October 2015. As a result of this BPC sought discussions with officers of HC, made amendments to the Plan to reflect these comments and resubmitted it on 26 February 2016. HC publicised the amended Plan under regulation 16 again between 8 March and 19 April 2016 in the same way as outlined in paragraph 23.

25. The extent of the changes made at this stage was not clear to me from the submitted documents and I found it necessary to request clarification as I needed to consider whether the changes were so substantial that they would require the regulation 14 stage of consultation to be repeated. I was provided with a copy of the original submission version and a schedule setting out the changes that had been made and the reasons for them. While the changes are quite extensive they are directly related to the content of the adopted CS and do not fundamentally alter the direction of the BNDP. The statutory requirements for the regulation 16 publicity are the same as those for regulation 14 and I am satisfied that there was an adequate opportunity to comment on the changes.
26. I am satisfied that the public consultation of the draft Plan substantially exceeded the minimum required by the NPR and that the Consultation Statement also contains the required information.

The Development Plan

27. The statutory development plan is made up of:
- The Herefordshire Local Plan Core Strategy 2011-2031 adopted in 2015
 - Saved policies of the Herefordshire Unitary Development Plan adopted in 2007.
28. All of the policies of the recently adopted Core Strategy (CS) are strategic and the only strategic policies that remain in the saved policies of the 2007 Unitary Development Plan relate to minerals and waste.

The Basic Conditions Test

29. The consideration of whether the Plan meets the basic conditions is at the heart of the independent examination process. It is therefore essential to be absolutely clear on the meaning of each of the basic conditions. Detailed consideration of the first three conditions is carried out in relation to the policies of the Plan but the fourth relating to EU requirements is considered in detail here.

“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”.

30. There are two important points to emphasise in relation to this. The first is that this requirement relates means that an examiner must consider this requirement in relation to the making of the plan; it thus applies to the plan as a whole rather than to individual policies. The second point is the use of the phrase “*having regard to*”. This means that the examiner must consider the national policy and advice but it does not mean that each policy should be in absolute conformity with it. It provides for an element of flexibility. PPG explains that “*having regard to national policy*” means that “*a neighbourhood plan must not constrain the delivery of important national policy objectives*”. The Plan as a whole is clearly the sum of its policies and it is therefore necessary to consider the extent to which each policy complies with national policy and guidance. However, in reaching my conclusion on this basic condition it is the relationship of the plan as a whole with national policies and guidance rather than individual policies which is the key consideration.
31. The Basic Conditions Statement submitted with the BNDP does not recognise the significance of these points. While it cross refers to the specific wording of the basic conditions its heading for this basic condition is “*Have Appropriate Regard to National Policy*”. This confuses the separate concepts of “*having regard to...*” and “*it is appropriate to make the plan*”.
32. The statement then sets out the relationship of the BNDP as a whole with the core planning principles of the NPPF. This is helpful and I am satisfied that there is no serious conflict between the core planning principles and the vision and objectives of the BNDP. In some instances, the scale and nature of Breinton mean that the ability of the Plan to fully embrace the principles is limited. The very dispersed pattern of development and the limited scale of growth envisaged by the CS mean that the Plan does not envisage such a positive approach to growth and development as is presented by the tone of the NPPF core principles. Likewise, there is limited potential given the pattern of development to substantially increase the level of use of public transport. However, the core principles also include the need to protect the most productive agricultural land, the character of the countryside and the natural environment. In a single parish it is clear that some principles will be more strongly applied than others.
33. The Basic Conditions Statement could have done more to demonstrate the alignment of the policies of the BNDP with those of the NPPF, and this is something that I have therefore had to do in carrying out the examination.

34. Also relevant to the basic conditions test is “guidance issued by the Secretary of State” as set out in PPG. The Basic Conditions Statement does not consider the relationship of the Plan to PPG but I have had frequent need to relate aspects of the Plan to it.

The making of the plan contributes to sustainable development

35. Sustainable development is the fundamental principle guiding the planning process² and the assessment of this basic condition is therefore of prime importance. The NPPF spells out the three dimensions of sustainable development: economic, social and environmental and the interdependent nature of these. Again it is important to note that the assessment to be undertaken relates to the plan as a whole, but clearly the contribution of each policy needs to be considered to enable a conclusion to be reached and policies which fail to contribute to sustainable development are likely to require modification or deletion. As the NPPF points out³ local circumstances vary greatly and that influences the way in which contributions to sustainable development can be made. As a general observation at this stage, the importance of the environmental dimension of sustainable development in a very rural area with exceptional environmental qualities is very evident and there may be proportionately less emphasis of the economic and social dimensions in a parish such as Breinton. Nonetheless an appropriate balance between the three elements is necessary.

The making of the plan is in general conformity with the strategic policies contained in the development plan for the area.

36. As with the previous two conditions the test applies to the plan as a whole, but this requires consideration of individual policies against relevant strategic policies in order to reach an overall conclusion. The test of “*general conformity*” is fundamentally that the neighbourhood plan policies should not undermine the strategic policies of the Local Plan. The test is spelt out more fully in PPG⁴. It does not preclude some variation from a strategic policy to reflect local circumstances providing the proposal upholds the general principle that underlies the strategic policy. This issue is of particular significance in my consideration of the policies for housing development in the BNDP and the comments that have been made on them.

² NPPF para 6

³ NPPF paragraph 10

⁴ PPG Reference ID: 41-074-20140306

The making of the Plan does not breach, or is otherwise compatible with EU obligations

37. As this condition relates to the process of plan preparation I shall deal with it in detail at this stage.
38. PPG indicates that “*where a neighbourhood plan is likely to have significant environmental effects it may require a strategic environmental assessment*”⁵, subsequently referred to as SEA. An SEA requires the preparation of an environmental report. In order to determine whether the plan would have a significant environmental effect, a screening assessment is necessary.
39. Regulation 15 of the NPR requires that the submission of a neighbourhood plan must include:
” *(i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans Regulations (EAPPR) or (ii) where it has been determined under regulation 9(i) of these Regulations that the proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination*”.
40. In the case of Breinton a screening opinion was carried out on the emerging plan by Herefordshire Council and it was determined that, because the River Wye Special Area of Conservation runs through the parish and because of the presence or proximity of several other important environmental designations, including 3 Sites of Special Scientific Interest, a Strategic Environmental Assessment (SEA) would be necessary and a full environmental report has been submitted.
41. The Environmental Report includes a Scoping Report which identified the Plans Policies and Programmes that may be of relevance, reviewed environmental baseline information, identified key environmental issues and developed an SEA Framework which defined SEA objectives and appraisal questions, indicators and targets in relation to each of these. The scoping report was the subject of consultation with the statutory consultation bodies in accordance with the EAPPR⁶: Natural England, Historic England and the Environment Agency. Responses were received from Natural England and Historic England and these were taken into account in the Environmental Report.

⁵ PPG Reference ID: 11-027-20150209

⁶ EAPPR Regulation 12 (5)

42. The next stage was the testing of the objectives of the BDNP against the SEA objectives to assess whether the Plan objectives are likely to support or conflict with the SEA objectives. In almost all cases there is a positive or neutral relationship between the two sets of objectives. Only in the case of the objectives to encourage new community facilities and employment is a potential, but uncertain conflict with the SEA objectives to: *“improve air quality, reduce the effect of traffic on the environment, reduce contributions to climate change and reduce vulnerability to climate change”* identified. In other cases, the relationship is defined as uncertain until more detail is available.
43. The NDP policies are then tested against the SEA objectives. This exercise is presented first at an overall level for each policy where the effects of the policy are shown on a 5-point scale from ++ to - - and described. The effects are then shown at a more detailed level identifying the short medium and long term effects against each of the SEA objectives. At this stage there is some consideration of alternatives with a do nothing alternative and consideration of 4 options in relation to the approach to new housing. Both these exercises were repeated following the amendments to the summer 2015 submission version of the Plan in response to the adoption of the Core Strategy and the comments received in response to the regulation 16 consultation. At this stage a wider range of options for housing development were considered, options 2-8. Option 8 which considers a development management policy in association with settlement boundaries corresponds to the approach taken in Policies B1, B2 and B3. This is not made explicit in the environmental report and it would have been helpful to do so.⁷ This option shows a positive effect for most of the SEA objectives against the baseline data available, though not as strongly positive as options 2, 5 and 6 which considered the allocation of sites for development. This reflects the greater certainty that would be associated with the allocation of sites. However, in the absence of significant negative effects, there is no reason why option 8 should not be selected.
44. In options 9-38 the omission of each of the other policies and a reliance on the CS is considered against the submitted policy. In most cases the submitted policy results in a positive effect in relation to more of the SEA objectives than a reliance on the CS, but in a few instances there is not considered to be any significant benefit. In no cases does the inclusion of the policy have less positive effects than a reliance on the CS and none of the identified effects are negative.

⁷ It has been confirmed to me in an e mail from Herefordshire Council attached at Appendix 2 that Option 8 is corresponds to the Plan policies

45. The Draft Environmental Report was the subject of consultation with the consultation bodies between 16 February and 30 March 2015 at the same time as regulation 14 consultation on the draft plan was being carried out. A response was received from Natural England confirming that the report meets the requirements of the European Directive and that it concurred with the conclusions. The final Environmental Report was also the subject of consultation with the re-submitted Regulation 16 plan between 8 March and 19 April 2016.
46. I am satisfied that the preparation of the Environmental Report has been in accordance with EU obligations.
47. Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (CHSR) puts into effect the requirements of Article 6.3 of the EU Habitats Directive and requires that:
- “(1) Where a land use plan -*
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
- (b) is not directly connected with or necessary to the management of the site,*
- the plan-making authority must before the plan is given effect, make an appropriate assessment of the implications of the site in view of that site’s conservation objectives*
- (2) The plan making body must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specify.*
- (3) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so they must take such steps for that purpose as they consider appropriate.*
- (4) In the light of the conclusions of the assessment, and subject to regulation 103 (considerations of overriding public interest), the plan making authority...must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site...”*
48. Amendments to these regulations were made in the Schedule 2 to the NPR which inserted Regulation 102A to the CHSR:
- “A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.”*

49. In December 2013, Herefordshire Council carried out an initial screening assessment to determine whether there was a need for an appropriate assessment under regulation 102 of the CHSR. The assessment concluded that because the River Wye SAC runs along the southern border of the parish an appropriate assessment would be necessary.
50. In December 2014 Herefordshire Council prepared a full Habitats Regulation Assessment (HRA). This had regard to the potential for combination effects with the CS which had not been adopted at that time and to adjacent neighbourhood plans. It assessed the characteristics of the European sites and the possible effect of each of the options, objectives and policies of the emerging draft plan and in all cases it was considered unlikely that there would be significant effects.
51. Following regulation 14 consultation on the draft plan including consultation on the December appropriate assessment some modifications were made to the draft plan in response to comments received. In particular, Natural England expressed concern that there was a need to modify several of the policies to ensure that development that could have an adverse effect on the River Wye SAC would not be permitted. This was in particular because at that stage the CS had not been adopted and its policies and Habitats Regulation were still subject to change and therefore could not be relied on. In response to these modifications the modified policies were assessed and none were considered likely to cause significant effects. The results were published in the July 2015 addendum to the HRA and a response from Natural England in September 2015 confirmed these conclusions.
52. The regulation 16 publicity for the submitted plan from 4 August – 15 September 2015 resulted in comments which suggested the need for modifications to several policies and the evaluation of a wider range of options for housing policy. Some of these modifications were to take account of the policies of the adopted CS. Addendum 2 to the HRA, published with the re-submission documents in March 2016, evaluates these modified policies and additional options and again concludes that the policies are not likely to have significant effects. The response from Natural England in April 2016 confirms that the conclusions of the amended HRA are accepted. I am therefore satisfied that the HRA meets the requirements of the EU Habitats Directive.
53. I am also satisfied that nothing in the BNDP is in conflict with the requirements of the European Convention on Human Rights.

54. I therefore conclude that the BNDP would not breach and would be otherwise compatible with EU obligations.

Vision and Objectives

55. The policies of the BNDP are preceded by a broad vision and 9 objectives. Policies are grouped under the relevant objective. While the vision and objectives do not constitute policies that will become part of the statutory development plan it is important to consider them in relation to the basic conditions as they provide part of the rationale for the policies.
56. The vision is *“To develop Breinton as a sustainable, rural parish, essentially producing food and providing vital opportunities for informal, outdoor recreation and tourism by enhancing its outstanding natural environment and green infrastructure assets for the benefit of local residents and visitors from Hereford City and further afield.”*
57. The vision is interesting as it focuses very much on the aspirations of the community for the function of Breinton. It reflects the existing role of the Parish and seeks to maintain and strengthen this. The omission of any reference to housing development within the vision is noteworthy, and I have considered whether this in itself is inconsistent with the requirement in the NPPF paragraph 16 to *“plan positively to support local development, shaping development in their area that is outside the strategic elements of the local plan;”*. However, I have come to the conclusion that there need not be any conflict between the vision and this requirement. It is entirely appropriate to use the vision as an underpinning rationale for the objectives and policies of the Plan, and while the vision does not place housing development at the heart of the aspirations for the Plan, it is not negatively expressed and does not preclude appropriate residential development.
58. The Policies are grouped under the 9 objectives of the Plan. It is not necessary to detail the 9 objectives here or to consider them individually as they are presented in my report as a preface to the policies that relate to them. They are positively expressed and all of them are entirely consistent with the requirement for the Plan to contribute to sustainable development.

The Policies of the Breinton Neighbourhood Development Plan

59. I have considered each of the policies having regard to the basic conditions. I have also had regard to the views expressed in response to public consultation both in the early stages of the preparation of the Plan and, in particular, in the responses to the regulation 16 consultation. Although I have not referred specifically to all the representations and suggestions that have been made I have taken them all into account.
60. I am only empowered to recommend modifications where they are necessary to enable the Plan to meet the basic conditions or to correct errors. PPG⁸ requires that policies should be “*clear and unambiguous*” and “*drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications*” and some modifications have been recommended with this in mind.

Objective 1 – to promote a level of housing growth to help meet the indicative housing target for Herefordshire that is proportionate to the size of Breinton parish and its settlements so that the parish retains its essentially rural character.

Policy B1 – Housing development in the defined Breinton settlements

61. Objective 1 aligns the Plan with the requirement to be in general conformity with the strategic policies of the CS. Policy B1 provides for “*proportionate housing development...within or adjoining the defined rural settlements of Breinton Common and Lower Breinton*” subject to detailed criteria.
62. The CS does not explicitly define the amount of development to be accommodated in Breinton. Policy RA1 of the CS makes provision for new housing development in the rural housing areas of 5300 dwellings over the period 2011- 2031. The distribution of this scale of development is based on 7 separate Rural Housing Market Areas (RHMA). It is envisaged that the Hereford RHMA should accommodate approximately 1870 new dwellings which is equivalent to an 18% increase in the housing stock. In Breinton this would equate to 72 new homes across the parish as a whole. However, Policy RA1 is clear in stating that, “*The indicative targets in each of the rural HMAs will be used as the basis for the production of Neighbourhood Plans in*

⁸ PPG Reference ID: 41-041-20140306

the county. Local evidence and environmental factors will determine the appropriate scale of development.”

63. CS Policy RA2 deals more specifically with development in rural settlements and sets out criteria for development in them that are in some instances similar to the criteria in Policy B1 of the BRNP. The policy identifies two lists of settlements. One list contains settlements that are expected *“to provide the main focus for proportionate housing development”*. The other is a list of *“other settlements where proportionate housing is appropriate”* and this list includes Breinton. However, there is no clear distinction in policy terms between the two lists of villages. The supporting text (paragraph 4.8.21) refers to the significance of neighbourhood plans as the *“principal mechanism by which new rural housing will be allocated”* in Herefordshire and states that *“The proportional growth target within policy RA1 will provide the basis for the minimum level of new housing that will be accommodated in each Neighbourhood Development Plan”*. Thus Policy RA1 suggests that there is some flexibility regarding the amount of development having regard to local factors but the supporting text to Policy RA2 indicates that the proportional growth target within policy RA1 should be regarded as a minimum. The implication of this is that any flexibility of the policy should be in an upward direction. In considering the implications of this I must have regard to the NPPF requirement that *“Neighbourhood plans or orders should not promote less development than set out in the Local Plan or undermine its strategic policies.”*⁹
64. The supporting text to Policy B1 suggests that it would be unsustainable for 72 new homes to be located within or adjacent to the defined rural settlements of Breinton Common and Lower Breinton because of the lack of facilities and services and the environmental constraints. As Breinton Common only has about 35 dwellings and Lower Breinton 22 it is clear that this would amount to a large amount of development for these two hamlets as it would more than double their combined housing stock. However, the policy is positively worded in providing for development and does not place an upper limit on the scale of development as the emphasis is placed on the criteria to be met by development proposals. The Policy provides for a contribution towards the need for new development to be provided in Breinton without defining how much. I shall return to consider the overall provision for housing development when I have considered the detailed criteria relating to Policy B1 and policies B2 B3 and B4 and can look at the collective contribution they may make to the housing stock.

⁹ NPPF Paragraph 184

65. In my judgement the meaning of the term “*proportionate housing development*” as used in the policy is not apparent without a full understanding of the strategic policy background. While the supporting text helps to explain this a cross reference to CS Policy RA1 is necessary to define the meaning of the policy more clearly.

Recommendation

Modify the first part of Policy B1 to read “*Housing development that will make a proportionate contribution to the provision for new housing in the Hereford Rural Housing Market Area defined in Core Strategy Policy RA1 will be supported within, or adjoining, the defined rural settlements of Breinton Common (Figure 17) and Lower Breinton (Figure 18) when the development:*”

66. I am satisfied that for the most part the detailed criteria to be considered in relation to proposals for new development within or adjacent to Breinton Common and Lower Breinton present no challenge to the basic conditions. However, the phrasing of the policy suggests that all development must meet all of the criteria and this suggests to me that there is some risk that the restrictive nature of the criteria may effectively negate the positive wording of the first part of the policy. I have therefore recommended some minor modifications to reduce this risk.
67. In criterion a. it could be argued that any development outside the development boundary would be a “*significant encroachment into open countryside*”. It is clearly not the intention of the policy to totally preclude all such development, and a modification to indicate that the policy aims to prevent substantial encroachment into the countryside would therefore be appropriate.
68. Criterion b. reads as if all development proposals must “*make the most effective use of land by reusing previously developed land*”, and thus any development which did not reuse previously developed land would be contrary to the policy. While there may be some opportunities to use brownfield land, because of the small scale of the settlements they will be limited, particularly as garden land is excluded from the definition of brownfield land¹⁰. Because the policy allows for development adjoining the settlement boundary it is evident that it is not the intention to preclude any development that is not on previously developed land, and a modification to clarify this is necessary.
69. Criterion d. requires that any development “*enhances the character of the area*”. I consider this to be an unduly onerous requirement having regard to the presumption in

¹⁰ NPPF Annex 2 Glossary p55

favour of sustainable development. Development that maintains the character of the area could be sustainable and could not reasonably be resisted because it does not enhance it. No amendments are necessary to the criteria I have not referred to directly.

Recommendations

In Policy B1:

criterion a. delete “*significant*” and insert “*substantial*”

criterion b. at the beginning insert “*where appropriate*”

criterion d. at the beginning insert “*maintains or*”

Policy B2- Kings Acre Road

70. This policy provides for development within the defined settlement boundary of development along Kings Acre Road, subject to three criteria. The policy differs from that relating to Breinton Common and Lower Breinton in that it does not provide for development adjoining the settlement boundary. This distinction is questioned in a representation from Richard Griffiths of Kings Acre Road and Wyevale Holdings on the basis that to allow development adjacent to the settlement boundaries of Breinton Common and Lower Breinton but not adjacent to the boundary of Kings Acre Road is illogical and inconsistent with sustainable development. They argue that Kings Acre Road is a more substantial cluster of development and is much more accessible to the limited range of services in the parish and to a regular public transport service. I have considerable sympathy with this viewpoint. There is also a representation from S. Matthews for the inclusion of a small paddock adjacent to the recently granted permission at Cherry Orchards within the boundary for the purposes of Policy B2.
71. The development boundary around Kings Acre Road is drawn tightly around the existing development and the policy criteria seek to maintain the few gaps in the frontage which allow views of the open countryside. In the context of these criteria it is difficult to see how new development could be accommodated within the settlement boundary.
72. Three planning permissions have been granted recently which would not have been in compliance with the policy B2, and which were the subject of objections by BPC. The first is application 123592/O for 15 dwellings at Breinton Lee which was granted on appeal, application 151641/O was for 9 dwellings to the rear of Bramley House and Orchard House and the third is for 5 dwellings at Hala Carr Breinton Lane, application 152388/O. A further application, 161329/O, for 8 dwellings is awaiting determination.

The site of this development lies to the south of that for application 151641 and to the east of application 161329. If permission is granted it would mean that 37 dwellings have been permitted which would contribute significantly to the target of 72 dwellings. However, all three permissions would be departures from Policy B2 as currently worded.

73. It is evident from the CS Key Diagram for Hereford that the corridor to be protected for the Hereford Relief Road is particularly wide on both sides of Kings Acre Road. Thus permissions for new residential development within this broad swathe could be prejudicial to options for this route until decisions on the principle and, if it is to proceed, the route of the relief road have been taken. It appears that this could be part of the rationale for the difference between the policy at Kings Acre Road and the apparently less restrictive policy for Breinton Common and Lower Breinton but this is not made explicit. Certainly this reasoning played a part in an appeal decision relating to an application for 73 dwellings on land to the north of the A438 and west of the A480 in the ownership of Wyevale Holdings.¹¹ However, I note that the recent permissions at the western end of Kings Acre Road do lie at least partly within the relief road corridor.
74. No clear justification has been given for a more restrictive policy at Kings Acre Road other than the fact that it is not identified as a settlement under Policy RA2 of the CS. I was unable to identify this distinction from Policy RA2 as Breinton is simply listed in Fig 4.15 as one of many "Other settlements where proportionate housing is appropriate". I therefore sought clarification on this point and, while it is not explicit either in the CS or the BNDP, I understand that the position of Kings Acre Road as regards Fig 15 of the CS is somewhat ambiguous.¹² Kings Acre Road was not originally defined as a settlement as it was regarded as part of the Hereford fringe by Herefordshire Council. Policy HD5 of the CS proposes the Western Area expansion (Three Elms) which will provide 1000 new dwellings not far from Kings Acre Road. It would have been possible to treat Kings Acre Road as part of the Hereford fringe and exclude it from the neighbourhood plan area. However, the BNDP includes Kings Acre Road and uses the figure of 72 dwellings as the indicative target and this derives from the application of the proportionate target of 18% growth to the whole of Breinton including Kings Acre Road. Moreover, while not defined as a settlement Kings Acre Road does have a settlement boundary. Most of the planning permissions granted to date which are

¹¹ Appeal ref APP/W1850/W/15/313770

¹² See Appendix 1 e mail correspondence with Herefordshire Council

regarded as contributing to this target are adjacent to Kings Acre Road but outside the settlement boundary.

75. A further constraint is that much of the area around Kings Acre Road is in the area of the minerals protection area which is subject to Saved Policy M5 of the Herefordshire Unitary Development Plan. However, this constraint also applies elsewhere and need no preclude development, particularly if it is small scale.
76. In not providing for development adjacent to the built up area the policy as currently worded is more restrictive than Policy RA2 of the CS. I cannot find a clear justification for this approach, particularly having regard to advantages of Kings Acre Road in terms of sustainability over the other, more isolated parts of the parish, notably with regard to access to a frequent public transport service. Neighbourhood Plans “should not plan for less growth than set out in the Local Plan or undermine its strategic policies” and I am not satisfied that the proportionate level of development envisaged can be met within the submitted wording of the policy for Kings Acre Road, having regard to the limited potential for new development in accordance with policies B1, B3 and B4. I have therefore recommended some modifications to the policy and consequential modifications to the background/justification to address this.

Recommendations

In Policy B2:

Insert after “*Within*” insert “*or adjacent to*” in the first line.

Insert new criteria c and d to read

“c. it would not allow any further westward expansion of the ribbon development or any substantial incursion into open countryside to the south that would not be sustainable;

d it would not significantly constrain options for the route of the Hereford Relief Road;

e. it would comply with the requirements of Policy RA2 of the Core Strategy.”

In the Background/Justification to policy B2 delete “*Being “ribbon development” this area is not identified as a settlement under Policy RA2 of the Core Strategy.*”

And replace with: “*Kings Acre Road was originally regarded as ribbon development related to the Hereford Fringe by Herefordshire Council and was therefore not regarded as a settlement under Policy RA2 of the Core Strategy. However the proportionate figure of 72 dwellings for Breinton relates to the whole of the existing housing stock of Breinton including Kings Acre Road and a settlement boundary has been defined for Kings Acre Road.*”

Insert a new paragraph after the second paragraph of Background / justification

to read:

“The corridor being protected for the proposed Hereford Relief Road covers a large part of the existing settlement of Kings Acre Road and the adjoining countryside and this represents a substantial constraint on potential development until decisions have been taken on whether the road is to be built and if so its preferred route.”

Policy B3 – Housing in the countryside and rural exception sites

77. Policy B3 makes provision for new housing in the countryside in accordance with CS Policy RA3 and for the provision of affordable housing, normally of 3 homes or less, on exception sites where new housing would not normally be permitted. Policy RA3 relates to development that has a specific need to be in the countryside or to individual developments of exceptional quality and innovative design.
78. The second part of the Policy relates to exception sites and it is my understanding that criteria a.-e. are intended to relate to this part and it would be helpful to clearly separate the two parts of the policy. The provision for exception sites is effectively an amplification of CS Policy H2 and sets out criteria relating to such developments which reflect the specific characteristics of Breinton. This imposes significant constraints and, as presently worded the policy does not provide any indication of where such developments should be accommodated. Policy 55 of the NPPF seeks to avoid new isolated homes in the countryside, and that includes rural exception sites. It follows that such sites should be located where they are closely related to existing development. There are several small clusters of development within the parish of Breinton and to comply with paragraph 55 of the NPPF exception site development should relate to these in addition to the defined settlement boundaries of Breinton Common, Lower Breinton and King’s Acre.
79. Criterion D requires reasonable access to a range of services and facilities. Most of Breinton has very limited access to services and facilities and in this context it is not clear what is meant by “reasonable access”. This could be used to preclude almost any development under this policy and without clarification it should be deleted. The modification I propose to criterion b to reflect the point made in the previous paragraph is a more practical way of addressing this concern and I have included a modification to this effect.

Recommendations

In Policy B3:

In the third line after “...of the Core Strategy.”, start a new paragraph with a

space separating it from the preceding text to clearly separate the two parts of the policy.

In criterion b after “The proposal” insert “is closely related to existing housing and..”

Delete criterion d.

Policy B4 – Re-Use of empty buildings for Housing

80. Policy B4 provides for the re-use of empty buildings for housing subject to meeting several criteria, all of which must be met. The first criterion could give rise to unintended consequences which would not be consistent with the presumption in favour of sustainable development or the generally positive support for such changes of use in paragraph 51 of the NPPF. It implies that any previous use should take precedence over residential use or use as a community facility unless it is clearly no longer needed. There may well be instances where the replacement of a previous use, which could still be viable, by a residential use would be consistent with sustainable development. The criterion also does not make clear how it can be determined that that *“the buildings are genuinely no longer needed”*.
81. I am satisfied that the other criteria do not give rise to any concern regarding compliance with the basic conditions.
82. The final section of the policy relates to the re-use of buildings for community assets. This does not relate to the heading of the policy, which refers specifically the re-use of empty buildings for housing, and a change to the heading is therefore necessary.

Recommendation

In Policy B4 delete criterion a.

In the heading of Policy B4 add “and community assets” after “housing”.

83. I now return to the issue of the overall scale of housing development provided for in the Plan to consider how policies B1-B4 collectively relate to the proportionate approach set out in Policies RA2 and RA3 of the Core Strategy. This requires that 72 dwellings be regarded as a minimum target for the period 2011-2031. Policies B1 to B4 all provide for the possibility of new housing development, some dwellings have been completed since 2011 and others have planning permission or are under construction.
84. The Breinton Housing Capacity Study (HCS)¹³ assesses the potential for housing development during the plan period having regard to the CS and BNDP policies and

¹³ Capacity Study- Breinton Parish Neighbourhood Planning Area updated June 2016.

taking into account completions to date and existing permissions. The HCS indicates that there is provision for 40 dwellings within existing planning permissions and assumes that “windfall sites” will provide a further 13 dwellings over the rest of the plan period. That would mean that a further 19 dwellings would need to be provided over the plan period on the basis of the policies of the BNDP, meaning that in total there would need to be permissions for a further 32 dwellings in total to meet the indicative target. I am unclear what the distinction is between future permissions on windfall sites and other permissions. As the Plan does not allocate sites all new permissions would appear to me to fall within one category of planning permissions on sites that have not yet been identified. There are two planning applications that remain undetermined at the time of writing which could provide up to 11 new dwellings though both of these appear to be contrary to the submitted policy for Kings Acre Road.

85. Existing commitments can therefore provide over half of the indicative target of 72 dwellings and on the face of it 32 dwellings over the remaining 15 years of the plan period is not a large number. However, as I have pointed out the policies, while open to new development, are effectively quite restrictive as a result of the tight criteria that are to be met by new development. This is demonstrated by the fact that the three specific sites where permission has been granted which are referred to in the HCS would be contrary to the submitted policy B2 for Kings Acre Road because they are outside the proposed settlement boundary. This suggests that without the modifications I have recommended to Policies B1 and B2, new dwellings are perhaps more likely to result from departures from the Plan policies than from permissions that accord with them. Notes 2 and 3 of the HCS tend to confirm this impression as they refer to the two currently undetermined applications which would be contrary to the submitted wording of the BNDP as a potential source of additional dwellings within the windfall category. Adoption of policies in the expectation that the new houses necessary will derive from decisions to depart from the policies is not positive planning.
86. Even with the modifications I have recommended, there remains an element of tension between the BNDP and the approach of the CS. There is no certainty that the policies of the BNDP will provide for 72 or more dwellings over the plan period. The number of dwellings that will result from exception sites for affordable housing or the conversion of buildings from other uses is completely unknown but unlikely to be great. The possibility of falling short of the indicative target of 72 dwellings is reinforced by the comment of the Parish Council in response to the comments of HC planning policy officer that *“Breinton could be one of the areas in the Hereford Rural HMA that undershoots the HMA wide indicative target – not least for environmental reasons”*. I

can empathise with this view as Breinton is a small and physically fragmented community with relatively few services and substantial environmental constraints. This is consistent with the inclusion of Breinton in the second list of villages which are subject to the proportionate development policy in RA1, which are not expected to be the main focus for development. It seems inevitable and entirely appropriate that, with any policy that is based on a relatively crude mathematical formula to determine the amount of growth, there will in practice be some variation in the case of individual villages.

87. Nonetheless Policy RA2 makes it clear that the proportionate provision should be the minimum target for the neighbourhood plan and it will clearly be important for the CS policy to be closely monitored to assess the impact of the inevitable variations from the indicative target across the Hereford HRMA and the whole of the rural area. I am satisfied that the policies of the BDNP, as modified by my recommendations and taking account of existing commitments are capable, though not certain, of meeting the indicative target for new housing. Any shortfall is likely to be small and therefore would not undermine the strategic policies of the development plan in this respect.

Objective 2 – to ensure that new housing developed in Breinton over the plan period provides a suitable range of tenures, types and sizes of homes so that opportunities are provided for local people of all ages to continue to live in the parish.

Policy B5 – Ensuring an appropriate range of tenures, types and sizes of houses

88. The policy has two elements: the first aims to ensure that new development provides a mix of house types and tenures, and the second to ensure that there is effective integration of different types and tenures of housing, so that concentrations of particular types of housing are avoided. I am satisfied that the policy is compliant with the basic conditions with the exception of the reference to the Lifetime Homes standards. The Ministerial Statement of 25 March 2015 stated that *“local planning authorities and qualifying bodies preparing Neighbourhood plans should not set in their emerging Local Plans, Neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”*.

Recommendation

In Policy B5 insert a full stop after “...the parish” and delete “including Lifetime Homes.” In the supporting text delete “Developers should also meet the Lifetime Homes standard, and produce homes that meet or exceed the prevailing

standard for sustainable homes.”

Objective 3 To promote the highest possible environmental standards, by encouraging landowners and developers to exceed minimum standards required by existing regulations.

Policy B6 – Sustainable Design and Energy Efficiency

89. Policy B6 sets out criteria to be met by new development. They relate to density, local distinctiveness and sustainable design. I am satisfied that the first two criteria are consistent with the basic conditions. The third condition relating to sustainable design does not effectively add to the national requirements. The intention of the Ministerial Statement referred to above was to remove the need for local planning authorities to set their own standards on space and technical issues. The purpose of the policies in the BNDP is to provide a basis for decision making on individual applications. However, the only relevant standard in terms of sustainable design is the national standard and clearly any development that exceeds that standard is acceptable in terms of sustainable design. There is no particular local reason for the inclusion of the third criterion and it is therefore inconsistent with the Ministerial Statement and with PPG which states *“A policy in a neighbourhood plan...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.”*¹⁴.

Recommendation

In Policy B6 delete Criterion c.

Objective 4 – To protect the best quality agricultural land and soils as scarce natural resources and support the growth of local agriculture and extensive fruit farming, by wherever possible using farming methods and practices that protect the environment and preserve the distinctive rural landscape of this part of Herefordshire.

Policy B7 Protecting the best and most versatile agricultural land, soils and promoting agricultural development that protects the environment and preserves the distinctive rural landscape.

¹⁴ PPG Paragraph 41 Reference ID: 41-041-20140306

90. The policy sets out criteria to be met by development that would use Agricultural Land of Grades 1, 2 and 3a and requires that agricultural development requiring planning permission should contribute to preserving the rural landscape. It is evident that the agricultural landscape of Breinton is a fundamental element of the local distinctiveness of the area. I am satisfied that the wording of the policy will help the Plan to meet the basic conditions subject to a small modification to criterion a. As currently worded this criterion could be used to reject almost any development as there is no limitation on the definition of “*elsewhere*” and there will almost certainly be land available for the development somewhere. This would make the policy too restrictive to be compatible with the presumption in favour of sustainable development.

Recommendation

In Policy B7 a. insert “*in a suitable location*” after “...*that development.*”

Objective 5 – To protect Breinton parish’s limited community assets and to encourage the provision of additional, appropriate community assets.

Policy B8 – Protecting and Developing Community Assets and Infrastructure

91. The policy seeks to retain the village hall and the church as community assets. I am satisfied that it does not conflict with the requirements of the basic conditions.

Policy B9 – Protected Designated Local Green Space

92. This policy seeks to protect 6 areas as designated Local Green Spaces and Appendix 2 of the Plan evaluates these spaces against the criteria in paragraph 77 of the NPPF. I visited all of these spaces on my visit.

Drovers Wood is an area of relatively recently planted deciduous woodland with public access and situated adjacent to Green Lane. It is in a fairly central position within the Parish and also bounded by a footpath connecting Green Lane with Kings Acre Road. I am satisfied that it is an appropriate area for Local Green Space designation.

Wyevale Wood is an area of mature woodland with well-used footpaths also adjacent to Green Lane. There are excellent views of the countryside to the north from within the wood. It is clearly an important green space.

The Ancient Green Lane from the Eastern Parish Boundary to Breinton Lane at Cranstone This space does not conform with the normal concept of a Local Green Space as it is a linear route rather than a space. However, responses to the early

consultation show that it is clearly important to the community and I saw that it is very well used by walkers and joggers. Its tranquillity and the views it offers make it demonstrably special. While protected as a right of way that does not protect its character. The lane is over a mile in length, but could not be described as an extensive area. I can find no reason while Green Lane should not be a designated Local Green Space. However, as such it needs to be clearly defined on a drawing. Although the policy refers to Fig.1, that is at such a small scale that in parts only a line is shown. It is the fact that the lane is more than a footpath that makes it a space worthy of designation as a Local Green Space.

Greenbank Meadow is a Queen Elizabeth II Diamond Jubilee Field in trust and is situated to the south of Warham House. It is an attractive grassland area sloping down to the Wye Valley floor. It is important in offering views of Warham House and the grounds, which are an unregistered park, as well as providing access to two footpaths and to the River Wye. It is clearly a great asset to the community and worthy of designation.

Breinton Springs including Breinton Wood is a space of varied and unique character adjacent to Lower Breinton. It is served by a car park and contains meadowland, woodland and an ancient monument as well as providing pedestrian access to the church. Part of the site is owned by the National Trust. It is a defining feature of this part of the Parish and fully justifies designation as a Local Green Space.

Wye Valley Walk is part of a long distance route along the valley of the Wye. Although clearly an important feature, it enjoys protection as a footpath and its continuity to both east and west is vital to its function. It is a linear path that really is not an identifiable space in the way that Green Lane is and, while accepting its importance as a long distance footpath and an asset to Breinton, I do not consider it appropriate for Local Green Space designation.

The policy to be applied to these spaces is closely aligned with the national policy for Greenbelts in accordance with the NPPF. However, the meaning of the last sentence is not clear as “*mitigation*” normally means action to offset harm rather than the prevention of harm. An amendment to reflect this is recommended.

Recommendations

In Fig 20a increase the scale sufficiently to show the space that is designated in Green Lane, i.e. the boundaries on both sides.

Delete the 6th bullet point in Policy B9

In the last paragraph of Policy B9 amend the wording after “...or include” to read “appropriate mitigation to offset, any adverse impact”.

Objective 6 – To protect and improve a network of links to, from and within Breinton

Policy B10 – Moving Around Breinton

93. This policy has two main aims: to maintain the character of the existing rural lanes in Breinton and to ensure that any new roads are integrated into the landscape in such a way as to avoid or minimise environmental harm or the severance of existing routes for vehicles cyclists or pedestrians. The first part of the policy and criteria a-c relate to the existing road network. I am satisfied that these criteria are consistent with the basic conditions except for the reference to Quiet Lanes. Quiet Lanes have a specific legal status and there is no evidence to suggest that the rural lanes in Breinton are designated as Quiet Lanes. A modification is therefore necessary to avoid any ambiguity.
94. The second part of the policy is clearly written having regard to the Hereford Western Relief Road for which a corridor is protected in CS Policy HD3. The wording is very detailed and evidently reflects a substantial amount of joint work between HC and BPC to ensure that the BNDP is aligned with the CS on the issue of the western relief road. This collaboration is good practice and strongly encouraged in PPG.¹⁵ Amendments to this policy are some of the most significant changes made to the BNDP between the initial submission in the summer of 2015 and the January 2016 re-submission. The Western Relief Road is clearly an important strategic element of the CS to which the BNDP must have regard. While the community of Breinton is not enthusiastic about the proposed Western Relief Road the policy is designed to ensure that the detailed planning of the possible road takes account of the concerns of the community.
95. Criteria d-n are carefully crafted to ensure that all aspects of the design of any new road take full account of the environment through which it will pass and the economic and domestic interests that may be affected. I am satisfied that they are consistent with the basic conditions. Criterion o is however more general and seeks to ensure that harm is minimised or mitigated. In trying to deal with so many factors the phraseology lacks clarity and does not entirely make sense. For example, it seeks to

¹⁵ PPG Ref ID: 41-009-20140306

“avoid and mitigate adverse impacts or physical damage” to a long list of things, but the list confuses the nature of the harm and the recipients of the harm. I have therefore suggested a modification to resolve this.

Recommendations

Reword the first sentence of Policy B10 to read: *“The quiet and rural character of the existing routes shown of Figure 1, excluding the A438 will be protected.”*

Reword criterion o. to read: *“Any road should be designed and developed to minimise adverse impacts or physical damage to habitats, water quality in the River Wye SAC, residential amenity, business interests, the significance and setting of heritage assets and the historic character of the wider landscape as a result of noise pollution and vibration, light pollution, air pollution or flood risk. Where harmful effects cannot be entirely avoided proposals should include measures to mitigate the harm within the parish.”*

Policy B11 – Green Infrastructure

96. The policy aims to protect and enhance green infrastructure within the parish and to ensure effective mitigation where some loss of the less important elements of the network is unavoidable. The green infrastructure network is illustrated in Fig 6 and includes woodland and orchards, significant freestanding trees and an extensive network of hedgerows.
97. As worded the second part of the policy precludes development that would cause any loss to this network other than *“small areas of biodiversity poor habitat”*. I consider this to be too tightly worded to be compatible with the presumption in favour of the sustainable development. There may be circumstances in which the replacement of a small area of a more valuable habitat would be justified by the benefits of the development proposed and I have recommended a modification to reflect this possibility.

Recommendation

In the second paragraph of Policy B11 delete *“biodiversity poor habitat (such as species poor hedge”*) and insert in its place *“the network (for example a limited stretch of hedgerow)”*

Policy B12 – Small Scale renewable and Low Carbon Energy Schemes

98. This policy seeks to encourage small scale renewable energy schemes but sets out a range of criteria to be met. It complements CS policy SD2 and I am satisfied that it meets the basic conditions.

Objective 7 – To continue as an area free of chemical, airborne, noise or light pollution on the boundary of Hereford City: providing recreational opportunities including walking, running, cycling and riding in exceptional countryside.

Policy B13 – Countryside Recreation

99. The policy encourages the improvement of facilities for outdoor recreation in Breinton. It is compatible with the basic conditions.

Objective 8 – To protect and enhance the traditional heritage and landscapes such as the parish’s designated and non-designated assets, traditional orchards, hedges, low density, dispersed settlement pattern, and the fine views including along the Wye Valley and to the Black Mountains.

B14 – Protecting the Landscape

100. The policy requires all development proposals to provide detailed landscape impact analysis and demonstrate how they have been designed to enhance local landscape. It also sets out design parameters to assist this. I have two concerns with the detailed wording of this policy. First, the requirement for detailed landscape assessment may be unduly onerous for many small scale developments such as minor extensions having regard to paragraph 193 of the NPPF¹⁶. I have therefore suggested a modification to make it compatible with the basic conditions. Secondly, the requirement that developments “*should not break the skyline*” is unduly prescriptive. Most of the parish churches in the country would not have been permitted on this basis and there is no justification for this rather pessimistic view of the potential of new development to make a positive contribution to the landscape. Moreover, the NPPF, in paragraph 60, discourages “*unnecessary prescription or detail*”.

Recommendations

Reword the beginning of Policy B14 to read “*All development proposals with be expected to provide landscape impact analysis proportionate to the scale of the development and its impact, which will demonstrate ...*”

In the second part of Policy B14 delete “*and should not break the skyline*”.

¹⁶ Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. ...Local planning authorities should only request information that is relevant, necessary and material to the application in question.

Policy B15 – Local Distinctiveness

101. The policy aims to protect and reinforce local distinctiveness and this reflects the approach in paragraph 60 of the NPPF. It sets out detailed criteria which identify important elements of local distinctiveness including woodland, orchard and the river cliff. The wording has clearly been carefully considered and I find it compatible with the basic conditions.

Policy 16 – Protecting Important Public Views

102. The policy aims to protect a large number of views from inappropriate development. It is supported by a very substantial background document in two parts¹⁷ that illustrates the views and explains the rationale for their selection. All of the views are from public positions and all of them relate to policies and objectives within the plan and to notable natural features in Breinton referred to in the Plan such as The historic Green Lane along Breinton Ridge or the Wye Valley SAC and demonstrate one of more features of Natural England's Herefordshire Lowlands national landscape character area. It is evident that the views have been carefully researched and all make an important contribution to the local distinctiveness of Breinton.
103. Figure 15 referred to in the policy is at a scale that is too small for the numbers to be clearly deciphered and it needs to be reproduced at the scale of Figure 1 of the supporting document.
104. The Policy itself is worded rather vaguely as there is nothing to define what constitutes inappropriate development. It is important for the Policy to be worded in such a way as not to preclude any development, but for it to be capable of clear and consistent interpretation by a decision maker it needs to be worded more explicitly. I have recommended a modification to this effect which relates back to the justification for the designation of each view.

Recommendations

Delete Figure 15 and replace it with Figure 1 from Breinton Neighbourhood Development Plan 2011- 2031 Identification of Important public views.

Modify the wording of the first line of Policy B16 to read *“Development which detracts significantly from the qualities of the following views as defined in Breinton Neighbourhood Development Plan 2011- 2031 Identification of Important Public Views will not be permitted”*.

¹⁷ Breinton Neighbourhood Development Plan 2011- 2031 Identification of Important public views

Policy B17 – Local Heritage Assets

105. The policy seeks simply to ensure that development proposals should conserve and enhance local heritage assets. The heritage assets are listed in Appendix 1 and include both statutory and non-statutory assets. The policy as worded is over-simplified as it does not reflect the more detailed consideration of heritage assets in section 12 of the NPPF. It does not recognise the distinction between designated and non-designated heritage assets and the need to balance any effect of development on the significance of a heritage asset with the public benefits of any proposal to varying degrees depending on the status of any designation. The policy does not therefore add any meaningful local dimension to the NPPF policy and is misleading in oversimplifying it. It also does not comply with the guidance of PPG regarding locally distinctive policies to which I have already referred.

Recommendation

Delete Policy B17

Retain a heading “*Local Heritage Assets*” and the first and second sentences of the supporting text and modify the third sentence to read. “*National Policies set out in the NPPF will be applied to conserve and enhance these assets, thereby retaining the historical richness of the area for future generations.*”

Objective 9 – to support the growth of existing local businesses

Policy B18 – Veldifer

106. The policy encourages the retention and growth of existing businesses and the development of new businesses at the Veldifer business area, which seems now to be known as the Wyevale Business Park, subject to it not having any adverse effect of the River Wye SAC. This is the main location for employment within the parish and the positive approach to business development is compatible with national policy. I have noted the representations from Wyevale Holdings arguing that the employment area should be larger to include employment uses to the north of the area defined in Fig.21. However, from what I could see the uses further to the north are horticultural rather than industrial and no alternative boundary has been suggested for me to consider. I am therefore satisfied that the policy meets the basic conditions.

Summary and Referendum

107. The preparation of a neighbourhood plan is a very large undertaking for a small parish like Breinton. It is evident that the steering group which has led this initiative has devoted a great deal of effort into preparing a plan that addresses the distinct challenges and opportunities faced by Breinton.
108. Breinton is a small and dispersed community, within a very attractive rural environment on the edge of the City of Hereford. With substantial residential development anticipated immediately to the north of the parish and the possibility of a relief road for Hereford passing through the western part of the plan area, the Parish evidently and understandably wishes to maintain its distinctive rural character while recognising the strategic context for the Neighbourhood Plan.
109. The Plan has been positively prepared recognising the need for some new housing development in accordance with the Core Strategy, whilst maintaining the unique qualities of the countryside and recognising the value of these as a recreational resource for the growing in urban population nearby. This has required a delicate balancing of issues and a thorough SEA has been prepared to evaluate the policies and realistic alternatives to them. It is also evident that there has been a very strong commitment to public consultation and that a substantial level of engagement has been achieved.
110. I have found it necessary to recommend some modifications to the policies of the Plan in order to meet the basic conditions. In some cases, these are to make the policies sufficiently clear to enable them to be used effectively in decision making. In other cases, recommendations for minor modifications have been necessary to align policies more closely with national and local strategic policies and I have recommended the deletion of some policies, or parts of policies which do not add to national policy.
111. I have also given very careful consideration to the relationship between the provision for housing in the Plan and the strategic context provided by the Core Strategy. I have been concerned that although the Plan provides for some residential development, the criteria to be met cast considerable doubt on whether the target for proportional growth set out in the Core Strategy can be met other than through departures from the policies. I have therefore found it necessary to recommend some modification to Policies B1-B4, suggesting some modifications to the criteria for development at Breinton Common and Lower Breinton.. At Kings Acre Road I have recommended that the settlement area should be extended to reflect recent decisions to allow residential developments at Breinton Lee, Cherry Orchard and Hala Carr and that there should be

provision for the possibility of development adjacent to the settlement area as is the case in relation to Breinton Common and Lower Breinton.

112. I have concluded that, if the modifications that I have recommended are made:

The Breinton Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;

Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;

The making of the Plan would contribute to the achievement of sustainable development;

The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;

The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

113. **I am therefore pleased to recommend that the Breinton Neighbourhood Development Plan should proceed to a referendum subject to the modifications that I have recommended.**

114. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.¹⁸ **I therefore conclude that there is no need to extend the referendum area.**

Richard High

23 August 2016

¹⁸ PPG Reference ID: 41-059-20140306

Appendix 1 E mail exchange with Herefordshire Council regarding changes to the originally submitted version of the Plan

From: Richard High <richardhigh5@btinternet.com>
To: "'Banks, Samantha'" <sbanks@herefordshire.gov.uk>
Cc: Tony Geeson <tnchgeeson@btinternet.com>
Sent: Thursday, 30 June 2016, 12:05
Subject: Breinton Neighbourhood Plan

Dear Sam

Could you tell me if the changes to the BNP between the February 16 re-submission version and the original submission version (which was the subject of Reg 16 consultation in August/September 2015) are clearly documented somewhere?

There are various references to them in the Plan itself, The Consultation Report and the SEA and HRA reports but I have not yet come across the detail of what these changes are. I understand that they are mainly technical in nature and relate to the need for conformity with the Core Strategy which was adopted after the first regulation 16 consultation took place. However I think it is important for me to know the nature of the changes in detail.

I have copied this to Tony Geeson, but I should be grateful if communication on this and any other matters that may arise is channeled through you.

Regards

Richard

From: Nicky and Tony Geeson [<mailto:tnchgeeson@btinternet.com>]
Sent: 30 June 2016 21:15
To: Banks, Samantha <sbanks@herefordshire.gov.uk>
Subject: Fw: Breinton Neighbourhood Plan

Hi Sam,

We can provide a highlighted copy of the Submission draft showing the changes / areas changed and / or a spreadsheet that ties changes to particular R16 comments and suggestions made at our various meetings with you, Gemma, Angela etc

Which do you think is most helpful and what are the timescales?

many thanks

Tony

From: Banks, Samantha [<mailto:sbanks@herefordshire.gov.uk>]
Sent: 01 July 2016 10:30
To: Richard High <richardhigh5@btinternet.com>
Cc: Nicky and Tony Geeson (tnchgeeson@btinternet.com) <tnchgeeson@btinternet.com>
Subject: FW: Breinton Neighbourhood Plan

Good Morning Richard,

Please find attached a set of documents from Breinton regarding the changes made between the two submission versions of the NDP.

I hope you find these informative, please let us know if there are any further queries or details need.

Kind regards

Sam

From: Nicky and Tony Geeson [<mailto:tnchgeeson@btinternet.com>]

Sent: 01 July 2016 10:18

To: Banks, Samantha <sbanks@herefordshire.gov.uk>

Subject: Re: Breinton Neighbourhood Plan

Hi Sam,

Appreciating the probably benefits of getting information to Mr High asap I attach:-

- 1) a highlighted copy of the submission Plan
- 2) our tracking spreadsheet used to ensure we responded to all the R16 comments we received in the first consultation
- 3) our consultation leaflet from this February that simply highlights which policies had changed and by how much

Item 1 of course does not explain why the changes were made just where they are in the document

Item 2 does relate changes to the comments received but generally only for policy issues (what Mr High refers to as technical?). Some of the highlighted items in the Plan are updates, corrections, seeking to add clarity etc and are relatively minor. These may not be of any interest but they are changes and at least we know they are there!

We also have sheets giving the changed policy wordings (essentially showing the policy highlights from item 1 above) and more general policy explanation sheets that explain why changes were made and their impacts / justifications tying back to our evidence base and item 3 above.

These were used as displays and handouts during our most recent consultation meetings to explain the second round of R16 this Spring. They don't add new information to what we attach here simply present the changes in different ways. We haven't attached them but they are available if required.

Hope these all meet the requirements when Mr High replies to you. If not please yell if something different or explanations are needed.

Finally we hope to replace our website around noon today with a clean, unhacked, version.

cheers

Tony

From: Richard High <richardhigh5@btinternet.com>

To: "Banks, Samantha" <sbanks@herefordshire.gov.uk>

Cc: 'Nicky and Tony Geeson' <tnchgeeson@btinternet.com>

Sent: Tuesday, 5 July 2016, 15:37

Subject: RE: Breinton Neighbourhood Plan

Thank you for this Sam

Having been away at the weekend and in Breinton carrying out my site visit yesterday, I have only just had the opportunity to look at the extent of the changes. While this is helpful in showing the text that is new and the table explains the reasons, I am not able to see the actual wording of the original submission. I think this is important to see how substantially the policies have been changed. Is there any way that I can do this?

Regards

Richard

From: Richard High [<mailto:richardhigh5@btinternet.com>]
Sent: 07 July 2016 09:54
To: Banks, Samantha <sbanks@herefordshire.gov.uk>
Cc: 'Nicky and Tony Geeson' <tnchgeeson@btinternet.com>
Subject: RE: Breinton Neighbourhood Plan

Good Morning Sam

I am grateful to Tony for the highlighted version.

I am sure you will be aware that it is unusual for there to be amendments to a neighbourhood plan following submission and prior to examination. While I appreciate that there were specific circumstances in this case which led to this it would be very helpful for me to understand what exactly happened procedurally at this stage. Was the Parish Council encouraged to withdraw the originally submitted plan? If not what did happen?

Regards

Richard

From: Banks, Samantha [<mailto:sbanks@herefordshire.gov.uk>]
Sent: 07 July 2016 11:30
To: Richard High <richardhigh5@btinternet.com>
Cc: Nicky and Tony Geeson (tnchgeeson@btinternet.com) <tnchgeeson@btinternet.com>
Subject: FW: Breinton Neighbourhood Plan

Good Morning Richard,

Within our scheme of delegation within Herefordshire following the conclusion of the Reg16 consultation period, we produce a 'progression to examination' report which is signed by the Assistant Director. This required plans to meet the regulations and a judgement regarding the 'basic conditions' in order to be recommended to progress to the examination.

In the case of Breinton, following the conclusion of the initial Reg16 consultation period, the comments were sent to the parish. The parish council requested that we meet with them to discuss the issues raised by these comments prior to the 'progression to examination' document being produced. This was accepted and a number of meetings took place. I have enclosed the email for your information.

Due to the continuing dialogue between the Council and the parish council, the progression to examination document was not issued.

There was also not a formal withdrawal of the original Reg16 plan by the parish council as this remain the current document until the resubmission of the second Reg16 plan.

If you have any additional queries, please let me know

Kind regards

Sam

Appendix 2 E mail exchange with Herefordshire Council regarding clarification of relationship between SEA options and the submitted plan

From: Richard High [<mailto:richardhigh5@btinternet.com>]
Sent: 12 July 2016 14:20
To: Banks, Samantha <sbanks@herefordshire.gov.uk>; Tony Geeson <tnchgeeson@btinternet.com>
Subject: Breinton SEA

Hello Sam

I should be grateful if you could please clarify a query regarding the SEA Environmental Report.

While the report is very full and detailed it is not entirely explicit in its consideration of realistic alternatives. In appendix 7 options 1-8 all relate to the possible approaches to housing development, but they are not linked to any of the existing policies of the Plan. Am I right in thinking that these are the alternatives considered in the formulation of policies B1, B2 and B3 and that Option 8 describes the approach that has been adopted?

Regards

Richard

From: Banks, Samantha [<mailto:sbanks@herefordshire.gov.uk>]
Sent: 12 July 2016 14:37
To: Richard High <richardhigh5@btinternet.com>
Cc: 'Nicky and Tony Geeson' <tnchgeeson@btinternet.com>
Subject: RE: Breinton

Good afternoon Richard,

Yes you are correct, appendix 7 looks at all the possible alternative options. Option 1-8 are specific looking at methods of housing delivery and option 8 was chosen which forms that based of then defining settlement boundaries and criteria based delivery policies for the three areas and policies B1-B3. The original Reg16 plan did not contain settlement boundaries.

The other options within appendix 7 looked at alternatives to the policies which had been previously drafted in the original Reg16 plan.

Hope this helps.

Thanks

Sam

Appendix 3 E mail exchange with Herefordshire Council regarding clarification of Core Strategy Policy RA2

From: Richard High [<mailto:richardhigh5@btinternet.com>]
Sent: 27 July 2016 14:57
To: Banks, Samantha <sbanks@herefordshire.gov.uk>
Cc: 'Nicky and Tony Geeson' <tnchgeeson@btinternet.com>
Subject: RE: Breinton

Dear Sam

I should be grateful if you could provide some clarification in relation to CS policy RA2.

The background / justification for Policy B2 of the NP states that Kings Acre Road is a finger of “ribbon development” sitting within the open countryside. Being “ribbon development”, this area is not identified as a settlement under Policy RA2 of the Core Strategy.”

From my reading of Policy RA2 I have not been able to make this distinction. Breinton is listed in Fig 4.14 – other settlements where proportionate development is considered appropriate, but I can see no reference to the component parts of Breinton. Among the bundle of documents I received on appointment were 3 Maps: Breinton Common Policies Map, Lower Breinton and Warham Policies Map and Kings Acre Road Policies Map. The Map for Kings Acre shows a settlement boundary in the same way as the maps for Breinton common and Lower Breinton.

Could you please tell me if there is any policy distinction between Kings Acre Road and the other settlements and if so the source for this distinction?

Regards

Richard

From: Banks, Samantha [<mailto:sbanks@herefordshire.gov.uk>]
Sent: 28 July 2016 14:26
To: Richard High <richardhigh5@btinternet.com>
Cc: 'Nicky and Tony Geeson' <tnchgeeson@btinternet.com>
Subject: RE: Breinton

Good afternoon Richard,

Policy RA2 is essentially for rural settlements outside of Hereford and the market towns, those places listed within policy RA2 are the settlements where growth should be focused rather than the parishes. This can be confusing where the settlement names and parish names are similar. Parish Councils where given the opportunity to define the areas listed within the fig 4.14 and 4.15 as part of the neighbourhood development plans with a settlement boundary. Breinton PC have defined ‘Breinton’ for the purposes of RA2 as ‘Breinton Common’, ‘Lower Breinton’ and ‘Warham’.

Following consultation with colleagues in Strategic Planning regarding Kings Acre Road, they have commented that when preparing the Core Strategy (including the rural settlement hierarchy) the ribbon of development along King’s Acre would have been treated as an extension to the urban area of Hereford rather than an area of open countryside (it just happens to fall within Breinton Parish rather than Hereford City). It is acknowledged that this area was not included within the Hereford settlement boundary of the previous UDP (2007) as this followed the boundary of the previous Hereford City council area within the Hereford Local Plan (1996). The options to consider the Kings Acre Road area as an extension of the urban area of Hereford was presented to the parish council

however they wished to include this area with a settlement boundary within the neighbourhood plan, the principle of which was also supported.

The work regarding settlement hierarchy was undertaken largely prior to the concept of NDPs and is not explicitly set down in any of the background papers but if we had been setting out to consider the ribbon of King's Acre as a part of the rural settlement hierarchy it would certainly have had sufficient numbers of housing and facilities to feature as a listed settlement.

I hope this helps to clarify.

Kind regards

Sam

From: Richard High [<mailto:richardhigh5@btinternet.com>]
Sent: 28 July 2016 15:21
To: Richard High [<mailto:richardhigh5@btinternet.com>]
Cc: 'Nicky and Tony Geeson' <tnchgeeson@btinternet.com>
Subject: RE: Breinton

Thank you Sam

That helps, but it does seem to me to contain an unresolved contradiction.

From what you have said for the purposes of Fig 4.15 Kings Acre Road is not included within the definition of Breinton. However the figure of 72 dwellings as the minimum target for proportionate growth applies to the whole of the Parish of Breinton, certainly the Neighbourhood Plan documentation suggests this is the case. Also, although Kings Acre Road is not included in the list of settlements it has a settlement boundary.

The wording of Policy RA2 seems to imply that the minimum growth target applies to the settlements listed, but the Neighbourhood Plan applies it to the whole parish, while at the same time arguing that Kings Acre Road is not a settlement.

This leaves me with the question does Policy RA2 apply to Kings Acre Road? If it does not what is the relevant Core Strategy policy for Kings Acre Road?

Regards

Richard

From: Banks, Samantha <sbanks@herefordshire.gov.uk>
Sent: 28 July 2016 18:10
To: Richard High [<mailto:richardhigh5@btinternet.com>]
Cc: 'Nicky and Tony Geeson' <tnchgeeson@btinternet.com>
Subject: RE: Breinton

Hi Richard,

Policy RA2 covers the future growth within the rural settlements. Para 4.8.21 of the Core Strategy indicates that proportional growth is based at parish level in recognition that rural growth does include that which occurs within named settlements but also that which would be allowed in the

wider rural area as windfall under Policy RA3. However it also indicates that the main focus for future growth should be those settlements listed within para 4.14 and 4.15.

With this in mind, proportional growth requirements were based on the number of dwelling within the parish at 2011. In the case of Breinton this calculation did include the dwellings along the Kings Acre Road, which resulted in the target of 72. If these dwellings were discounted from the calculation, it would have given a proportional growth figure of 28 to be found within the Breinton parish outside of the Kings Acre Road area.

If the Kings Acre Road area was discounted from the proportional growth figures, it would have then been included within the Hereford policy. Policy HD1 covers the future growth of Hereford. This policy requires around 3,200 new dwellings to be provided on non-strategic sites.

These two options were presented to the parish council (I have attached an email indicating the implications of the policy for your information). As the neighbourhood area covered the whole of the parish council administrative area, they wished to plan comprehensively for their whole parish. Therefore the option to include the Kings Acre Road Area within the growth figures was pursued.

Given the figure of 72 has resulted from the inclusion of the Kings Acre Road area in seemed logical to include this within a settlement boundary and apportion some of the future growth to this location as well as those settlements highlighted as 'Breinton' within policy RA2.

I hope this helps clarity any confusion.

Kind regards

Sam

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Cc: 'Nicky and Tony Geeson' <tnchgeeson@btinternet.com>
Subject: RE: Breinton

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Map and Kings Acre Road Policies Map. The Map for Kings Acre shows a settlement boundary in the same way as the maps for Breinton common and Lower Breinton.

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Regards

Richard

