



Independent Examiner's Report of the
Border Group Neighbourhood
Development Plan



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26th September 2018

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SECTION 2

Summary

As the Independent Examiner appointed by Herefordshire Council to examine the Border Group Neighbourhood Development Plan, I can summarise my findings as follows:

- 1. I find the Border Group Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Border Group Neighbourhood Development Plan go to Referendum.*
- 3. I have read the Border Group Consultation Statement and the representations made in connection with this subject. I consider that the consultation process was robust and that the Neighbourhood Development Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Border Group Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. The current development plan for the Neighbourhood Plan Area is the Herefordshire Local Plan Core Strategy 2015 adopted 16th October 2015.*

SECTION 3

Introduction

3.1. Neighbourhood Plan Examination.

3.1.1 My name is Deborah McCann and I am the Independent Examiner appointed to examine the Border Group Neighbourhood Development Plan.

3.1.2 I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

3.1.3 My role is to consider whether the submitted Border Group Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Border Group Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

3.1.4 The Border Group Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012 (as amended).

3.1.5 The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing.

3.2. The Role of Examiner including the examination process and legislative background.

3.2.1 The examiner is required to check whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body*
- Has been prepared for an area that has been properly designated for such plan preparation*
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that*

- *Its policies relate to the development and use of land for a designated neighbourhood area.*

3.2.2 The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

3.2.3 As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

i) The Plan can proceed to a Referendum

ii) The Plan with recommended modifications can proceed to a Referendum

Where a policy does not meet the basic conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states, "Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex." As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with 'Wider Community Aspirations'. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

iii) The Plan does not meet the legal requirements and cannot proceed to a Referendum

3.2.4 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Border Group Neighbourhood Development Plan go to Referendum.

3.2.5 In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- *the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004*
- *the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect*
- *the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

3.2.6 I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

Has regard to national policies and advice contained in guidance issued by the Secretary of State;

Contributes to the achievement of sustainable development; and

Is in general conformity with the strategic policies contained in the Development Plan for the area.

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

3.2.7 Herefordshire Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Local Planning Authority must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

4.1. Appointment of the Independent examiner

4.1.1 Herefordshire Council appointed me as the Independent Examiner for the Border Group Neighbourhood Development Plan with the agreement of Border Group Parish Council.

4.2. Qualifying body

4.2.1 I am satisfied that the Border Group Parish Council meets the necessary requirements and is the Qualifying Body under the Localism Act 2011.

4.3. Neighbourhood Plan Area

4.3.1 Border Group Neighbourhood Development Plan covers the parishes of Adforton, Brampton Bryan, Buckton and Coxall, Lingen, Wiiley and Walford Letton and Newton only and no other Neighbourhood Plan areas.

4.3.2 The Border Group Neighbourhood Plan Area was designated by Herefordshire Council on 18th July 2013.

4.3.3 No part of the Neighbourhood Area overlaps any part of any other Neighbourhood Area (Section 61G (7) of the Act).

4.4. Plan Period

4.4.1 It is intended that the Border Group Neighbourhood Development Plan will cover the period 2011-2031.

4.5. Herefordshire Council Assessment of the Plan under regulation 15 of the Neighbourhood Planning (General) Regulations 2017.

4.5.1 Plan proposals and modification proposals

15. —(1) Where a qualifying body submits a plan proposal or a modification proposal to the local planning authority, it must include—

(a) a map or statement, which identifies the area to which the proposed neighbourhood development plan relates;

(b) a consultation statement;

(c) the proposed neighbourhood development plan or neighbourhood development plan as proposed to be modified"; and

(d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act or in the case of a modification proposal, how the neighbourhood development plan as proposed to be modified meets the requirements of paragraph 11 of Schedule A2 to the 2004 Act.

e) in relation to a modification proposal, a statement setting out the whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion.

(2) In this regulation “consultation statement” means a document which—

(a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan or neighbourhood development plan as proposed to be modified;

(b) explains how they were consulted;

(c) summarises the main issues and concerns raised by the persons consulted; and

(d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

4.5.2 Border Group Parish Council, the qualifying body for preparing the Border Group Neighbourhood Development Plan, submitted it to Herefordshire Council for consideration under Regulation 15. Herefordshire Council has made an initial assessment of the submitted Border Group Neighbourhood Development Plan and the supporting documents and was satisfied that these comply with the specified criteria.

4.6. Site Visit

4.6.1 I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on 11th July 2018.

4.7. The Consultation Process

4.7.1 The Border Group Neighbourhood Development Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;

(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

4.7.2 Having examined the documents and considered the focus of the Neighbourhood Plan I conclude that the consultation process was adequate, well conducted and recorded.

4.7.3 A list of statutory bodies consulted is included in the Consultation Statement.

4.8.Regulation 16 consultation by Herefordshire Council and record of responses.

4.8.1 The Local Planning Authority placed the Border Group Neighbourhood Development Plan out for consultation under Regulation 16 from 16 March to 27 April 2018.

4.8.2 A number of detailed representations were received during the consultation period and these were supplied by Herefordshire Council as part of the supporting information for the examination process. I considered the representations, have taken them into account in my examination of the plan and referred to them where appropriate.

4.9. Compliance with the Basic Conditions

4.9.1 The Border Group Parish Council produced a Basic Conditions Statement. The purpose of this statement is to set out in some detail how the Neighbourhood Plan as submitted does meet the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

4.9.2 I have to determine whether the Border Group Neighbourhood Development Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*

4.9.3 Documents brought to my attention by the Local Planning Authority for my examination include:

(i) The Border Group Neighbourhood Plan - the main document which includes policies developed in consultation with the community at various engagement events and workshops.

(ii) Consultation Statement – sets out how the community, and other stakeholders, have been involved in preparing the Plan.

(iii) Basic Conditions Statement - An appraisal of the Plan policies against European Union (EU) and national policies, as well as the strategic policies of the Herefordshire Local Plan and any other policies and guidance.

Comment on Documents submitted

4.9.4 I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Border Group Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions.

4.10.Planning Policy

4.10.1. National Planning Policy

4.10.2 The National Planning Policy Framework (NPPF) 2012 sets out national policy, supporting this document is National Planning Policy Guidance (NPPG). The Government published its new National planning Policy Framework on 24 July 2018. Whilst the revised NPPF becomes a material consideration from the date of publication, paragraph 2014 sets out a transitional period:

“214. The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted (69) on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.

(69) For neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

During the transitional period for emerging plans submitted for examination (set out in paragraph 214), consistency should be tested against the previous Framework published in March 2012.”

Accordingly, my report has considered the Neighbourhood Plan on the basis of the 2012 NPPF and paragraph numbers relate to that document.

4.10.3 To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

4.10.4 The Border Group Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

4.10.5 I have examined the Border Group Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to minor modification does meet the Basic Conditions in this respect.

4.11 Local Planning Policy- The Development Plan

4.11.1 Border Group of parishes is within the area covered by Herefordshire Council. Currently the relevant development plan is the Herefordshire Local Plan Core Strategy 2015 adopted 16th October 2015.

4.11.2 To meet the Basic Conditions, the Border Group Neighbourhood Plan must be in “general conformity” with the strategic policies of the development plan.

4.11.3 National planning policy states that the neighbourhood plan should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies (see paragraph 16 and paragraph 184 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

4.11.5 Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

4.11.6 The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e) and National Planning Policy Framework 184). When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

4.11.7 Paragraph 156 of the National Planning Policy Framework states that strategic policies are those designed to deliver

- the homes and jobs needed in the area;*
- the provision of retail, leisure and other commercial development;*
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy*

(including heat);

- *the provision of health, security, community and cultural infrastructure and other local facilities; and*
- *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.*

4.11.8 Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- *whether the policy sets out an overarching direction or objective*
- *whether the policy seeks to shape the broad characteristics of development*
- *the scale at which the policy is intended to operate*
- *whether the policy sets a framework for decisions on how competing priorities should be balanced*
- *whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan*
- *in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan*
- *whether the Local Plan identifies the policy as being strategic”*

4.12. Other Relevant Policy Considerations

4.12.1. European Convention on Human Rights (ECMR) and other European Union Obligations

4.12.2 As a ‘local plan’, the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.

A Strategic Environmental Assessment (SEA) screening opinion was sought as required from the following organisations during the formal consultation period:

- *Natural England*
- *Historic England*
- *Environment Agency*
- *Herefordshire Council*

The view of Herefordshire Council was that a Strategic Environmental Assessment (SEA) and

Habitats Regulations Assessment (HRA) were required.

4.12.3 SEA

4.12.4 The SEA concluded that:

“On the whole, it is considered that the Border Group NDP is in general conformity with both national planning policy contained in the National Planning Policy Framework and strategic policies set within the Herefordshire Local Plan (Core Strategy). Nor does it propose any growth that would be over and above that prescribed by strategic policies. Therefore, no changes to the NDP are recommended as a result of the SEA, however suggestions have been made where additional strengthen could be added to the existing safeguards. “

4.13 Habitats Regulations Assessment (HRA)

4.13.1 An HRA is required by the Habitats Directive (92/43/EEC) in appropriate circumstances. Land use plans may require the undertaking of an HRA to assess their implications for European sites. The purpose of HRA is to assess the impacts of a land use plan against the conservation objectives of a European site and to ascertain whether it would have a likely significant effect on the integrity of that site, whether alone or in combination with other plans and projects.

4.14 HRA Scoping of the Neighbourhood Plan

4.14.1 The conclusion of the HRA scoping carried out by Herefordshire Council was that a full HRA screening would be required.

4.15 HRA Screening

4.15.1 The plan has undergone a number of HRA screenings. The draft plan was screened in December 2015 with two further screenings in November 2017 and August 2018.

*4.15.2 The conclusion of the **August 2018** report was:*

“10.1 the examination version of the NDP is not considered to affect the findings of the previous HRA report. Equally the review in light of the Sweetman case are also not considered to affect the previous findings.

10.2 Therefore the earlier conclusions that the Border Group NDP will not have a likely significant effect on the River Wye SAC, River Clun SAC and the Downton Gorge SAC remains valid.”

4.16 Adequacy of the HRA screening

4.16.1 On the 13th of September 2018 the following letter was received from Herefordshire Council:

“Habitat Regulation Assessments (HRA) of Neighbourhood Development Plans

Statement in relation to CASE 323/1/COURT OF JUSTICE OF THE EUROPEAN UNION People over Wind and Peter Sweetman v Coillte

Herefordshire Council has sought Counsel advice in light of the implication of the recent European judgment the case of People Over Wind and Sweetman v Coillte Teoranta (C-323/17) (“Sweetman”) and the representations from Natural England to a number of Habitat Regulation Assessment consultations undertaken post the judgment.

These revised Habitat Regulations Assessments (post Sweetman) relied on policies within the Core Strategy; namely policy SD4 and LD2 to indicate that there was unlikely to be any ‘likely significant effects’ and that an Appropriate Assessment would not be required and the NDPs met the EU obligations.

The key issue has been whether policies within the Core Strategy are classified as ‘mitigation’ and therefore cannot be used within an initial screening. Resulting in the need for Appropriate Assessment, which NDPs cannot be subject to.

Counsel advice has indicated that Policy SD4 (for example) is part of the development plan and importantly it has been considered through the Core Strategy assessment as removing the pathway to harm and ‘likely significant effects’. 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 NDPs to include additional mitigation covered within these policies as it is within the higher-level plan (the Core Strategy).

The advice gives a clear conclusion that the Council can and should make the NDPs and examinations could be concluded, where either there is an adequate sewerage treatment capacity; or there is not but SD4 applies”.

4.17. Sustainable development

The basic Conditions Statement sets out how the Border Group Neighbourhood Development Plan has addressed the issue of achieving sustainable development. My conclusion is that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Border Group Neighbourhood Development Plan subject to the recommended modifications addresses the sustainability issues adequately.

4.17.1 The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Border Group Neighbourhood Development Plan has done so.

I am therefore satisfied that the Border Group Neighbourhood Development Plan meets the basic conditions on EU obligations.

4.18 Excluded development

4.18.1 am satisfied that the Border Group Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

4.19 Development and use of land

4.19.1 I am satisfied that the Border Group Neighbourhood Development Plan, subject to modification covers development and land use matters.

4.20 The Neighbourhood Plan Vision, Strategic Aims and Policies

4.20.1. The Border Group Neighbourhood Plan Vision:

“The sparsely populated area forming Border Group of Parish comprises communities with a strong sense of seeking to work together for mutual support; maintaining its social fabric; and promoting a resilient local economy; but recognising and respecting each has its own distinct character formed by its heritage, environment and sense of community.”

Objectives

4.20.2 To support the vision, the community was consulted upon a number of objectives that the Neighbourhood Plan should pursue, and the following were agreed as the basis for setting proposals and development management policies:

Objective one:

To increase the supply of homes for local people, especially for young families, ensuring the resultant development is accommodated in ways that retain the rural character of the settlements concerned.

Objective two:

To encourage diversification within the rural economy of the group parish through supporting tourism, broadening the base of agricultural businesses and creating a balance between providing homes and jobs. Measures to make the best use of the area’s heritage and landscape, providing broadband and improved telecommunications, supporting home working and producing local energy should be given a high priority.

Objective three:

To increase road safety, particularly on main roads, reduce the harmful effects of heavy traffic on country lanes and address surface water flooding on the local highway.

Objective four:

To improve access to local health and educational services.

Objective five:

To maintain the character of the landscape and individual settlements within the Group Parish, in particular by reducing pressure on Lingen Conservation Area through directing development, where appropriate, to the edges of the village; by utilising suitable 'brownfield' sites especially where this enhances neutral or negative features within the settlements; and by avoiding potentially harmful forms of development which may adversely affect the character, appearance and tranquility of the settlements.

COMMENT

I am satisfied that the vision and themes of the Neighbourhood Plan have developed as a result of the community consultation carried out and that the policies of the plan respond to those themes.

4.21. Border Group Neighbourhood Development Plan Policies

4.21.1 Neighbourhood Planning Guidance states:

“A neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development (as outlined in paragraph 16 of the National Planning Policy Framework).

A neighbourhood plan can be used to address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004).

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-

land use matters should be clearly identifiable. For example, set out in a companion document or annex.

If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

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.

The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies (see paragraph 16 and paragraph 184 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.”

For ease of reference, in this section the proposed Border Group Neighbourhood Plan policies are in black, my comments and any proposed modifications are in blue.

4.22.2 General Comments

In order to provide clarity and to ensure that the policies in the Border Group Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies and delete some parts of others.

Were modification has been made to a policy the supporting text/justification should be modified accordingly.

4.22.3 Policy BG1: Promoting a Sustainable Community

Within the Border Group of Parish positive measures will be supported that promote

sustainable development in accordance with the principles and policies set out in this Neighbourhood Plan. Where development proposals are advanced they should, in particular, address the following high-level priorities that are considered essential for maintaining a cohesive and resilient community.

- a) The highest priority will be given to ensuring new homes meet the needs of local people;**
- b) New development should be located and designed to reflect and support the character of the particular settlement or rural landscape within which it is to be located;**
- c) The development of the local rural economy will be supported in particular by enabling the diversification of businesses and employment opportunities but ensuring any new development does not detract from features that support the local tourism industry;**
- d) Development should not result in danger from vehicles or traffic that cannot be accommodated upon the local highway network, both in terms of highway capacity and effect upon local amenity. Measures to reduce danger and the effect of traffic upon communities should be pursued.**
- e) The multi-use of local facilities and provision of infrastructure to support broadband and telecommunications will be promoted to improve accessibility to services where practicable.**

Development proposals must comply with the policies in this Neighbourhood Plan. Where this Plan does not cover a proposal, any decision should reflect, where possible, the community's sustainable development priorities set out above and policies within Herefordshire Core Strategy, in particular Policy SS1. Where there are overriding material considerations that indicate these policies should not be followed the benefits sought in relation to the priorities set out in this policy should remain pertinent to compensatory or mitigation measures sought as part of any proposal.

4.22.4 COMMENT

I have no comment on this policy.

4.22.5 Policy BG2 – Development Strategy

The settlements of Adforton, Brampton Bryan, Lingen and Walford will be the focus for housing development and community facilities within the Border Group of Parishes where a need is identified. Small-scale employment opportunities will continue to be supported both within and outside of the settlements provided they have no significant adverse effects upon residential amenity and the environment, especially the landscape. The approach to

accommodating development will be based upon the following:

- To allow for residential development and managed growth in Adforton, a settlement boundary has been defined within which development might take place. In addition, one small site is identified to contribute towards the required level of proportional housing growth. The conversion of rural buildings and use of a brownfield site will also contribute to meeting the limited housing requirement.*
- The approach to accommodating housing, business needs and other appropriate development within Brampton Bryan will take place predominantly through the conversion of redundant farm and other rural buildings within the village with limited extensions to buildings in the form of courtyards where this reflects the character of the village.*
- To allow for required residential development and managed growth in Lingen, development boundaries have been defined within which development might take place. In addition, two small sites have been identified that should meet some of the defined housing requirement.*
- To allow for residential and business development within Walford a settlement boundary is defined within which sensitively designed housing will be permitted provided, in particular, they can be protected appropriately from flood risk and do not cause increased flooding elsewhere. In addition, one small site is identified to contribute towards the required level of proportional housing growth. Opportunities to utilise rural buildings for B1/B8 business use may be supported where there are appropriate environmental safeguards.*
- Development outside of the settlement and development boundaries, even upon land that adjoins these, and including within the parishes of Willey and Buckton and Coxall, will be limited to that set out for rural areas in Herefordshire Core Strategy and particularly Policy RA3 covering residential development. It may especially be necessary to use rural exception sites to provide small rural affordable housing schemes.*

4.22.6 COMMENT

I have no comment on this policy.

4.22.7 Policy BG3 – New Homes in Adforton

Housing Development within Adforton over the period 2011 – 2031 will be accommodated as infilling within the settlement boundary and upon the sites allocated for housing defined upon Adforton Policies Map where they meet the following criteria:

- a) Development should complement the village form and character through generally being*

frontage development;

b) Dwellings should be of a scale and character reflecting the density and massing of existing properties in the vicinity and not have a significant adverse effect on residential amenity of existing properties;

c) There should be safe and convenient vehicular access onto any public road and adequate off-road car parking must be provided;

d) Development should not be located where residential amenity is adversely affected by adjacent uses;

e) Landscape proposals should form an integral part of the site's design, with in particular trees and hedgerows retained unless their value is deemed low following surveys in accordance with established practice;

f) Support will be given to proposals comprising custom built and/or self- build dwellings and live/work units where this would not adversely affect residential amenity of existing properties.

4.22.8 COMMENT

I have no comment on this policy.

4.22.9 Policy BG4: Redevelopment of Land North of Letton Lane

Land on the north side of Letton Lane, currently comprising steel framed agricultural buildings and identified on Adforton Policies Map, may be redeveloped for housing provided, in addition to meeting criteria listed in policy BG3, the design, materials, landscaping and boundary treatment can be shown not to adversely affect the setting and distant views of the settlement from the north.

4.22.10 COMMENT

I have no comment on this policy.

4.22.11 Policy BG5: Conversion and Extension to Redundant Barn at the North End of Adforton Village

The redundant barn at the west end of Adforton Village identified on Adforton Policies Map may be converted and extended to provide one dwelling.

4.22.12 COMMENT

I have no comment on this policy.

4.22.13 Policy BG6 – New Homes in Brampton Bryan

Housing needs within Brampton Bryan over the period 2011 – 2031 should be provided in ways that retain the intrinsic and exceptional architectural and historic character of the village. This will be achieved through development comprising principally the sympathetic conversion of traditional farm buildings that no longer serve the purposes of modern agriculture and other non- residential buildings where the following criteria are met:

- a) Development involving the conversion of existing farm complexes, including limited extensions to enhance any courtyard form, should respect the scale and character of existing nearby buildings and not adversely affect the amenity of adjacent properties;*
- b) Satisfactory access and parking arrangements should be provided ensuring the safety of pedestrians and other vehicles using the public highway;*
- c) Opportunities should be taken to develop routes and off-site measures that facilitate and encourage active travel.*

d) Landscape proposals should form an integral part of the site's design, with in particular trees and hedgerows retained unless their value is deemed low following surveys in accordance with established practice;

c) Infill opportunities will be restricted to gaps within the approach road from the south where development along this road retains the character and current density of the approach. The important character of both the east-west route through the village and the approach road from the north (Coxall) will be retained by resisting any infill development along these routes in order to retain the locally distinctive elements of the settlement comprising the imposing yew hedge set above a stone wall, the setting of Brampton Bryan Hall, the ruins of Brampton Bryan Castle and the ambience of St Barnabas Church.

4.22.14 COMMENT

I have no comment on this policy.

4.22.15 Policy BG7 – New Homes in Lingen

Housing Development within Lingen over the period 2011 – 2031 will be accommodated through infilling within the development boundaries and upon housing site allocations defined

upon Lingen Policies Map where it is in accordance with the following criteria:

- a) Infill development shall be single plot depth from the road frontage to complement the village character with no development extending unreasonably into the plot beyond the depth of neighbouring buildings;*
- b) Dwellings should be in scale with the general density and massing of existing properties in the vicinity*
- c) Development should not adversely affect the residential amenity of existing properties or be located where residential amenity is adversely affected by adjacent uses;*
- d) Development should not result in the loss of important features such as trees, hedgerows, or significant frontage gaps or green spaces that contribute to the unique character of the village;*
- e) Development should not adversely affect the character and appearance Lingen Conservation Area (Policy BG22) and heritage assets within the village, including their settings;*
- f) Important green space and land forming important views into or out of the village, should be protected from development;*
- g) There should be safe access for vehicles, and parking arrangements should not detract from the village street scene but be an integral part of the overall design;*
- h) Support will be given to proposals comprising custom built and/or self- build dwellings and live/work units where this would not adversely affect residential amenity of existing properties.*

4.22.16 COMMENT

Map 2 in the plan identifies important views within the Lingen Conservation Area. For clarity paragraph f) should be modified as follows:

- f) Important green space and the important views into or out of the village (identified on map 2), should be protected from development;***

4.22.17 Policy BG8: Land at the Nursery, Lingen

The development of approximately 0.46 ha (1.1 acres) land comprising the former plant nursery to the south of the village and identified on Lingen Policies Map is proposed for

housing development subject to the following additional criteria being met:

- a) A flood risk assessment should inform the extent of the developable land;*
- b) The public right of way running through the site, which should be retained, defines the maximum depth to which of the site should be developed;*
- c) The entrance to the development site should be designed to reflect the rural character of the village and conservation area (Policy BG22);*
- d) Landscape proposals should form an integral part of the design for the development and include measures to protect and enhance the biodiversity value of the Limebrook stream along its northern and eastern edges.*
- e) Buildings should be designed to avoid repetition of form and detail that would result in an urban appearance, and utilise a mixture of materials, styles and aspects that reflect the existing village character;*
- f) New housing development should provide a mix of house types, with an emphasis upon family accommodation comprising two and three- bedroom properties;*
- g) Support will be given to proposals comprising custom built and/or self- build dwellings and live/work units where this would not adversely affect residential amenity of existing properties.*

The development brief for the site set out in Appendix 1 should be taken into account when preparing any scheme.

4.22.18 COMMENT

I have no comment on this policy

4.22.19 Policy BG9: Land at the Turn Farm, Lingen

Land and buildings at The Turn Farm identified on Lingen Policies Map can be developed for housing provided the following criteria are met:

- a) The existing farm house, the C17 roadside barn and barn immediately to the south of the farmhouse shall be retained and any works, including conversion of the barns to residential properties, shall preserve features and the buildings' settings according to their significance, through sympathetic design*

b) New buildings shall not adversely affect the settings of the buildings referred to in a) but contribute towards their enhancement and be informed, if possible, by evidence of the historic relationship between the farmhouse and farm buildings, and the character of the farmstead as a whole and on its landscape setting form, paying particular attention to form and layout.

c) Provision of parking and ancillary domestic features such as garden structures, refuse bins and garaging shall be located where they do not detract from the setting of the Listed Buildings and boundary of the Conservation area, preferably being located within a courtyard arrangement, supported by the removal of permitted development rights.

d) The scale of building, design details and materials for any new buildings shall be compatible with the retained buildings and non-traditional features avoided.

e) Landscape proposals should form an integral part of the design, retaining hedges and trees where possible and using hedgerows to define any new boundaries, avoiding fencing for both internal and external boundaries.

4.22.20 COMMENT

I have no comment on this policy.

4.22.21 Policy BG10 – New Homes in Walford

Residential development will be permitted through infill development within the settlement boundary and upon the site allocated for housing defined on Walford Policies Map.

Development should meet the following criteria:

a) Development should comply with the requirements of Policy BG18 and where it can take place should in particular be designed to provide appropriate protection against flooding and not result in the increased likelihood of flooding to other properties;

b) Dwellings should complement the character of the settlement, especially being in scale with the general density and massing of existing properties in the vicinity;

c) Development should not adversely affect the residential amenity of existing properties or be located where residential amenity is adversely affected by adjacent uses;

d) Satisfactory access and parking arrangements should be provided ensuring the safety of pedestrians and other vehicles using the public highway;

f) Landscape proposals should form an integral part of the site's design, with in particular

trees and hedgerows retained unless their value is deemed low following surveys in accordance with established practice;

g) Compensatory measures should be provided for any loss of locally important habitat;

h) Support will be given to proposals comprising custom built and/or self- build dwellings that comply with other relevant policies contained within this plan;

4.22.22 COMMENT

I have no comment on this policy.

4.22.23 Policy BG11: Land South of Walford

The development of approximately 0.2 ha (0.5 acres) of land to the south of the Walford and identified on Walford Policies Map is proposed for housing development subject to the following additional criteria being met:

a) The flood risk assessment undertaken in accordance with Policy BG18 must inform the extent to which measures are required to ensure there is no increase in surface water run off beyond current greenfield flows from the site itself. Opportunities to address existing storm flooding problems should be taken where possible and take into account climate change.

b) Developers must show, through appropriate evidence, that foul water drainage can be accommodated without causing pollution.

c) In addressing the management of drainage developers should utilise sustainable drainage systems (SuDS), including measures to support biodiversity, and ensure any proposed scheme that meets the above requirements is fully implemented before development is brought into use.

d) No development or other encroachment will be permitted within 10 metres of the Severn Trent Elan Valley Aqueduct that runs to the south of the land proposed for development. This will include front gardens, side gardens, rear gardens and private drives. Developers will be required to carry out investigations to confirm the exact alignment of the aqueduct to ensure an appropriate buffer zone is provided and discuss the need for a Risk Assessment and Method Statement (RAMS) for works with Severn Trent Water. Should one be necessary, the developer will submit evidence to the local planning authority that all relevant conditions have been or will be complied with to protect the aqueduct.

e) The entrance to the development site should be designed to reflect the rural character of the

settlement.

f) Landscape proposals should include measures to enhance biodiversity.

g) Buildings should be designed to avoid repetition of form and detail that would result in an urban appearance, and utilise a mixture of materials, styles and aspects that reflect the existing settlement character

h) New housing development should provide a mix of house types, with an emphasis upon family accommodation comprising two and three- bedroom properties.

i) Support will be given to proposals comprising custom built and/or self- build dwellings that comply with other relevant policies contained within this plan.

4.22.24 COMMENT

Paragraph d) of this policy is overly restrictive and tries to introduce elements that are within the control of a Statutory Undertaker. For clarity and to meet the Basic Conditions paragraph d) of this policy should be modified as follows:

d) Proposal for development which have the potential to impact upon the Severn Trent Elan Valley Aqueduct that runs to the south of the land proposed for development should be accompanied by an appropriate level of site investigation to confirm the exact alignment of the aqueduct and to ensure an appropriate buffer zone is retained.

4.22.25 Policy BG12: Provision of Affordable Housing

The provision of affordable housing within the parish will be met through Herefordshire Local Plan Core Strategy Policy H2 subject to the following:

a) The identified level of need will be up-to-date and determined in consultation with Border Group Parish Council;

b) Sites should normally be located close to a settlement within the Group of Parishes, although this will not preclude development within a hamlet not referred to in Herefordshire Core Strategy Tables 4.14 or 4.15 where there is a particular need related to family or employment circumstances;

c) Affordable housing may include elements of market housing where this will assist the delivery of a mixed development scheme, especially where the market housing includes individual or multiple dwellings constructed under self-build projects or community housing

groups.

4.22.26 COMMENT

I have no comment on this policy

4.22.27 Policy BG13 – Design Criteria for Residential Development

An integrated approach to achieve a high standard of design will be required to, in particular, achieve the maximum possible reduction in the carbon footprint of any development. Development proposals should contain a co-ordinated package of design measures, which, in addition to regulatory requirements, include:

- a) Incorporating locally distinctive features although diversity in design will be encouraged and new innovative design or features will not necessarily be resisted where they fit sensitively within the particular settlement frontage and street scene.*
- b) Utilising physical sustainability measures associated with buildings that include, in particular, orientation of buildings, the provision of energy and water conservation measures, cycle and recycling storage, broadband infrastructure, and renewable energy infrastructure such as photovoltaic panels;*
- c) Retaining important features such as tree cover, ponds, orchards and hedgerows, adding to the natural assets of the parish where opportunities are available;*
- d) Hard and soft landscape proposals should not result in a suburbanised appearance, for example through the planting of boundaries with non- native species, the use of timber board or panel fencing, extensive use of pavers or tarmac, or use of uncharacteristic gravel;*
- e) Seeking on site measures that support energy conservation such as through tree planting and other forms of green infrastructure to provide shade and shelter, the inclusion of sustainable drainage systems, the maximum use of permeable surfaces, and minimising the use of external lighting to that which is essential;*
- f) Where there is good reason to believe that contamination of land may exist on any site, including through agricultural processes, ensuring an assessment is carried out to establish the extent and nature of the contamination, and effective measures taken to ensure potential occupiers, and the wider environment, are not put at unacceptable risk;*
- g) Providing sufficient space for each property to maintain a functioning garden incorporating elements for children's play and the growing of produce;*

h) Proposals should not lead to the urbanisation of any of the Group Parish's settlements by requiring unnecessary street or other lighting. Where external lighting is required it should be appropriate to its purpose and supported by a lighting plan that demonstrates that it will not have an adverse effect through unnecessary glare, light trespass, scenic intrusion or sky glow;

i) Assisting offsite measures such as supporting infrastructure to promote sustainable travel and enabling a sustainable drainage system to serve a wider range of properties;

j) Utilising reclaimed and locally sourced materials: and

k) Minimising construction traffic and reducing waste.

4.22.28 COMMENT

The policy as currently worded places requirements on applicants, which will not be appropriate for all developments and could impact on the viability and deliverability of proposals. For clarity and in order to meet the Basic Conditions the introductory paragraph to the policy should be modified as follows.

An integrated approach to achieve a high standard of design is encouraged, in particular measures to achieve the maximum possible reduction in the carbon footprint of any development. Development proposals should contain a coordinated package of design measures where appropriate and achievable which include:

4.22.29 Policy BG14: Supporting Local Business

Proposals for the development of local businesses will be supported where they result in sustainable economic growth. The following criteria are considered important in determining whether such development is considered sustainable economic growth within the context of the group of parishes:

Development proposals should be in scale with the rural character of the group parish or settlement in which the site is located, as the case may be;

a) Proposals for industrial based employment uses within settlements and particularly Lingen Conservation Area should be restricted to Use Class B1 - Business;

b) The amenity of nearby residents is not adversely affected; There will be no detrimental effect upon the local highway network as a consequence of traffic generated by the proposal;

c) Opportunities should be taken to develop routes and off-site measures, which facilitate and encourage active travel;

d) Small scale light or general industry, in particular craft-based operations or sustainable technologies will be encouraged to locate in suitably converted rural buildings, or on brownfield sites provided they comply with the general criteria set out in this policy;

e) There will be an emphasis upon the use and conversion of rural buildings to employment uses;

f) Proposals should avoid obtrusive external storage and paraphernalia or provide effective screening where this is necessary;

g) Potential polluting effects of any enterprise should be fully mitigated, and where they cannot, permission will be refused;

h) Diversification proposals meeting the above criteria will in particular be supported where this retains essential services and facilities through increasing their viability.

i) Tourism enterprises will be supported where they are appropriate to the area's rural character in terms of their nature and scale;

Proposals for change of use of existing business premises away from employment activity will need to demonstrate that the existing use is no longer economically viable.

4.22.30 COMMENT

Paragraph a) of this policy is overly restrictive, proposed business uses, where planning permission is required would take into consideration the impact on residential amenity. In order to meet the Basic Conditions paragraph a) should be deleted.

4.22.31 Policy BG15: Broadband and Mobile Telephone Infrastructure

Proposals to provide broadband infrastructure and mobile telephone equipment infrastructure will be supported through:

a) Seeking well-designed and unobtrusively located development associated with the introduction of appropriate super-fast broadband and mobile telephone equipment that provide high quality internet connectivity especially for business and also for residential users.

b) Encouraging new development proposals to connect to high speed broadband as a minimum by means of providing suitable ducting for fibre connectivity within development sites, linked to the local/national network, as appropriate.

4.22.32 COMMENT

I have no comment on this policy.

4.22.33 Policy BG16: Renewable Energy

Renewable energy proposals that will benefit the community will be encouraged where:

- a) They respect the rural landscape or settlement character;**
- b) They do not adversely affect important heritage assets such as archaeological sites and historic buildings, including their settings;**
- c) They will not adversely affect biodiversity, in particular designated sites and features that contribute to important networks of habitats;**
- d) They will not adversely affect landscape character or important features;**
- e) Local and residential amenity is protected;**
- f) Any traffic that is generated can be accommodated safely upon the local road network;**
- g) Their scale reflects the area concerned and the community's needs.**

Proposals for wind energy schemes will only be supported where, in addition to meeting the above requirements, the developer has gained the support of the local community.

4.22.34 COMMENT

Wind energy schemes can now only be considered if a neighbourhood plan identifies specific sites for the development of wind turbines. The Border Group Neighbourhood Development Plan has not identified any sites for wind energy. For clarity and to meet the Basic Conditions the final paragraph of this policy should be deleted.

4.22.35 Policy BG17: Highways and Transport Infrastructure

Measures will be promoted, in association with Herefordshire Council, to reduce the impact of vehicles upon amenity, address community concerns and promote greater accessibility,

including through public transport. In particular proposals to address the speed of vehicles approaching and travelling through Adforton will be sought.

Where development proposals are advanced these should ensure:

- a) There should be safe access onto the adjacent roads.*
- b) Proposals would not result in on-street parking but should provide adequate off-street parking for residents and visitors, and preferably address the reduction of any on-street parking problems that may exist within the vicinity.*
- c) Proposals should not lead to a significant increase in speed or the volume of traffic travelling through settlements within the parish or on roads that do not have sufficient capacity.*
- d) The nature of the development does not lead to pressure for the provision of street lighting.*
- e) Opportunities should be taken to develop routes and off-site measures that facilitate and encourage active travel.*

4.22.36 COMMENT

The introductory paragraph to this policy is a community project/ aspiration not a policy and should be moved from the policy into a separate section of the plan. For clarity and to meet the Basic Conditions paragraph b) of the policy should be modified as follows:

- b) Proposals would not result in on-street parking but should provide adequate off-street parking for residents and visitors, and if possible address the reduction of any on-street parking problems that may exist within the vicinity.*

4.22.37 Policy BG18: Flooding and Surface Water Drainage

New development will not be permitted in areas identified as flood zones 2 and 3 unless there are no other options where development is possible, in which case full and effective mitigation measures must be provided. No development will be permitted that will result in increased flood risk to properties elsewhere. Where such flooding is identified as an issue, developers shall undertake full and detailed flood risk assessments, including taking into account climate change, to inform decisions on planning applications. Regard should be had to the Strategic Flood Risk Assessment for Herefordshire (SFRA) 2009 or any successor document.

Development should not cause or increase surface water flooding or risk of pollution. Where

this is identified as a potential problem, developers will need to undertake detailed assessments to inform decisions upon planning applications.

Where the management of drainage needs to be addressed, developers should utilise or contribute to sustainable drainage systems (SUDs) where this is practicable, including measures to support biodiversity.

4.22.38 COMMENT

This policy seeks to introduce restrictions beyond those set out at a national and local policy level. As currently worded it does not have regard for national policy and is not in general conformity with Policy SD3 – Sustainable water management and water resources of the Herefordshire Core Strategy. In order to meet the Basic Conditions, the policy should be modified and include only the following text:

Proposals for new development must comply with the requirements of policy SD3 of the Herefordshire Core Strategy. Regard should be had to the Strategic Flood Risk Assessment for Herefordshire (SFRA) 2009 or any successor document.

4.22.39 Policy BG19: Accessibility to Services and Facilities

Existing community facilities such as village halls and other premises used to accommodate local services shall be retained and protected from development, which might unnecessarily restrict their current use.

Proposals to enhance existing or provide new or additional community facilities within such village halls or other premises, (which may include small business premises such as a village shop or public house), will be supported where:

- a) They do not create unacceptable noise, light pollution or other adverse effects upon the amenity of neighbouring residential properties.*
- b) They do not cause traffic congestion, adverse traffic impact upon local amenity or adverse impact on traffic flow on local roads but, where possible, promote active travel to and from the facility.*
- c) Appropriate parking can be satisfactorily provided without harming existing residential and other uses.*

4.22.40 COMMENT

Policy SC1 of the Herefordshire Core Strategy sets out a planning policy framework for social and community facilities. The introductory paragraph to this policy is overly restrictive and in order to meet the Basic Conditions should be modified as follows:

Existing community facilities such as village halls and other premises used to accommodate local services will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected; or it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility.

4.22.41 Policy BG20: Protecting and Enhancing the Natural Environment and Landscape

Measures to maintain and reinforce the Border Group of Parishes' natural environment and landscape character will be promoted wherever possible.

To ensure development contributes positively to the area's rural character and does not adversely affect it, proposals should:

- a) Not adversely affect landscape character but where appropriate include measures to conserve, restore or enhance sites;*
- b) Retain important views, vistas and panoramas, in particular into and out of Lingen Conservation Area;*
- c) Maintain and preferably extend tree cover;*
- d) Not adversely affect important biodiversity habitats and species but contribute towards the ecological network of the area with measures, in particular, to support the biodiversity value of designated and local sites and ecological networks;*
- e) Retain important features such as ponds, orchards and hedgerows;*
- f) Create new natural assets within the parish where opportunities are available.*

4.22.42 COMMENT

Paragraph e) of this policy is overly restrictive, for clarity and to meet the Basic Conditions paragraph e) of the policy should be modified as follows:

e) Retain where possible important features such as ponds, orchards and hedgerows;

4.22.43 Policy BG21: Protecting Local Heritage

The historic character and local distinctiveness of the Group Parish will be conserved or enhanced by the following measures:

a) Development should not adversely affect important buildings and other heritage assets within the settlement and elsewhere in the Group Parish, including their setting.

b) Retaining and enhancing the character of traditional rural buildings, the historic landscape and archaeological sites.

c) Where necessary proposals for development of any site may require an archaeological evaluation or even a full archaeological investigation. In the event of significant and/or extensive remains being found they should be preserved in-situ.

d) In considering repair, alteration or conversion of historic farm buildings due reference should be made and detailed consideration be given to the Herefordshire Farmsteads Characterisation Project.

4.22.44 COMMENT

The policy framework for Heritage, including archaeological remains is set out clearly within the National planning Policy Framework and the Herefordshire Core Strategy, policy LD4 and does not need to be repeated in this policy. In addition, some elements of the proposed policy fall outside the policy regime for designated and non-designated Heritage Assets. For clarity and in order to meet the Basic Conditions the policy should be modified as follows:

Policy BG21: Protecting Local Heritage

The historic character and local distinctiveness of the Group Parish should be conserved and enhanced in accordance with policy LD4 of the Herefordshire Core Strategy and the National Planning Policy Framework.

In considering repair, alteration or conversion of historic farm buildings due reference should be made and detailed consideration be given to the Herefordshire Farmsteads Characterisation Project.

4.22.45 Policy BG22: Lingen Conservation Area

In order to preserve or enhance the character and appearance of Lingen Conservation Area development within it should comply with the following detailed requirements:

1. The form of development should respect and continue Lingen's historical evolution:

Buildings within the village are predominantly timber-framed - some rendered - with double-fronted brick properties forming a significant counter balance in a village distinctive for the prevalence of frontage development.

2. The features that contribute to Lingen's tranquil rural and agricultural character should also be retained and used to inform the design concept for new development:

3. The Conservation Area setting and views into and from the village should be preserved:

The third main characteristic is provided by the quality of the setting of the Village, with a variety of views and vistas reinforcing the feeling of space and tranquility. Proposals for development should preserve important views within, into and from the conservation area. These should remain protected from inappropriate forms of development. The most important views and settings are (See Map 2):

- View into the village from the north showing the Shrunken Medieval Village, Castle Mound and All Angel's Church (View 1).*
- The panoramic view to the hills to the south and west as seen from Turn Farm Corner, Courthouse Corner and the Church across its graveyard, taking in linear earthworks and the famous Lingen Oak, the most extensive, complex, visible and best-preserved medieval field-system in Herefordshire of The Meres, and the attractive Vallets Wood with its highly visible Bluebell Corner (View 2).*
- Similarly, the reverse view from the west into the historic core of the village through the gap south of the Turn Farm where All Angel's Church is prominent (View 3).*
- The 180-degree view of the village's valley location afforded at the junction of the Deerfold/Wigmore lane and the main Leintwardine/Kinsham embracing, in particular, views to the hills to the east seen from Courthouse Corner taking in Copse Hill, the Grove Head area and Oldcastle Wood and which illustrates the Domesday description of Lingen and its strategic and intimate connection with the former Royal Forest of Deerfold (View 4).*
- Views along the village street in both directions from the Bridge (Views 5 and 6).*
- The open view westwards across to The Grange and Brierley Hill out of the northern end of*

the village, which is particularly important to the character of the Conservation Area. In the foreground is the imposing Lingen Grange, while the skyline includes Harley's Mountain and the deciduous Mynd Wood and Nature Reserve (View 7).

4. New development should contribute positively to the village and Conservation Area:

There should be a high quality of design for new buildings, alterations or extensions to existing buildings and for changes to external areas within the Conservation Area. Proposals should seek to incorporate traditional building features present within the village. However new innovative building design or features will not necessarily be resisted where they fit sensitively within the particular village frontage and street scene. Developers should demonstrate how their proposals contribute to village character, in particular the relationship with the village street and its associated spaces. The height, size, massing and scale of buildings and plot width and form should respect those surrounding the development.

Choice of materials will also be important to the character of the village. This includes ground surface and roofing materials as well as those for external building walls. Chimneys are ubiquitous throughout the Conservation Area. Landscape proposals should form an integral element within the design of proposals for all but minor works.

5. Tree cover and hedgerows are essential components of the rural village character of Lingen:

Tree cover that contributes to the character of the Conservation Area should be retained, where appropriate by making Tree Preservation Orders. Trees that die should be replaced. New development should retain as many valuable trees on site as possible. Similarly, hedgerows support the historic pattern of the village setting and development should not result in their removal. Some small or remnant hedgerows remain within the village and have been used to mark building frontages. The use of traditional hedgerow species should be the preferred choice and evergreen species should be replaced where possible. Both tree and hedgerow planting can assist measures to reduce the effects of suburban development forms where they detract from the traditional village character.

6. Street furniture should be minimal and consistent:

The general absence of such clutter, in particular in the form of street furniture, is a unifying factor that should be retained, and the Highway Authority should minimise signage, markings and other traffic management elements. New development should be designed to minimise the requirement for street furniture.

7. Measures to address unattractive areas will be supported and where possible promoted:

Lingen has few unattractive open areas, but areas can deteriorate over time. Measures may include, as a minimum, enhancements to soften and improve their visual appearance.

8. The following areas shown on Lingen Policies Map will be protected as Local Green Space in order to preserve the character and appearance of Lingen Conservation Area:

a) The separation between the two parts of the village – this area is of significant importance to the character and local distinctiveness of the village and marked by the open space comprising the village churchyard and Motte and Bailey Scheduled Monument to its north and the gap between The Old Farmhouse and The Turn Farm to their south. This latter gap is important both in terms of views into the village core where All Angel's Church is prominent, and also out from the church across its graveyard to the wooded hill beyond rising above hedgerows and fields of pasture land.

b) The area opposite and to the south of Court House Farm - this is an important heritage asset that was identified as containing important buried archaeological remains by Herefordshire Council's archaeology section and reflected in the Historic Environment Record. Recent development along Wigmore Lane (opposite Court House) was located to protect this space and the archaeology beneath it (Planning application DCN000062/F Historic Ref NW2000/0440/F). Together with the Motte and Bailey Scheduled Monument it adds importance to the separation between the two parts of the village.

4.22.46 COMMENT

The National Planning Policy Framework refers to “conserving and enhancing the historic environment” (Page 30). The first paragraph of this policy should replace “or” with “and” to accord with the NPPF.

Paragraph 3 should be modified as follows:

The third main characteristic is provided by the quality of the setting of the Village, with a variety of views and vistas reinforcing the feeling of space and tranquility. Proposals for development should preserve conserve important views within, into and from the conservation area. These should remain protected from inappropriate forms of development. The most important views and settings are (See Map 2):

Paragraph 8.

Local Green Space designation is a “restrictive and significant policy designation” equivalent

to Green Belt designation. It is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full. Paragraph 77 of the NPPF:

“The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.*

In addition, the Local Green Space should be capable of enduring beyond the plan period and not be subject to a local plan allocation. Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented.

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements.

a) The separation between the two parts of the village – this area is of significant importance to the character and local distinctiveness of the village and marked by the open space comprising the village churchyard and Motte and Bailey Scheduled Monument to its north and the gap between The Old Farmhouse and The Turn Farm to their south. This latter gap is important both in terms of views into the village core where All Angel’s Church is prominent, and also out from the church across its graveyard to the wooded hill beyond rising above hedgerows and fields of pasture land.

Whilst I am satisfied that area a) is in reasonably close proximity to the community it serves and that the areas are important to the landscape setting of the village the boundary as drawn, whilst including element of heritage value does not have any precise justification. Local Green Space designation is intended to identify a precise area “demonstrably special to a local community and holds a particular local significance” and is not intended to provide a general ‘buffer’ to development. Taking into consideration the size of the village and size of area

identified I consider it to be an extensive tract of land. Most of the area identified lies within the Conservation Area and other parts have importance as heritage assets and therefore does have protection under existing policy and although this does not preclude its designation as an Local Green Space I am not satisfied that the site meets all the tests for designation.

In conclusion and for the reasons given above I do not consider that area a) meets the NPPF tests to be designated as LGS and should be deleted.

b) The area opposite and to the south of Court House Farm - this is an important heritage asset that was identified as containing important buried archaeological remains by Herefordshire Council's archaeology section and reflected in the Historic Environment Record. Recent development along Wigmore Lane (opposite Court House) was located to protect this space and the archaeology beneath it (Planning application DCN000062/F Historic Ref NW2000/0440/F). Together with the Motte and Bailey Scheduled Monument it adds importance to the separation between the two parts of the village.

I am satisfied that area a) is in reasonably close proximity to the community it serves However, the area seems to have been identified on the basis of its heritage importance and providing "separation between the two parts of the village" rather than because it is "demonstrably special to a local community and holds a particular local significance". Due to its heritage significance the site already has existing policy protection and although this does not preclude its designation as a Local Green Space I am not satisfied that the site meets all the tests for designation.

In conclusion and for the reasons given above I do not consider that area b) meets the NPPF tests to be designated as LGS and should be deleted.

SECTION 5

Conclusion and Recommendations

5.1 I find that the Border Group Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

5.2 The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

5.3 The Border Group Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.

5.4 I am satisfied that the Border Group Neighbourhood Development Plan has adequately addressed the issue of sustainability.

5.5 I am satisfied that the SEA and HRA have been adequately addressed and in this respect the Border Group Neighbourhood Development Plan subject to modification does meet the Basic Conditions.

5.6 The policies and plans in the Border Group Neighbourhood Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Herefordshire Local Plan Core Strategy 2015 adopted 16th October 2015.

5.7 I therefore consider that the Border Group Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.

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26th September 2018