

# **Shobdon Neighbourhood Development Plan**

**Submission Version 2011 – 2031**

**Report of Examination**

**Dec 2018**

**Undertaken for Herefordshire Council with the support of  
Shobdon Parish Council on the re-submission version of the Plan.**



**Independent Examiner:**

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### **Abbreviations used in the text of this report:**

The Shobdon Neighbourhood Development Plan is referred to as ‘the Plan’ or ‘SNDP’.

Shobdon Parish Council is abbreviated to ‘Shobdon PC’ or referred to as the ‘qualifying body’ (QB)

Herefordshire Council is also referred to as the Local Planning Authority ‘LPA’.

The National Planning Policy Framework (2012 version) is abbreviated to ‘NPPF’.

The National Planning Practice Guidance is abbreviated to ‘NPPG’.

The Herefordshire Local Plan Core Strategy 2015 is abbreviated to ‘HCS’.

The Regulation 14 Consultation is abbreviated to ‘Reg14’ Consultation.

The Regulation 16 Consultation is abbreviated to ‘Reg16’ Consultation.

## Summary

- I have undertaken the examination of the Shobdon Neighbourhood Development Plan (SNDP) during December 2018 and detail the results of that examination in this report. I examined a previous version of the Plan in December 2017 and had to recommend that the Plan did not proceed to referendum at that time.
- The NDP Steering Group have undertaken further consultation on this Plan, including as required a re-run of the Reg14 consultation. Consequently another Reg16 consultation was also undertaken by the LPA, and the Plan now complies with legislative requirements in this regard.
- The Plan is now a focused and well set out document, with fourteen policies concentrating on issues of local importance. The Herefordshire Local Plan Core Strategy 2015 (HCS) provides a comprehensive strategic policy framework.
- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have informed the recommended modifications.
- Subject to the modifications recommended, the revised and re-submitted Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

**Acknowledgements:** Thanks to Local Authority and qualifying body staff for their assistance with this examination. My compliments to the local community volunteers and Shobdon Parish Council, who have worked hard for several years to produce a clear and concise Neighbourhood Development Plan.

# 1. Introduction and Background

## 1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowered local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF) states that:

“neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Shobdon that is the Shobdon Parish Council. Drawing up the Neighbourhood Plan was undertaken by the Neighbourhood Plan Steering Group (‘steering group’), working to the Parish Council.

## 1.2 Independent Examination

1.2.1 Once a qualifying body (QB) has drafted their neighbourhood plan and consulted on it, they submit it to the Local Planning Authority (LPA). After publicising the plan with a further opportunity for comment, the LPA are required to appoint an Independent Examiner, with the agreement of the QB to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am independent of any local connections to Shobdon and Herefordshire, and have no conflict of interest that would exclude me from examining this plan. This is the second independent examination I have made of the SNDP. I previously had to

recommend the previous version could not proceed to referendum. However I, and the LPA, do not consider this a conflict of interest, and I was happy to re-examine the revised SNDP.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the Plan meets the 'Basic Conditions', which I consider in sections 3 and 4 below. The Plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The Shobdon Neighbourhood Plan complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on the 17<sup>th</sup> July 2012 by Herefordshire Council. With minor changes detailed in section 4 and Modification 6 below, the plan will not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2011 – 2031 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made a recent unaccompanied site visit to Shobdon to visit relevant sites and areas affected by the policies in this revised Plan. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

## 1.3 Planning Policy Context

1.3.1 The Development Plan for Shobdon, not including documents relating to excluded mineral and waste development, is the Herefordshire Core Strategy 2011-31 adopted by the LPA in 2015 and some saved policies from the Herefordshire Unitary Development Plan. The latter are not relevant for the SNDP however being mainly concerned with minerals and waste issues, development that is excluded from consideration by neighbourhood plans. The Policies of the Core Strategy are considered 'strategic' for the purposes of the Basic Conditions.

1.3.2 The National Planning Policy Framework (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented. Although the NPPF has been revised recently, that document makes clear (para 214 of Appendix 1 and footnote 69) that neighbourhood plans submitted before January 2019 will need to have regard to the previous 2012 version of the NPPF.

1.3.3 During my examination of the SNDP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning Regulations 2012 (as amended)
- Written Ministerial Statement June 2015
- Submission version of the Shobdon Neighbourhood Development Plan (SNDP)
- The Basic Conditions Statement submitted with the SNDP
- The Consultation Statement submitted with the SNDP
- The Environmental Report (SEA) for the SNDP 2018
- Habitats Regulations Assessment for the SNDP 2018
- Neighbourhood Area Designation (map in SNDP and Basic Conditions Statement)
- Housing Need Report Shobdon PC April 2018
- Herefordshire Local Plan Core Strategy 2011 – 2031: Adopted 2015
- 'The Population of Herefordshire 2018': Report from Herefordshire Council
- Representations received during the publicity period (reg16 consultation)

## 2. Plan Preparation and Consultation

### 2.1 Pre-submission Process and Consultation

2.1.1 Shobdon is a rural village in Herefordshire, to the west of Leominster and close to Presteigne in Wales, a town with significantly more services. There were 800 people living in the parish at the time of the 2011 Census. Shobdon Parish rises from low-lying land and the small airfield in the south, to the historic park and woods to the north. Shobdon was historically the estate village of Shobdon Park, and the historic park is an important setting for the village.

2.1.2 A Neighbourhood Plan Steering Group organised the work of developing the Plan, which followed on, and ran concurrently with, work on a Parish Plan (completed in 2014). The Steering Group had a majority of members from the wider community, and three Parish Councillors. Progress and results from consultation events and the survey was regularly updated on the Parish Council Website, local noticeboards, publicity banners, the Shobdon Newsletter and social media.

2.1.3 The Consultation Statement sets out the nature and form of consultation prior to the first Reg14 six week consultation, and updates this with further information on the required second Reg14 consultation in 2018. Local Groups were approached, and focus groups run with key stakeholders such as farmers, children and Airfield users. A 'Planning for Real' format was used in local meetings to generate ideas and comment, and 132 people attended sessions in the winter of 2013. A timeline in the Consultation Statement sets out well the various activities used to consult and engage the local community.

2.1.4 As required by regulation 14 of the Neighbourhood Planning Regulations 2012, a formal consultation for six weeks on the re-submission version of the Draft Neighbourhood Plan ran from the 23<sup>rd</sup> May 2018 to the 5<sup>th</sup> July 2018.

2.1.5 Representations were received from residents, statutory bodies and developers during the second Reg14 consultation period, and several amendments have been made to the Plan as a result of constructive suggestions for changes. These have all been detailed in supplements to the Consultation Statement.

2.1.6 I am satisfied that due process has been followed during the consultation undertaken on the Plan, which was necessarily made more complex by the need to redo the Reg14 Consultation. The Consultation Statement details all consultation activities. The record of comments and objections

received during both regulation 14 consultations shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.7 As required, the amended re-submitted Draft Plan, together with a Basic Conditions Statement, a Consultation Statement, the SEA and HRA and a plan showing the neighbourhood area was submitted to Herefordshire Council on the 17<sup>th</sup> August 2018.

## **2.2 Regulation 16 Consultation Responses**

2.2.1 The most recent Reg16 consultation was the third to be undertaken. The second re-submission Reg16 consultation on the Draft Re-submission SNDP 2018 ran from the 28<sup>th</sup> August 2018 to the 23<sup>rd</sup> October 2018. Seven representations were received during this consultation: two from the LPA, four from statutory consultees and one from planning consultants on behalf of Tarmac Trading Ltd and their local mineral interests. The Statutory Consultees either had no comment and relevant interest, or offered support for the Plan in its most recent draft.

2.2.2 I have considered the issue of needing to protect mineral resources raised by Tarmac Trading. As their consultant acknowledges, neighbourhood plans cannot consider excluded development – a definition which includes mineral working and planning. A neighbourhood plan would be required to ensure that no development proposals threatened protected mineral resources. There are resources south of Shobdon Airport protected by policy in the saved UDP – the current adopted mineral planning development plan - but as the Parish Council have pointed out, these are not actually within the parish boundary. The SNDP cannot threaten the mineral resources protected by this policy and designation, as it is also not permitted by statute to have planning policies that relate to land outside of the defined neighbourhood area – which is the Shobdon Parish boundary. Modification 6 to Policy S7 ensures that this policy is clearly relating only to land around the airport that is within the Parish of Shobdon.

2.2.3 Other issues raised in the Reg16 comments that are pertinent to my consideration of whether the Plan meets the basic conditions are considered in sections 3 and 4 of this report below.

### 3. Compliance with the Basic Conditions Part 1

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the SNDP has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with and not breach European Union (EU) obligations and human rights law.

3.2 The first policy of the SNDP specifically promotes sustainable development and explains what this means for Shobdon. The Basic Conditions Statement sets out how the SNDP meets the social, economic and environmental goals of sustainable development with reference to development plan policy and the NPPF. I accept that the Plan, with the recommended modifications, does contribute to sustainable development in line with the Basic Conditions.

3.3 The SNDP needed an environmental report undertaken for the purposes of Strategic Environmental Assessment (SEA), and a Habitat Regulations Assessment (HRA). These environmental requirements in EU law are the main EU Directives that neighbourhood plans need to comply with. The SEA and HRA were required due to the environmental sensitivity of the location of the parish. It is within the catchment of the River Wye, a Special Area of Conservation (SAC), and within 10km of the Downton Gorge SAC.

3.4 The Environmental Report for the SEA has concluded that the Plan is compliant with previously environmentally assessed strategic policy at the local level, and that the SNDP's objectives are mostly positive in their potential impact on the environment (para 4.4). The policies of the SNDP were also judged to have a mostly positive or neutral environmental impact (para 6.5). A re-screening was undertaken of the revised Re-Submission Plan in 2018, and this concluded that the revisions were 'unlikely to have a negative effect on the SEA baseline'. (para 6.23).

3.5 A full screening and assessment of the Plan was required for the purposes of the Habitats Regulations legislation due to the proximity of the two SACs. The SNDP policies (Re-Submitted

version) were considered to be 'unlikely to result in significant effects on Downton Gorge SAC nor the River Wye SAC' (HRA para 6.21). Additionally the 2018 HRA Report has also considered whether further work is required in the light of the Sweetman judgement. Para 2.5 states that in May 2013 an initial HRA screening concluded that a full HRA would be required, and that mitigation was not taken into account at that stage. Appendix 3 sets out further assessment of the policies of the re-submission Plan and the conclusion was that no further appropriate assessment was required.

3.6 The SNDP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the consultation statement showed that the need to consult with a wide cross-section of the community was appreciated.

## 4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the SNDP meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is principally the NPPF (2012) and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The phrase 'general conformity' allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended.

Modifications are boxed in this report, with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

4.3 The format and layout of the document is good, the policies deal correctly with land-use issues and the document usefully includes a Delivery Section with a commitment to monitor the Plan. The policies would read better if the text were all on one page – but this is not a Basic Conditions issue. The initial text setting out the background to the Plan is however inaccurate to a degree that needs to be corrected in order that the Plan has the clarity required by the NPPF (para 154). In order that the Basic Conditions are met with regard to government policy therefore, I recommend the introduction to the Plan is altered as discussed in Modification 1:

**Modification 1:** Paragraphs 1.3 – 1.5 to be updated as follows:

Paragraph 1.3 to refer to the adopted Herefordshire Local Plan Core Strategy 2015.

Paragraph 1.4 to be written in the present tense.

Paragraph 1.5 To be deleted and updated text substituted to succinctly outline the situation. As I am recommending the Plan proceed to referendum I suggest this simply states:

**“1.5 This is a Re-Submission version of the Plan, drawn up after a second regulation 14 consultation and submitted to Herefordshire Council in August 2018.”**

**4.4 Policy S1 - Promoting a Sustainable Community** This policy is an example of good practice in that it is setting out the community's commitment to sustainable development and what that means in Shobdon. However the last paragraph includes a modifier to the commitment to sustainable development that I do not feel is necessary, and reduces the necessary overarching need to promote sustainable development. In order to ensure the policy promotes sustainable development as required by the the Basic Conditions, I recommend it is altered as shown in modification 2:

**Modification 2:** The last paragraph of policy S1 to read as follows:

*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.*

**4.5 Policy S2 – Development Strategy** At present the definition of the settlement boundary is mentioned in two policies, here and in Policy S4. As Policy S4 is also allocating sites and setting design criteria for development sites, the Plan will be easier to follow if the definition of the settlement boundary is formally defined in this policy, the first in which it is mentioned. For clarity this definition will need to refer to the Shobdon Policies Map.

4.5.1 The previous version of the Plan included a policy on the phasing of development, which has wisely been removed from this Re-Submission version. However there are places in the text, and in this policy, where reference to phasing still remains. In order to comply with government guidance on the required clarity of plans and policy (NPPF para 154) these references will need to be removed.

4.5.2 Paragraph 3.14 of the Plan contains a statement about this Plan having greater weight than the Local Plan in some circumstances. Although I understand the intention is that the Plan will have greater relevance on matters of local detail, the current wording is not acceptable as it is not a statement the Plan and Parish Council are empowered to make. Planning weight in a planning decision is determined by the LPA and other decision-makers in each instance, and can't be pre-empted by a statement in the development plan. In order that the Plan properly promotes sustainable development and complies with the Basic Conditions with regard to clarity, I recommend the paragraph is altered as shown in Modification 3.

**Modification 3:** In order that Policy S2 and supporting text comply with the Basic Conditions with regard to clarity and the promotion of sustainable development consistent with planning practice, I recommend the following alterations:

Criteria a) of Policy S2 to read:

a) *To allow for residential development and controlled growth in Shobdon, a settlement boundary ~~is has been~~ defined on the Shobdon Village Policies Map within which infilling complying with policy may ~~might~~ take place. In addition, a number of small housing sites have been identified although these should come forward at intervals over the plan period as infrastructure constraints determine. Development associated with the village's services and facilities will be supported.*

Para 3.14 to be altered as follows:

*..... Although this plan should be read in conjunction with Herefordshire Local Plan Core Strategy, where it adds greater detail and clarity the neighbourhood plan policies **are likely to be more relevant.** ~~carry greater weight.~~ For example, the housing sites proposed in this plan indicate how Core Strategy Policy RA2 will apply to the settlement of Shobdon in respect of development within or adjacent to the village.....*

Para 9.4 second sentence to read as follows:

*"..... The monitoring arrangements will cover housing development and its compliance with the plan's criteria. ~~for this and phasing of development...."~~*

**4.6 Policy S3 - Highways and Transport Infrastructure** Complies with the Basic Conditions.

**4.7 Policy S4 - Meeting Housing Needs within Shobdon Village** The Policy and allocations have been updated correctly. There is underlining in criteria b) whose purpose is not clear, but this can be amended by the LPA in the final draft under their authority to correct other errors that may have been missed so far [Town and Country Planning Act 1990 Schedule 4B section 12(6)].

4.7.1 For the clarity required by the NPPF, the definition of the settlement boundary should now be clearly located in Policy S2, as proposed in Modification 3 above. Para 5.2 also needs greater

clarity about when 'some 42 dwellings had been built ....'. In order that the Basic Conditions are met with regard to clarity of policy and the Plan generally, I recommend that Policy S4 and para 5.2 are amended as shown in Modification 4:

**Modification 4:** The last sentence of the first paragraph of Policy S4 to read as follows:

*... To meet these housing needs this Neighbourhood Plan provides for the construction of further new homes through infilling of individual and small plots within the settlement boundary ~~defined upon Shobdon Inset Map~~ and on the following sites:*

Paragraph 5.2 to replace the phrase 'At the time this plan was drafted' with the actual month and year date. Alternatively substitute the information from the SNDP Housing Need Report 2018 para 1.2 which quotes figures from July 2017.

**4.8 Policy S5 - Provision of Affordable Housing** The SNDP reports that the community has identified a particular housing need for young families and the elderly, but there is no hard evidence quoted for this opinion. There is a generally acknowledged problem with the provision of housing suited to still independent but less mobile older people. A Population Report issued by the LPA indicates that Herefordshire has an above average number of people over 65 (24%), and that this figure is generally higher in the rural areas. Policy S5 is currently requiring the construction of homes suitable for the elderly as part of any affordable home exception site unless evidence suggests this is not needed. Given that there is no clear evidence of particular need in the parish at present, or definition of the level of need, this is not a reasonable or clear requirement. Neighbourhood plans need to be based on robust and proportionate evidence (NPPG ID: 41-040-20160211).

4.8.1 For clarity of intent, criteria e) of Policy S5 should state that it is affordable dwellings built under self-build projects supported. The NPPF (para 154) requires policy to be clear. Criteria f) has I suspect not been updated with the new policy numbers relevant to this Re-Submission version of the Plan. It is not however necessary to include a requirement to comply with other policy, that is understood.

4.8.1 In order that the Basic Conditions are met with regard to government policy and guidance on clarity and evidence, I recommend that Policy S5 is amended as shown in Modification 5.

**Modification 5: Policy S5 to be amended as follows:**

*Provision should be made for affordable homes for local people within the parish through Herefordshire Core Strategy Policy H2 (Rural Exception Sites) and subject to the following:*

*a) The proven local need for affordable housing **including for the elderly** should be up to date and identified in consultation with Shobdon Parish Council;*

*b) With limited exceptions, proposed sites should normally be located within or close to Shobdon Village;*

*c) The exceptions to (b) should include single or multiple dwellings where the limited local need for affordable housing is preferably within or close to one of the hamlets - Ledicot, Easthampton and Uphampton;*

d) Affordable housing should include intermediate housing with the exact balance being determined according to evidence available at the time of any planning application. ~~In addition, developments within Shobdon village should include an element of older person's housing accommodation unless there is clear evidence that such housing is not required at the time;~~

e) **Affordable** dwellings constructed under self-build projects funded by registered providers or community housing groups will also be supported under this policy;

~~f) Development shall comply with criteria listed in Policies S4 and S7.~~

**4.9 Policy S6 – Design Criteria for Residential Development** Complies with the Basic Conditions.

**4.10 Policy S7 - Supporting Local Business** The Policy describes its extent as being in and around Shobdon Airfield, although not all of the Airfield and its surrounding employment areas are within the parish of Shobdon. In order that the Plan complies with legislative requirements, and relates only to land within the neighbourhood area, the first sentence of the policy needs to be clear that the policy relates to land within the Parish of Shobdon.

**Modification 6:** I recommend that the first sentence of Policy S7 is amended to read as follows in order that it is clear the Shobdon NDP is relating only to land within the defined neighbourhood area:

*“The enhancement of existing employment land in and around Shobdon Airfield and **within the Parish of Shobdon** will be encouraged. ....”*

**4.11 Policy S8 - Renewable and Low Carbon Energy** The policy has identified what is meant by ‘small-scale’ in a footnote, but this needs to be included in the text of the policy for clarity. The policy is then setting out clearly in what circumstances wind energy may be undertaken in the Parish, as required by the Written Ministerial Statement of June 2015.

**Modification 7:** I recommend that the final paragraph of Policy S8 is amended to read as follows in order that the definition of “small Scale” in the policy is clear and the Basic Conditions with regard to government guidance on policy clarity are met:

*“No sites are identified as suitable within the parish for large or medium scale energy generation through wind power. Individual small scale turbines **with a power output no higher than 50kW and serving a local need** may be permitted where they meet the above criteria.”*

**4.12 Policy S9 - Surface and Foul Water Drainage** Complies with the Basic Conditions.

**4.13 Policy S10 - Accessibility to Community Facilities** For clarity, and in order to meet the Basic Conditions, I recommend that the policy needs to identify the existing community facilities it applies to. I have asked the qualifying body to identify them, and they have kindly supplied a list, which I use in Modification 8.

**Modification 8:** The first paragraph of Policy S10 is recommended to be expanded as follows:

*Existing community facilities and services listed below shall be retained and protected from development that might restrict unnecessarily their current use unless alternative provision is made in accordance with this policy. Existing Community Facilities are:-*

**Shobdon Primary School and Community Hall**

**Shobdon Village Shop**

**Methodist Chapel Hanbury Green**

**Bateman Arms Public House**

**St John the Evangelist Church**

**4.14 Policy S11 - Broadband Infrastructure** Complies with the Basic Conditions.

#### **4.15 Policy S12 - Protection of Local Green Space and Provision of Open Space**

This Policy is designating Local Green Space and Recreational Open Space, and has distinguished between the two categories well. However there are proposed designations for Local Green Space (LGS) that I do not consider meet the requirements of the NPPF 2012 (paras 76-77). Para 7.12 in the SNDP sets out reasons for designation in each case, and I accept that the Hanbury Green LGS is an important open space for the setting of the village. The play area and small copse of trees at Bar Meadow is similarly an important visual attribute and landmark in the village, as well as a valuable recreational resource, centrally located. However the large highway verges in front of Moor Meadow are not special enough either visually or ecologically to warrant designation as LGS. For clarity the areas of LGS and Open Space should be referenced by number on the map.

4.15.1 The fourth designation is on land to either side of the stream that passes under Shobdon Bridge on the north side of the main road (B4362). I have considered this proposal carefully. The land to the east of the stream is of parkland appearance, and does perform the function of bringing the parkland setting of the registered historic park at Shobdon Court into the village, and making a clear link. However to the west of the stream this proposed land is agricultural and there is a

dwelling on it, accessed from the main road and currently unoccupied. The Plan refers to this dwelling in para 7.12 as being able to be replaced sympathetically within the LGS and still maintain the purpose of the LGS. Residential dwellings and their curtilage however are not normally included within an LGS, residential use of land is not generally compatible with any of the reasons for designating an LGS. Furthermore the dwelling is not within a parkland setting, land immediately around it is agricultural. I do not find the land to the west of the stream and north of the B4362 shown designated as LGS to be worthy of the designation.

4.15.2 In order that the Plan meets the Basic Conditions with regard to the designation of LGS meeting the requirements of government policy as set out in the NPPF paragraphs 76 -77, and is acceptably clear, I recommend that Policy S12 is amended as shown in Modification 9.

**Modification 9:** The first paragraph of Policy S12 and the Shobdon Village Policies Map to be amended as follows:

*"The following areas are identified as Local Green Space upon Shobdon **Village Policies Map** ~~Map~~ ~~Map~~. Development that would result in the loss of these sites or the diminution of their use or characteristics will not be permitted.*

i) *The small amenity area at Hanbury Green;*

ii) *The small amenity and play area including the copse adjacent to Bar Meadow;*

~~iii) Land in front of Moor Meadow~~

~~iviii)~~ *The open areas of important landscape either to the east side of the stream passing under Shobdon Bridge on the north side of the main road (B4362).*

The Shobdon Village Policies Map to be altered as follows:

Areas of Local Green Space and Open Space to be identified by the numbers used in the policy.

The designations shown in front of Moor Meadow and to the west of the stream by Shobdon Bridge are to be removed.

The Settlement boundary to be re-drawn to exclude the land to the north of the B4362 that was previously designated as LGS iv, but to include the vacant dwelling and immediate curtilage fronting onto the B4362 and adjacent to the stream.

**4.16 Policy S13 - Retaining the Natural Environment and Landscape** The policy refers to important views and vistas associated with the Mortimer Trail, but these are not identified. The LPA has raised this issue in their Reg16 comments, and generally views worthy of protection are taken from particular vantage points that can be identified on a map. I can see that the route of the Mortimer Trail follows the ridge to the north of the parish, which has panoramic views to the south, but the identification of 'important views' along the trail has not been undertaken. In order that Policy S13 is soundly evidence-based, as required by the NPPG, I recommend Criteria c) is amended as shown in Modification 10.

**Modification 10:** Criteria c) of Policy S13 to be amended as follows:

c) ~~Retain the important views,~~ **Maintain opportunities for vistas and panoramas characteristic of and associated with the Mortimer Trail where it passes through the Parish;**

**4.17 Policy S14: Protecting Local Heritage** Complies with the Basic Conditions.

**4.18 Shobdon Village Policy Map and Key** The map will need to be altered as discussed in Modification 9 above, but also for clarity needs to alter shadings and show them as required on the Map and Key.

**Modification 11:** The Shobdon Village Policy Map is recommended to be altered as follows in order that it meets the Basic Conditions with regard to clarity of intent:

The Key to show the historic site boundary and shading. The shading for the historic site to be more clearly distinguished from the shading for proposed housing sites.

The shading for protected open space used on the map to be as dense as shown in the key so that it can be clearly distinguished from 'Land Liable to Flood'.

## **5. The Referendum Boundary**

5.1 The Shobdon Neighbourhood Development Plan has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Shobdon Neighbourhood Development Plan 2011 – 2031 shall be the boundary of the designated Neighbourhood Area for the Plan.