

# **PETERSTOW NEIGHBOURHOOD PLAN**

## **Submission Draft Version**

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

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## Contents:

	<b>Page</b>
1 Summary	3
2 Introduction	4
3 The Neighbourhood Plan - as a Whole	14
The Neighbourhood Plan - Policies	14
4 Referendum	29
5 Background Documents	30
6 Summary of Recommendation	31

## 1.0 Summary

- 1.1 The Peterstow Neighbourhood Plan has been prepared to set out the community's wishes for this parish that it can be a place where people can enjoy living and working in a rural setting. The parish contains the village of Peterstow and the hamlet of Winter's Cross and surrounding countryside.
- 1.2 The Plan has been well written and sets out policies that support and complement those in the Core Strategy. I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer including improvements to the mapping of sites referred to in policies to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
- The deletion of Policy PTS10 and its repositioning in the Plan as a Community Project
  - Clarification of the wording of policies and the supporting text; and
  - Improvements to the mapping of policies.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Peterstow Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

## 2.0 Introduction

### Background Context

- 2.1 This report sets out the findings of the examination into the Peterstow Neighbourhood Plan (referred to as the PNP throughout this report).
- 2.2 Peterstow village lies about two miles to the west of Ross-on-Wye within the boundary of Herefordshire Council. The parish sits astride the A49 trunk road, as does Peterstow village, located at its eastern edge. Hereford, the County town, also on the A49 route, lies some 12 miles to the north. Just over half of the parish falls within the Wye Valley Area of Outstanding Natural Beauty (“AONB”), including Peterstow village.
- 2.3 It is a rural parish with the historic village of Peterstow at its core containing a conservation area and several listed buildings. There are also several smaller communities including the newer hamlet of Winter’s Cross within the parish. At 2011 there were 444 people living in Peterstow in 195 households.

### Appointment of the Independent Examiner

- 2.4 I was appointed as an independent examiner to conduct the examination on the Peterstow Neighbourhood Plan by Herefordshire Council with the consent of Peterstow Parish Council in July 2018. I do not have any interest in any land that may be affected by the PNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years’ experience in local authorities preparing Local Plans and associated policies. My appointment was facilitated through the Neighbourhood Planning Independent Examiner Referral Service.

### Role of the Independent Examiner

- 2.5 As an independent Examiner, I am required to determine, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether the legislative requirements are met:
  - The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
  - The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
  - The Neighbourhood Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provisions relating to

'excluded development', and must not relate to more than one Neighbourhood Area); and

- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A.

2.6 An Independent Examiner must consider whether a neighbourhood plan meets the "Basic Conditions". The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:

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

2.7 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
- That the plan should proceed to referendum if modified; or
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

- 2.8 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension.
- 2.9 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
- 2.10 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

### **The Examination Process**

- 2.11 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.12 I have sought clarification on a number of factual matters from the qualifying body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.
- 2.13 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the Peterstow Neighbourhood Plan 2011 – 2031 dated March 2018.
- 2.14 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening report for the Habitats Regulation Assessment and the Strategic Environmental Assessment Environmental Report. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.
- 2.15 I have undertaken an unaccompanied visit to the Plan area and viewed the sites referred to under the policies in the plan.

## **Legislative Requirements**

### **Qualifying Body**

- 2.16 The neighbourhood plan making process has been led by Peterstow Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group.
- 2.17 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the Town and Country Planning Act (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act) have been met.

### **The Plan Area**

- 2.18 The Neighbourhood Plan area is co-terminus with the parish of Peterstow. The area was designated by Herefordshire Council on 22 November 2013 as a Neighbourhood Area. The Basic Conditions Statement confirms that there are no other neighbourhood plans relating to that area.
- 2.19 This satisfies the requirements of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

### **Plan Period**

- 2.20 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Plan and the Basic Conditions Statement state that the lifespan of the Neighbourhood Plan is 2011 – 2031. Paragraph 4.2 states “the plan period up to 2031”. This timescale mirrors that of the adopted Core Strategy. However I have concerns that the commencement date of the Plan is some time before the plan was prepared and it is recommended that it should be revised to the date it is “made”.

**Recommendation 1: Revise the date of the Plan period to 2018 – 2031.**

### **Excluded Development**

- 2.21 The Basic Conditions Statement confirms that the Plan does not include provision for any excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.

### **Development and use of land**

- 2.22 The Neighbourhood Development Plan should only contain policies relating to development and use of land. Subject to the modifications proposed, the PNP would be compliant with this requirement of Section 38B of the Planning and Compulsory Purchase Act 2004 as amended.
- 2.23 I am satisfied therefore that the Peterstow Neighbourhood Plan satisfies all the legal requirements set out in paragraph 2.5 above.

## The Basic Conditions

### Basic Condition 1 – Has regard to National Policy

- 2.24 The first Basic Condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.25 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.26 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*
- 2.27 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that:
- “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*
- 2.28 The NPPF of 2012 is referred to in this examination. Paragraph 214 of Appendix 1 of the July 2018 NPPF states that the policies of the 2012 NPPF will apply for the purpose of examining plans where those plans are submitted on or before 24 January 2019. The footnote to this paragraph confirms that this applies to neighbourhood plans.
- 2.29 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the strategic development needs set out in the Local Plan*” and further states that “*the neighbourhood plan must address the development and use of land by setting*



*out planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”.*

- 2.30 Paragraph 16 of the National Planning Policy Framework is clear that those producing neighbourhood plans should support the strategic development needs set out in local plans, including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. PPG guidance under Rural Housing states that *“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless they can be supported by robust evidence”.*
- 2.31 The Basic Conditions Statement describes the Plan objectives, reasoned justification and resulting policies and how they are aligned with national policy and guidance. It demonstrates that the Plan has regard to the elements set out in the NPPF relevant to the Plan Area and to delivering sustainable development.
- 2.32 I consider the extent to which the policies of the plan meet this Basic Condition No 1 in Section 3 below.

### **Basic Condition 2 - Contributes to sustainable development**

- 2.33 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.
- 2.34 There is no legal requirement for a formal Sustainability Appraisal to be carried out in respect of neighbourhood plans. However good practice suggests that where neighbourhood plans are allocating land for development an appraisal should be carried out.
- 2.35 Sections 2 and 3 of the Basic Conditions Statement consider how the policies of the PNP contribute to the delivery of sustainable development with regards to economic, social and environmental aspects. The Plan includes Policy PTS1 which sets out the Plans’ overall approach to Promoting Sustainable Development. I will comment further on this policy later in my report.

### **Basic Condition 3 – is in general conformity with strategic policies in the development plan**

- 2.36 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The adopted strategic policies covering the Neighbourhood Plan area are contained in the Herefordshire Local Plan Core Strategy which was adopted in 2015.

- 2.37 The Basic Conditions Statement comments on how the Plan objectives and policies will support and deliver the NPPF objectives and the Core Strategy policies.
- 2.38 The Council raised no concern over general conformity with the strategic policies of the development plan. I consider in further detail in Section 3 below the matter of general conformity with the strategic policies of the plan.

#### **Basic Condition 4 – Compatible with EU obligations and human rights requirements**

- 2.39 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.40 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (Herefordshire Council) that the plan is not likely to have “significant effects.”
- 2.41 A screening opinion was carried out on the draft PNP and it concluded that due to the range of environmental designations in and around the parish, there may be significant environmental effects and consequently a SEA would be required. One policy within the PNP was subsequently amended (PTS14) and this was rescreened, other policies were amended with only minor wording changes and it was considered not to be necessary to rescreen them. The final Environmental Report was published in March 2018.
- 2.42 The conclusions of the SEA for the Submission draft NDP (March 2018) indicates:

*“Overall these changes help clarify the plan and helped move the plan closer towards the SEA baseline and likely to ensure suitable development in the NDP plan period”. (Paragraph 6.10)*

*“It has been concluded that the rescreening made will not have a significant adverse impact on the SEA objectives and therefore the conclusions of the SEA remain the same as with the Draft Plan, no significant effect is likely from the implementation of the Peterstow NDP policies.” (Paragraph 6.11)*

*“None of the PNP policies are considered to be in direct conflict with or propose greater levels of growth and development than strategic policies contained in the Local Plan (Core Strategy), which themselves have undergone a full Sustainability Appraisal.” (Paragraph 6.9)*

- 2.43 Habitat Regulations Assessment (HRA) screening has been carried out as the Parish falls within the catchment for the River Wye (including River Lugg). The River Wye is a European site, a Special Area of Conservation (SAC). The HRA assesses the potential effects of the PNP on the River Wye SAC. The initial report was prepared on the pre-submission draft plan in November 2017 and updated in March 2018 to take account of revisions to policies in the Submission draft plan.
- 2.44 The Screening Report concluded that the PNP “*will not have a likely significant effect on the River Wye SAC, Wye Valley Woodlands SAC or Wye Valley and Forest of Dean Bat sites SAC*”. It was also concluded that it would be unlikely that the PNP would have any in-combination effect with any plans from neighbouring parishes, as no sites are currently allocated for development in these.
- 2.45 Herefordshire Council considered the judgement of *People over Wind and Peter Sweetman v Coillte*, where the Court of Justice of the European Union (CJEU) ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgement as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment (AA) and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.
- 2.46 Counsel's advice was that as all neighbourhood plans need to be in conformity with the Core Strategy and the policies of the development plan read as a whole, there is no need for the NPs to include additional mitigation covered within these policies as it is within the higher level plan (the Core Strategy).
- 2.47 The advice gives a clear conclusion that the examinations could be concluded, where either there is an adequate sewerage treatment capacity; or where there is not, Core Strategy Policy SD4 will apply.
- 2.48 The statutory environmental bodies: Historic England, Natural England and the Environment Agency were consulted on the SEA Scoping Report and HRA screening report in March 2016 and at the time of the Regulation 14 consultation in November 2017. The revised Environmental Report and HRA screening were published as part of the Regulation 16 consultation in April 2018.
- 2.49 The Basic Conditions statement includes a section on Human Rights and states in section 4 that “*The policies within the Plan are considered to comply with the requirements of the EU obligations in relation to human rights.*”
- 2.50 However no assessment has been provided of how the plan has had regard to Human Rights. From the evidence provided in the Consultation Statement, I am satisfied that the plan makers have sought to consult the whole community and have taken their views in consideration in preparing the PNP. No concerns have been raised through representations and I am satisfied that the Plan has met the requirements of the Human Rights Act.

- 2.51 The Basic Conditions Statement has considered requirements of the Water Framework Directive on the PNP. The Environment Agency has not indicated that any proposals within the PNP would conflict with measures and provisions it is advocating to meet its obligations under this Directive as set out in the Severn River Basin Management Plan or the River Wye Nutrient Management Plan.
- 2.52 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the PNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

### **Consultation on the Neighbourhood Plan**

- 2.53 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.54 The Consultation Statement sets out an overview of the various stages of consultation that have been carried out during the preparation of the PNP. It highlights the aims of the consultation and summarises the consultation process undertaken during the preparation of the plan. Feedback from each stage of the consultation is recorded in the Appendices of the evidence report.
- 2.55 The preparation of the Neighbourhood Plan commenced in January 2016 with a presentation at the annual parish meeting. This was followed by:
- Awareness raising and comments on issues through a stand at Village Fete in July 2016;
  - Residents questionnaire survey in November 2016 with 290 questionnaires returned (76% response rate);
  - Survey report was published in February 2017;
  - Public drop in event April 2017 to discuss feedback from survey, draft objectives and call for sites;
  - Stand at Village Fete July 2017 to publicise vision and objectives and to gather further evidence from the parish of flooding / drainage / traffic issues;
  - Public Drop-in Event was held in St Peter's Hall on 25 November 2017 coinciding with the first day of the 6-week pre-submission consultation period. The event was used to communicate the draft plan and explain how the public could make representations;
  - The Regulation 14 pre-submission consultation ran from 25 November 2017 to 21 January 2018;
- 2.56 Publicity for the consultation events was undertaken through:
- A Neighbourhood Plan page on the Parish Council website;
  - Through regular articles in the Peterstow Times;

- Publicity leaflets on noticeboards and distributed to all households;
- By publishing minutes of Steering Group meetings on the Parish Council website; and
- Documents were made available at key locations in the village.

2.57 The Regulation 16 consultation on the Submission Draft Plan was undertaken by Herefordshire Council between 25 April to 6 June 2018. Fifteen representations were received, some making several comments. Three representations were received late, including those from the Herefordshire Council and the Highways Authority, both of which raised minor points only. I have not been informed of any extenuating circumstances for accepting the third late representation which raised general concerns about the impact of development proposed in the PNP and in a recent planning application.

2.58 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.

2.59 This report is the outcome of my examination of the Submission Draft Version of the Peterstow Neighbourhood Plan 2011 - 2031. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting, then the Plan will be made following approval by Herefordshire Council.

## 3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in Section 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The Plan is well presented with policies relating to sustainable development, the natural and historic environment, sustainable transport, new homes, community facilities and business. Three sites are proposed for allocation for housing development.
- 3.5 Three maps are included in the Plan showing the boundary in the plan area, the policies relating to sites in Peterstow village and the policies relating to the parish as a whole. The maps are barely legible and the keys are difficult to read. It is important that the boundaries of sites are shown clearly so that they can be used consistently by decision makers and it is therefore recommended that the clarity of the maps and their keys is improved.
- 3.6 Section 5 of the Environment Report sets out the options that have been considered for the PNP. Twenty site options have been assessed for their sustainability and potential for housing development. The Report explains the reasoning for the selection of the approach towards development in the plan and the site options.
- 3.7 It is considered that Policy PTS10 is not a planning policy as it sets out measures that are proposed to improve traffic conditions in the village. It is recommended that it be included in a new section of the Plan on Community Projects which should be headed with text to explain that it does not form part of the Neighbourhood Development Plan.

## The Neighbourhood Plan - Policies

### Introduction

- 3.8 The Introductory sections of the Plan are well presented and give a clear and concise overview of the purpose of the Plan, the Plan area, a brief history of

the parish, the natural environment and resources and community involvement in the Plan's preparation. Section 3 sets out the Issues and Options identified through consultation with the community. The five options for accommodating housing development in the parish are summarised

- 3.9 There are a number of inaccuracies in the introductory sections concerning the procedures for making the NP and its status when made. The following modifications are recommended to correct them.

**Recommendation 2: revise the Introduction as follows:**

**Revise the fourth sentence of paragraph 1.1 to read: "Once it is adopted it will become part of the *Development Plan*....."**

**Revise paragraph 1.2 to read: "The NDP has been prepared in accordance with the Neighbourhood Plan Regulations. The NDP must *have regard to the principles* of sustainable development set out in the National Planning Policy Framework (NPPF) and *support the delivery of the Herefordshire Local Plan Core Strategy*."**

### **Vision and Objectives**

- 3.10 The vision and objectives are set out in section 4. The Vision and Objectives were developed through community discussions and consultation. The Vision seeks to strike a balance between preserving the quiet, small scale nature of the parish whilst accommodating the growth and development needed to meet the needs of the community.
- 3.11 There are six objectives although some topics include more than one objective. There is a reference under each policy to the relevant objective it supports.

### **Sustainable Development**

#### **Policy PTS1: Promoting Sustainable Development**

- 3.12 This policy sets out locally specific principles for supporting sustainable development which are developed in other policies of the PNP. The first sentence states that "*Positive measures that promote sustainable development in the parish will be supported where they meet the principles and policies set out in the NDP.*"
- 3.13 Sustainable development principles are set out in the NPPF and the Core Strategy. The NPPF states that when considering planning applications, decision makers should have regard to the development plan as a whole and other material considerations. The policies of the PNP cannot limit consideration of development proposals only to the principles and policies of the PNP itself. It is therefore recommended that the words "*where they meet the principles and policies set out in the NDP*" are deleted to ensure that the policy accords with Basic Condition 1.

**Recommendation 3: Delete “where they meet the principles and policies set out in the NDP” from the first paragraph of Policy PST1.**

## Natural and Historic Environment

### Policy PTS2: Conserving the Landscape and Scenic Beauty of the Parish

- 3.14 The policy sets out factors to be considered in protecting and enhancing the landscape and scenic beauty of the parish. However, paragraphs 1 and 2 refer to the “preservation” of the landscape quality. It is recommended that this is revised to read “protection” in line with national policy guidance.
- 3.15 The final sentence of paragraph one of the policy refers to landscape proposals retaining as many natural features as possible. A representation has been made that this should be strengthened by referring to “retaining and *enhancing*”. I agree with this suggestion which would support the remainder of the policy and accords with Core Strategy Policy LD1.
- 3.16 The final part of the policy sets out four local matters to be taken into account in considering whether proposals in the AONB should be considered as “major development” which should usually be refused unless there is a proven public interest.
- 3.17 NPPF paragraph 116 sets out guidance on the matters to be considered in assessing whether proposals in AONBs are major development. This states:
- “Consideration of such applications should include an assessment of:*
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
  - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
  - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*
- 3.18 Herefordshire Council have commented that they determine major developments in the AONB on a case by case basis in accordance with the NPPF guidance. The Qualifying Body has stated that this aspect of the policy seeks to assist the decision maker. I consider that this provides some local guidance although the policy should make it clear that this is in addition to that set out in the NPPF.

### Recommendation 4:

**Revise the first sentence of the first paragraph and the first sentence of the second paragraph of Policy PTS2 to read “*protect and enhance*”**



**Revise the last sentence of the first paragraph of Policy PTS2 to read: “...retaining *and enhancing* as many natural features....”**

**Add the following to the end of the final sentence of the second paragraph: “...the following considerations should be taken into account *in addition to those in the NPPF*.”**

### **Policy PTS3: Enhancement of the Natural Environment**

- 3.19 This policy sets out requirements for development proposals to enhance the natural environment in accord with Core Strategy Policy LD2. It seeks biodiversity enhancement to the ecological corridor along Wells Brook which is a Special Wildlife Site. This area is shown on the Herefordshire Ecological Network Map but is not shown on the PNP Policies Map. It would be helpful to decision makers to include it on the Policies Map.

**Recommendation 5: show the Wells Brook ecological corridor on the Policies Map.**

### **Policy PTS4: Protecting Heritage Assets**

- 3.20 The policy sets out three approaches to be employed in preserving and enhancing heritage assets; addressing archaeological investigations, revisiting development that adversely affects features or the setting of listing buildings and making every effort to retain and conserve heritage assets of local importance.
- 3.21 Core Strategy Policy LD4 sets out the strategic approach to managing heritage assets. It is considered that Policy PTS4 complements and does not repeat the strategic policy. However, Policy PTS4 refers to “preserving and enhancing” the significance of the heritage assets whereas Core Strategy Policy LD4 refers to the “protection, conservation, and where possible enhancement” of the assets. It is recommended that the wording of the introductory paragraph of Policy PTS4 is revised to accord with the approach in Policy LD4.
- 3.22 Criterion b) refers to “...listed buildings and other similar heritage assets”. It is not clear what other heritage assets are referred to. To ensure that decision makers can interpret the policy consistently, it is recommended that criterion b) should be revised to make it clear that it refers to other heritage assets designated of national importance, although paragraph 5.5 states that there are none.

**Recommendation 6: revise Policy PTS4 as follows:**

**Revise paragraph 1 to read “... shall be *protected, conserved and where possible* enhanced through:”**

**Revise criterion b) to read “...listed buildings and other heritage assets designated of national importance; and”**

### **Policy PTS5: Development within Peterstow Conservation Area**

- 3.23 The policy sets out 7 requirements for development to support the “preservation or enhancement” of the Peterstow Conservation Area “or bordering it”. It is considered that the term “protection and/or conservation” is more appropriate than “preservation” when considering development affecting heritage assets. It is not clear how the term “bordering” is to be interpreted and it is therefore recommended that the term “setting” is used to be consistent with national and strategic policy. I am recommending modifications to the wording of the first paragraph of the Policy wording to ensure that the policy accords with strategic policy.
- 3.24 The policy box includes sub-text under each point which is not shaded. It is not clear whether or not this forms part of the policy. Some of the text is clearly detailed policy to support the implementation of the main point and this should be retained. It would be helpful to users of the policy if it was set out as lettered bullet points. I consider that the text under points 1 and 2 is descriptive and not policy; as such it should be included in the justification to the policy.
- 3.25 Under point 3 the first sentence is descriptive and should be included in the justification; the second and third sentences seek to preserve and protect the identified views from inappropriate forms of development but there is no explanation as to how this is to be interpreted and it could be considered a blanket restriction on development in the area and as such would be contrary to national policy. To ensure that the policy can be applied consistently by decision makers I shall recommend that these sentences are modified. Four views are listed in the policy but the map in Figure 2 shows 7 viewpoints. Viewpoint 3 is clearly two separate locations and should be described as such using suitable publicly accessible viewpoints. However, viewpoint 4 would be better defined as one location with a wide arc. The viewpoints are shown on Figure 2; they should also be shown on the Policies Map.
- 3.26 Point 5 is descriptive and should be revised to reflect the actions set out in the subsequent bullet points – that trees and hedgerows should to be retained and planted to enhance the rural character.
- 3.27 Under point 6, the final sentence is a policy statement and should be retained in the policy; however, the first sentence would be more appropriate as a Community Project or Aspiration on the lines of “*The Parish Council will work with the Highway Authority to minimise signage etc.*” Likewise the aspiration under point 7 may be more appropriate as a Community Project or Aspiration on the lines of “*The Parish Council will seek to improve or promote measures to ....*”

## Recommendation 7: Revise Policy PTS5 as follows:

Revise the first paragraph to read “Development proposals within Peterstow Conservation Area *or affecting its setting should conserve or where possible enhance* the character and appearance of the Conservation Area by:”

Place the sub-text under points 1 and 2 in the justification to the policy.

Revise point 3 to read: “The conservation area setting.....should be *conserved*.” Place the first sentence under point 3 in the justification and delete “*The third main quality is provided by*”. Retain the second sentence of point 3 in the policy and revise to read: “Proposals for development should *demonstrate that they have been laid out and designed to retain as far as possible* the following important views.....” Delete the third sentence. Renumber view 3 as two separate viewpoints. Define a single viewpoint for view 4. Clearly define the viewpoints from publicly accessible locations and define the arcs. Show the viewpoints on the Policies Map.

Set out the text under points 4 and 5 as lettered bullet points. Revise point 5 to read “Trees and hedgerows should be *retained and planted to enhance* the rural village character of Peterstow”. Place the sentence under point 5 “*Some small or remnant hedgerows.....frontages*.” in the justification.

Place the first sentence under point 6 in the justification or change it to a Community Aspiration. Place the text under point 7 in the justification or change it to a Community Aspiration.

Embolden the bullet points in the policy.

## Policy PTS6: Foul and Storm Water Drainage

- 3.28 The policy seeks to ensure that developers provide evidence to demonstrate that foul and storm water can be accommodated. Peterstow village is a location where there is no mains foul drainage and occasional storm water flooding. The village does not lie within an area identified by the Environment Agency as at risk of flooding although the Qualifying Body has identified localised problem areas.
- 3.29 The policy provides detailed requirements that supplements Core Strategy Policy SD3. It is considered that it satisfies Basic Conditions 1 and 3.

## Policy PTS7: Protection of Peterstow Common as Local Green Space

- 3.30 The policy seeks to designate Peterstow Common as a Local Green Space. The background evidence does not include an assessment of the site against the criteria in 2012 NPPF paragraphs 76-77. The Qualifying Body has provided me with the assessment and it is evident that the area satisfies the NPPF requirements.
- 3.31 The remainder of the policy sets out an approach to development on the site which does not support any development on the site. It is considered that this does not accord with the NPPF guidance in paragraph 78 and 87 which states that the policy for development on a Local Green Space should be consistent with the policy for Green Belts. Paragraph 87 states that development which is harmful to the openness of the Green Belt should not be approved other than in very special circumstances. A modification is recommended to ensure that the policy accords with national policy to satisfy Basic Condition 1.

#### **Recommendation 8:**

**Revise second sentence of Policy PTS7 to read “Development that would result *in the loss of openness of the area, or the loss or diminution of.....will not be supported other than in very special circumstances.*”**

**Delete last sentence of paragraph 5.13.**

#### **Policy PTS8: Design and Appearance**

- 3.32 The policy sets out 10 criteria to promote locally distinctive and high quality design of new development. It builds on the Core Strategy Policy SD1 (not SD2 as stated in paragraph 5.14). It is considered that the policy satisfies Basic Conditions 1 and 3.

#### **Policy PTS9: Sustainable Design**

- 3.33 The policy sets out 8 factors that could be used in development proposals to promote a high standard of sustainable design to achieve a reduction in the carbon footprint of any development. It builds on the Core Strategy Policy SD1. It is considered that the policy satisfies Basic Conditions 1 and 3.

#### **Sustainable Transport**

##### **Policy PTS10: Traffic Measures within the Parish**

- 3.34 The first sentence of the policy and last paragraph of the policy set out a proposal for the Parish Council to work with Herefordshire Council and Highways England to bring forward measures to reduce the impact of traffic

on residents of the village making use of developer contributions. It is considered that this is a Community Project and not a planning policy.

- 3.35 The second sentence of the first paragraph and the three bullet points set out a policy approach for development proposals to address the village's traffic problems where possible. This covers slowing vehicle speeds on entry to the village, managing vehicle speeds in the village and promoting walking cycling and the use of public transport. These are specific measures that are likely to form part of the Community Project to improve traffic management in the village as a whole to manage the current problems.
- 3.36 NPPF paragraph 204 sets out the three tests for assessing the suitability of planning obligations and states that they should be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related to the scale and kind of the development. Traffic improvement measures can only be required from development proposals to address the impact of traffic from the proposal. They should not be required to remedy existing problems.
- 3.37 No evidence has been provided to demonstrate that potential development proposals will be of a scale and kind that will be deliver the measures proposed. The PPG states that policies in neighbourhood plans should be deliverable.
- 3.38 As this policy is mainly a Community Project and that part of it concerned with development proposals is not considered deliverable, I am recommending that the policy be deleted. It may be included in a separate section of the Plan as a Community Project provided that it is reworded to set out the bullet points as an indication of the measures to be sought to improve traffic in the village as a whole and not as a requirement for specific development proposals.

**Recommendation 9: Delete Policy PTS10 and its justification. Include it as a Community Project revised so that the bullet points are an indication of the measures to be sought to improve traffic in the village as a whole and not as a requirement for specific development proposals.**

### **Policy PTS11: Highway Design Requirements**

- 3.39 This policy sets out eight detailed requirements and considerations relating to access and highways matters for new development. It is considered that the matters included in the policy supplement those set out in Core Strategy Policy SS4. It is considered that the policy satisfies Basic Conditions 1 and 3.

## **Providing New Homes**

### **Policy PTS12: Housing Development in Peterstow Village**

- 3.40 Core Strategy Policy RA2 and Fig 4.14 identify Peterstow as a settlement which will be the main focus of proportional housing development. The minimum growth target in each rural Housing Market Area is to be used to inform the level of housing development to be delivered in the various settlements. Policy RA1 sets the indicative housing target for the Ross-on-Wye Housing Market Area at 14%. Policy RA2 states that “*Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity*”.
- 3.41 Paragraphs 3.7 to 3.8 and Table 1 of the PNP set out the information on housing completions and commitments since 2011 in line with the Core Strategy time period, concluding that there is a requirement for a minimum of six dwellings during the period to 2031. The Qualifying Body and Herefordshire Council have agreed amendments to the text of these paragraphs to update and better explain the housing completions and requirement. It is recommended that these paragraphs be revised accordingly.
- 3.42 The PNP has adopted an approach of concentrating new housing development on peripheral sites at Peterstow village with some provision for infilling. It has defined a settlement boundary which is shown on the Policies Map and includes three sites that are proposed to be allocated for housing development under Policy PTS13.
- 3.43 Policy PTS12 makes provision for sensitive infilling within the settlement boundary and for development outside the settlement boundary to comply with the Core Strategy Policy RA3. It sets out three criteria to be taken into account in considering housing development proposals in addition to those set out in other policies in the Plan. Point a) repeats matters that are included in Policy PTS8; it is therefore unnecessary and I recommend that it should be deleted.
- 3.44 Paragraph 7.2 includes the following sentence “*It is understood this definition was sought by the Inspector appointed to consider the Core Strategy.*” It is considered that this sentence is unnecessary in relation to the PNP and I recommend that it be deleted.
- 3.45 Representations have been received that question how the settlement boundary was defined and that the housing requirement should be higher. Paragraph 7.2 explains that the settlement boundary is that previously defined in the former South Herefordshire Local Plan and amended to include the housing allocations and a site with planning permission.
- 3.46 I am satisfied that the PNP is making adequate provision for housing development to deliver the proportional growth requirement set out in the Herefordshire Local Plan. The Plan does not set a ceiling on housing development

3.47 It is considered that subject to the modifications the policy supports the implementation of Core Strategy Policies RA2 and RA3 and meets the Basic Conditions 1 and 3.

**Recommendation 10: Delete criterion a) of Policy PTS12.**

**Delete the following from paragraph 7.2: “It is understood this definition was sought by the Inspector appointed to consider the Core Strategy.”**

**Revise paragraph 3.7 to read:**

**“3.7. ....the period 2011 to 2031 (the “Plan Period”). Herefordshire Council has confirmed that between April 2011 and 2018 some 8 dwellings had been completed and a further 3 had outstanding planning permissions. A further dwelling has been granted planning permission since April 2018. In addition, an area of land is committed for residential park homes following the grant of a Certificate of Lawful Existing Use or Development (CLEUD) in April 2016 for the use of an area of land at Yew Tree Residential Park Homes site which effectively allows further residential park homes in this area to the north-east of Peterstow village. This commitment enables additional residential park homes to be brought onto the site and works to provide the necessary infrastructure. One of these has recently been erected. Although the site owner has been advised this could accommodate 17 park homes, for the purposes of the contribution the site may make to the required level of proportional growth, a figure of 10 dwellings is suggested during the plan period to reflect a modest rate of plot take up, previous occupancy, the density on the adjacent park area, infrastructure requirements and the need for landscape measures.”**

**Revise the first sentence of paragraph 3.8. to refer to “at least a further 5 dwellings”.**

**Revise the 6<sup>th</sup> sentence of paragraph 3.8 to read: “Planning permissions for 9 dwellings, excluding the unit brought forward on the residential park homes site, were granted for sites within the rural parts of the parish outside of Peterstow village between 2001 and 2017.”**

**Add the following to the final sentence of paragraph 3.8: “.....required level of proportional growth in addition to the units envisaged upon the residential park homes site.”**

**Revise Table 1 as follows:**

**Table 1: Housing Commitments 2011- 2017**

	Number of Dwellings
<b>HEREFORDSHIRE COUNCIL Core Strategy Requirement 2011 – 2031: 27 Dwellings</b>	

1	<b>Number of Completions 2011-2018</b>	<b>8</b>
2	<b>Dwellings with outstanding planning permissions April 2018</b>	<b>3</b>
3	<b><i>Dwellings from permissions granted since April 2018 (see para 3.7)</i></b>	<b>1</b>
4	<b><i>Residential Park home developed on extended site area since 2011 (see para 3.7)</i></b>	<b>1</b>
5	<b>Park homes site - outstanding</b>	<b>9</b>
6	<b>Minimum further requirement</b>	<b>5</b>

**Revise Table 2 to read “Outstanding Housing Requirement 2011 -2031: 5 dwellings”**

### **Policy PTS13: Housing Sites in Peterstow Village**

- 3.48 Three sites in Peterstow are “proposed for housing development” under Policy PTS13. The sites are shown on the Policies Map and included in the settlement boundary. A minimum indicative figure of 12 dwellings is noted in paragraph 7.4 reflecting the density of dwellings in the vicinity of the sites. Site specific requirements are set out in paragraphs 7.5 to 7.7.
- 3.49 Twenty potential housing site options were assessed in the Environmental Report. The three options selected were all rated as most favourable.
- 3.50 To improve the clarity of the policy, it is recommended that the first paragraph is revised to state that the sites are “allocated for housing development”. Paragraphs 7.5 to 7.7 set out a brief description of each site and matters to be taken into account in the design and layout of the development. It would be helpful to decision makers and plan users for the development requirements to be incorporated into the wording of the policy itself.
- 3.51 I have considered representations made to the proposed housing sites. It will be for prospective developers to ensure that the proposals are designed and laid out to satisfy the requirements of paragraphs 7.5 to 7.7 particularly on the design of the access. I have no reason to believe that suitably designed development on the sites cannot be achieved.
- 3.52 Representations have been received proposing a number of additional sites. The preparation of the PNP included a call for sites and the assessment included some of the sites proposed. I am satisfied that the preparation of the PNP has afforded landowners and developers adequate opportunity to put their sites forward for consideration. It is not within my remit to consider whether any further sites should be allocated.

#### **Recommendation 11: revise Policy PTS13 as follows:**

**Revise the first paragraph to read “....are *allocated for housing development* in the plan period.”**



**Incorporate the development requirements for each site allocation from paragraphs 7.5 to 7.7 into the policy itself by revising the final paragraph of the policy to read: “Housing development on these sites should incorporate the following design principles: XXXX”**

## **Community Facilities**

### **Policy PTS14: Protection and Enhancement of Community Facilities and Services**

- 3.53 The policy seeks to retain and protect existing community facilities and services. The policy covers the village hall, village shop, two public houses and open space at High Town Green. The policy also gives support to proposals to enhance, replace or provide new community facilities or services.
- 3.54 The policy states that it relates to five community facilities or businesses serving the local community. The provision of services will take place by making use of a community facility or local business premises and does not therefore require planning permission. It is recommended that the policy should be revised to read “*community facilities and businesses serving the local community*” and remove reference to services.
- 3.55 Reference to “including open space” in the first paragraph is unnecessary as it is listed in the bullet points. The locations referred to in the policy should be shown on the Policies Map.
- 3.56 It is considered that subject to the recommended modifications, the policy supports the delivery of Core Strategy Policies SC1 on Social and Community Facilities and OS3 on Loss of open space, sports or recreation facilities and meets Basic Condition 3.

### **Recommendation 12: Revise Policy PTS14 as follows**

**Delete “services” from all paragraphs of the policy and justification.  
Replace with “*businesses serving the local community*”**

**Delete “including open space” from the first paragraph of the policy.**

**Show the location of the community facilities and businesses serving the local community listed on the Policies Map.**

### **Policy PTS15: Contributions to Community Facilities.**

- 3.57 The policy seeks to direct various forms of developer contributions towards community infrastructure to address the demands placed on the area by new development. Paragraph 8.3 refers to the guidance in the Herefordshire Planning Obligations SPD on the implementation of developer contributions.

Herefordshire Council has commented that it may prove difficult to obtain these contributions in view of the small scale of housing development allocated through the PNP.

- 3.58 The policy supports the delivery of Core Strategy Policy SC1 which states that *“New development that creates a need for additional social and community facilities that cannot be met through existing social facilities will be expected to meet the additional requirements through new, or extension of existing, provision or by developer contributions which meet the relevant tests of paragraph 204 of the NPPF.”* It is considered that Policy PTS15 meets the Basic Condition 3.

## Business

### Policy PTS16: Small and Home-based Businesses

- 3.59 The Policy is entitled small and home based businesses but also includes new live/work units, tourism and high speed broadband and mobile communications. Except for the second paragraph on live/work units, the policy provides a local policy approach that supports the delivery of the Core Strategy policies that are highlighted in paragraph 9.3.
- 3.60 The second paragraph does not set out a local policy approach to live/work units but states that such developments *“which do not involve greenfield sites can neither be encouraged nor discouraged, but planners and decision-makers will need to take into account the provisions of the Herefordshire Local Plan Core Strategy which puts positive emphasis on such rural developments.”*
- 3.61 As this paragraph simply references the need to take account of the Core Strategy policies, it is considered that it does not provide a locally distinctive planning policy, it is therefore recommended that it be deleted.

### **Recommendation 13: Delete the second paragraph of Policy PTS16.**

### Policy PTS17: Polyunnel Proposals

- 3.62 The policy sets out eight criteria that polyunnel development should meet. Criterion a) refers to “the requirements for exceptions set out in Policy PTS2”. It is not clear what this is referring to as Policy PTS2 sets out considerations to be taken into account in determining whether a development would constitute major development in an AONB. To improve the clarity of the policy I am recommending that criterion a) should be modified to remove the cross reference to Policy PTS2.

- 3.63 Since the publication of the Submission draft PNP, Herefordshire Council has adopted a revised and updated version of their Polytunnels SPD. The final sentence of paragraph 9.4 should therefore be updated.

**Recommendation 14: revise Policy PTS17 as follows:**

**Delete the following from criterion a) “unless they meet the requirements for exceptions set out in Policy PTS2”.**

**Update the last sentence of paragraph 9.4 to refer to the 2018 Polytunnels SPD.**

**Policy PTS18: Renewable and Low Carbon Energy**

- 3.64 The NPPF paragraph 115 states that great weight should be given to conserving the landscape and scenic beauty of the AONBs which have the highest status of protection. Paragraph 116 states that “*Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest*”. The 2015 Government guidance on Renewable Energy states that “*proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration*”. Government guidance does not explicitly prevent commercial solar or wind turbine farms.
- 3.65 Criterion 1 of Core Strategy Policy SD2 states that renewable and low carbon energy development proposals will be supported where they do not adversely impact upon international or national designated natural and heritage assets.
- 3.66 It is recommended therefore that the wording of this paragraph be revised to better reflect government guidance and Policy SD2.

**Recommendation 15: revise the last paragraph of Policy PTS18 as follows:**

**“.....will not be supported *except in exceptional circumstances and where it can be demonstrated they are in the public interest and they do not adversely impact upon the natural beauty and scenic qualities of the AONB.*”**

**Typographical Errors**

Paragraph 2.14, third sentence: Delete second “are” from “The remainder are all Grade II listed.”

Paragraph 2.17, 4<sup>th</sup> sentence: “*principal* settled farmlands”.

Paragraph 3.2, 2<sup>nd</sup> sentence “...landscape and Special Qualities of the Wye Valley AONB....”

Paragraph 3.3, 2<sup>nd</sup> sentence “...Herefordshire Council’s *Landscape* Character Assessment....”

Policy PTS1a) “ *Wye Valley* AONB....”

Paragraph 5.1, 2<sup>nd</sup> sentence “ the AONB Special Qualities...”

Policy PTS2, first paragraph “ *principal* settled farmlands...”

Paragraph 5.3, 1<sup>st</sup> sentence, “...a need for *developments* to reduce their effects...”

Paragraph 5.14 2<sup>nd</sup> sentence should be “Policy *SD1*”

## 4.0 Referendum

- 4.1 The Peterstow Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contributes to the achievement of sustainable development;
  - is in general conformity with the strategic policies contained in the Development Plan for the area;
  - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Herefordshire Council that the Peterstow Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by the Herefordshire Council on 22 November 2013.

## 5.0 Background Documents

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

- Peterstow Neighbourhood Plan Submission Draft Version 2011 – 2031 dated March 2018;
- Peterstow Neighbourhood Plan Basic Conditions Statement;
- Peterstow Neighbourhood Plan SEA Environmental Report March 2018;
- Peterstow Neighbourhood Plan HRA Screening Report March 2018;
- Peterstow Neighbourhood Plan Consultation Statement;
- National Planning Policy Framework March 2012 and July 2018;
- Planning Practice Guidance March 2014 (as amended);
- The Town and Country Planning Act 1990 (as amended);
- The Localism Act 2011;
- The Neighbourhood Planning (General) Regulations 2012;
- Herefordshire Local Development Framework Core Strategy (2011-2031) 2015;
- Wye Valley AONB Management Plan 2015-2020;
- Renewable and low carbon energy: Guidance to help local councils in developing policies for renewable and low carbon energy and identifies the planning considerations. Ministry of Housing, Communities & Local Government June 2015.
- Herefordshire Planning Obligations SPD April 2008
- Herefordshire Polytunnels SPD June 2018

## 6.0 Summary of Recommendations

**Recommendation 1:** Revise the date of the Plan period to 2018 – 2031.

**Recommendation 2:** revise the Introduction as follows:

Revise the fourth sentence of paragraph 1.1 to read: “Once it is adopted it will become part of the *Development Plan*.....”

Revise paragraph 1.2 to read: “The NDP has been prepared in accordance with the Neighbourhood Plan Regulations. The NDP must *have regard to the principles* of sustainable development set out in the National Planning Policy Framework (NPPF) and *support the delivery of the Herefordshire Local Plan Core Strategy*.”

**Recommendation 3:** Delete “*where they meet the principles and policies set out in the NDP*” from the first paragraph of Policy PST1.

**Recommendation 4:**

Revise the first sentence of the first paragraph and the first sentence of the second paragraph of Policy PTS2 to read “*protect and enhance*”

Revise the last sentence of the first paragraph of Policy PTS2 to read: “...retaining *and enhancing* as many natural features...”

Add the following to the end of the final sentence of the second paragraph: “...the following considerations should be taken into account *in addition to those in the NPPF*.”

**Recommendation 5:** show the Wells Brook ecological corridor on the Policies Map.

**Recommendation 6:** revise Policy PTS4 as follows:

Revise paragraph 1 to read “... shall be *protected, conserved and where possible* enhanced through:”

Revise criterion b) to read “...listed buildings and other heritage assets *designated of national importance*; and”

**Recommendation 7:** Revise Policy PTS5 as follows:

Revise the first paragraph to read “Development proposals within Peterstow Conservation Area *or affecting its setting should conserve or where possible enhance* the character and appearance of the Conservation Area by:”

Place the sub-text under points 1 and 2 in the justification to the policy.

Revise point 3 to read: “The conservation area setting.....should be *conserved*.” Place the first sentence under point 3 in the justification and delete “*The third main quality is provided by*”. Retain the second sentence of point 3 in the policy and revise to read: “Proposals for development should *demonstrate that they have been laid out and designed to retain as far as possible* the following important views.....” Delete the third sentence. Renumber view 3 as two separate viewpoints. Define a single viewpoint for view 4. Clearly define the viewpoints from publicly accessible locations and define the arcs. Show the viewpoints on the Policies Map.

Set out the text under points 4 and 5 as lettered bullet points. Revise point 5 to read “Trees and hedgerows should be *retained and planted to enhance* the rural village character of Peterstow”. Place the sentence under point 5 “*Some small or remnant hedgerows.....frontages.*” in the justification.

Place the first sentence under point 6 in the justification or change it to a Community Aspiration. Place the text under point 7 in the justification or change it to a Community Aspiration.

Embolden the bullet points in the policy.

#### Recommendation 8:

Revise second sentence of Policy PTS7 to read “Development that would result *in the loss of openness of the area, or the loss or diminution of.....will not be supported other than in very special circumstances.*”

Delete last sentence of paragraph 5.13.

Recommendation 9: Delete Policy PTS10 and its justification. Include it as a Community Project revised so that the bullet points are an indication of the measures to be sought to improve traffic in the village as a whole and not as a requirement for specific development proposals.

Recommendation 10: Delete criterion a) of Policy PTS12.

Delete the following from paragraph 7.2: “*It is understood this definition was sought by the Inspector appointed to consider the Core Strategy.*”

Revise paragraph 3.7 to read:

“3.7. ....the period 2011 to 2031 (the “Plan Period”). *Herefordshire Council has confirmed that between April 2011 and 2018 some 8 dwellings had been completed and a further 3 had outstanding planning permissions. A further dwelling has been granted planning permission since April 2018. In addition, an area of land is committed for residential park homes following the grant of a Certificate of Lawful Existing Use or Development (CLEUD) in April 2016 for the use of an area of land at Yew*



Tree Residential Park Homes site which effectively *allows further residential park homes in this area to the north-east of Peterstow village. This commitment enables additional residential park homes to be brought onto the site and works to provide the necessary infrastructure. One of these has recently been erected. Although the site owner has been advised this could accommodate 17 park homes, for the purposes of the contribution the site may make to the required level of proportional growth, a figure of 10 dwellings is suggested during the plan period to reflect a modest rate of plot take up, previous occupancy, the density on the adjacent park area, infrastructure requirements and the need for landscape measures.*

Revise the first sentence of paragraph 3.8. to refer to “at least a further 5 dwellings”.

Revise the 6<sup>th</sup> sentence of paragraph 3.8 to read: “Planning permissions for 9 dwellings, *excluding the unit brought forward on the residential park homes site, were granted for sites within the rural parts of the parish outside of Peterstow village between 2001 and 2017.*”

Add the following to the final sentence of paragraph 3.8: “.....required level of proportional growth *in addition to the units envisaged upon the residential park homes site.*”

Revise Table 1 as follows:

Table 1: Housing Commitments 2011- 2017

		Number of Dwellings
<b>HEREFORDSHIRE COUNCIL Core Strategy Requirement 2011 – 2031: 27 Dwellings</b>		
<b>1</b>	<b>Number of Completions 2011-2018</b>	<b>8</b>
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<b>4</b>	<b><i>Residential Park home developed on extended site area since 2011 (see para 3.7)</i></b>	<b>1</b>
<b>5</b>	<b>Park homes site - <i>outstanding</i></b>	<b>9</b>
<b>6</b>	<b><i>Minimum further requirement</i></b>	<b>5</b>

Revise Table 2 to read “Outstanding Housing Requirement 2011 -2031: 5 dwellings”

Recommendation 11: revise Policy PTS13 as follows:

Revise the first paragraph to read “.....are *allocated for housing development in the plan period.*”

**Incorporate the development requirements for each site allocation from paragraphs 7.5 to 7.7 into the policy itself by revising the final paragraph of the policy to read: “Housing development on these sites should *incorporate the following design principles: XXXX*”**

**Recommendation 12: Revise Policy PTS14 as follows**

**Delete “services” from all paragraphs of the policy and justification.  
Replace with “*businesses serving the local community*”**

**Delete “including open space” from the first paragraph of the policy.**

**Show the location of the community facilities and businesses serving the local community listed on the Policies Map.**

**Recommendation 13: Delete the second paragraph of Policy PTS16.**

**Recommendation 14: revise Policy PTS17 as follows:**

**Delete the following from criterion a) “unless they meet the requirements for exceptions set out in Policy PTS2”.**

**Update the last sentence of paragraph 9.4 to refer to the 2018 Polytunnels SPD.**

**Recommendation 15: revise the last paragraph of Policy PTS18 as follows:**

***“.....will not be supported except in exceptional circumstances and where it can be demonstrated they are in the public interest and they do not adversely impact upon the natural beauty and scenic qualities of the AONB.”***