

**Goodrich and Welsh Bicknor  
Neighbourhood Development Plan  
Submission Version 2011 – 2031**

**Report of Examination**

**Jan-Feb 2019**

**Undertaken for Herefordshire Council with the support of  
Goodrich and Welsh Bicknor Group Parish on the submission  
version of the plan.**



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## Summary

- I have undertaken the examination of the Goodrich and Welsh Bicknor Neighbourhood Plan during January 2019 and detail the results of that examination in this report.
- The Steering Group have worked hard on consultation and evidence for this Plan, and it complies with legislative requirements. The Plan is allocating sites within a sensitive environment as the whole parish is within the Wye Valley AONB. The Plan also designates two Local Green Spaces. The Herefordshire Local Plan Core Strategy 2015 provides a comprehensive strategic policy framework.
- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have to an extent informed some of the recommended modifications.
- Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

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

The Goodrich and Welsh Bicknor Neighbourhood Plan is referred to as 'the Plan' or 'GWB-NDP'.

Goodrich and Welsh Bicknor Group Parish Council is abbreviated to 'Group Parish'.

Herefordshire Council is also referred to as the Local Planning Authority (LPA).

The National Planning Policy Framework is abbreviated to 'NPPF'.

The National Planning Practice Guidance is abbreviated to 'NPPG'.

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

Area of Outstanding Natural Beauty is abbreviated to 'AONB' - Wye Valley AONB if not specified.

The Herefordshire Unitary Development Plan (superseded) is abbreviated to 'UDP'.

**Acknowledgements:** Thanks to Local Authority and qualifying body staff for their assistance with this examination. My compliments to the local community volunteers and Goodrich and Welsh Bicknor Group Parish Council, who have produced a well set out Plan with interesting background information and policies relevant to their circumstances.

# 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 Goodrich and Welsh Bicknor that is the Group Parish Council. Drawing up the Neighbourhood Plan was undertaken by a Steering Group, working to the Parish Council.

## 1.2 Independent Examination

1.2.1 Once the Goodrich and Welsh Bicknor Group Parish had prepared their neighbourhood plan and consulted on it, they submitted it to the LPA. After publicising the plan with a further opportunity for comment, Herefordshire Council were required to appoint an Independent Examiner, with the agreement of the Group Parish 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 Goodrich, Welsh Bicknor and Herefordshire Council, and have no conflict of interest that would exclude me from examining this plan.

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 GWB-NDP complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on the 16<sup>th</sup> August 2016 by the LPA. The plan does 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 an unaccompanied site visit to Goodrich and Welsh Bicknor to familiarise myself with the area and visit relevant sites and areas affected by the policies. 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 the neighbourhood area, not including documents relating to excluded mineral and waste development, is the Herefordshire Core Strategy 2011-31 (HCS) adopted by the LPA in 2015 and some saved policies from the Herefordshire Unitary Development Plan. The latter are not relevant for the GWB-NDP 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 to the LPA before 24<sup>th</sup> January 2019 will need to have regard to the previous 2012 version of the NPPF.

1.3.3 During my examination of the GWB-NDP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance (NPPG) 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)
- Submission version of the Goodrich and Welsh Bicknor Neighbourhood Development Plan
- The Basic Conditions Statement submitted with the GWB-NDP
- The Consultation Statement submitted with the GWB-NDP
- The Strategic Environmental Assessment (SEA) Environmental Report for the GWB-NDP
- Meeting Housing Need and Site Assessment Report 2018 GWB-NDP Steering Group
- The Habitats Regulations Assessment (HRA) for the GWB-NDP
- Neighbourhood Area Designation (map)
- Herefordshire Core Strategy 2011 – 2031: Adopted 2015
- Herefordshire Council Highway Design Guide for New Development 2006
- Herefordshire Council Planning Application P171562F
- Representations received during the publicity period (reg16 consultation)

## 2. Plan Preparation and Consultation

### 2.1 Pre-submission Process and Consultation

2.1.1 Goodrich is a village in Herefordshire south of Ross-on-Wye. Together with the Hamlet of Welsh Bicknor it forms a parish that is mostly on the west bank of the meandering River Wye. It is all included within the Wye Valley Area of Outstanding Natural Beauty AONB, and some spectacular scenery has resulted in a significant tourism and visitor economy. The population of the Group Parish was 550 at the time of the 2011 Census.

2.1.2 A Steering Group, made up of Parish Councillors and volunteers from the local community, worked on developing the GWB-NDP. Meetings were accessible to all, and minutes of meetings were made available on the NDP website.

2.1.3 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. Public drop-in events were organised for December 2016, publicised by flyers delivered to all households. A letter outlining comments received at the events was sent to Dean Swift Close, an area underrepresented at the events. Local Businesses and other stakeholders were engaged, and a questionnaire sent out to all households.

2.1.4 Site Allocation work also included further public meetings for gathering residents' views on potential sites and developing policies in November 2017. Feedback was as usual published on the NDP website.

2.1.5 As required by regulation 14 of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the pre-submission Draft GWB-NDP ran from the 12<sup>th</sup> March to the 24<sup>th</sup> April 2018. The consultation was advertised by flyer to each household, put on the website and flyers posted on roadside locations throughout the parish. The draft Plan was available on the website and paper copies were available at several locations within the parish, and the library in Ross on Wye. A public event during the consultation period was held to assist with queries on the process and draft Plan. Statutory Consultees were also consulted.

2.1.6 Representations were received from 21 residents and statutory consultees during the Reg14 consultation period, and several amendments have been made to the Plan as a result of these comments. I am satisfied that due process has been followed during the consultation undertaken on the Plan. The Consultation Statement details all consultation activities, and the record of comments and objections received during the regulation 14 consultation shows that these were

properly considered, although there was some confusion around the Local Green Space Policy GWB13. This is discussed further in section 4 below of this report.

2.1.7 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, an amended Environmental Report and Habitats Regulation Assessment Report, and a plan showing the neighbourhood area was submitted to Herefordshire Council on the 27<sup>th</sup> September 2018.

## **2.2 Regulation 16 Consultation Responses**

2.2.1 Herefordshire Council undertook the Reg 16 consultation and publicity on the GWB-NDP for six weeks, from the 4<sup>th</sup> October to the 15<sup>th</sup> November 2018. Twenty one representations were received during this consultation, seven from residents, three from landowners, six from statutory consultees and five from differing sections of Herefordshire Council with an interest. Four statutory consultees had no specific comments to make on this plan but offered general guidance. Other comments were focused on issues of site allocation, the settlement boundary and Local Green Space designations. Where comments and the issues they raise that are pertinent to my consideration of whether the Plan meets the Basic Conditions are considered in section 4 of this report below.

2.2.2 Some comments at Reg16 have assumed that this examination would also consider matters of soundness of the policies, but a neighbourhood plan is not an examination of soundness. My role is restricted to a consideration of whether or not the Plan meets the above Basic Conditions - Schedule 4B of the Town and Country Planning Act 1990 [section 8 (6)].



### 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 GWB-NDP 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 including the habitats basic condition (2017 as amended) and human rights law.

3.2 The Basic Conditions Statement discusses in some detail how the plan promotes the social, economic and environmental goals of sustainable development and the core planning principles of the NPPF. Policy GWB1 requires development in the neighbourhood area to promote sustainable development, and with the suggested amendments to this policy, I accept that the Plan does contribute to sustainable development in line with the Basic Conditions.

3.3 An Environmental Report and Habitat Regulations Assessment (HRA) Report have been submitted with the GWB-NDP as both Strategic Environmental Assessment (SEA) and HRA were required for the Plan. The Group Parish is within the catchment of the River Wye Special Area of Conservation (SAC) and two bat site SACs. The Environmental Report, which updates an earlier report done at the Reg14 stage, states that no further changes to the Plan will be required. It is considered to be in conformity with the Development Plan and thus by implication the environmental assessment undertaken on these higher level plans.

3.4 The HRA Report has considered the site allocations and policies for likely significant effect on the European sites (SACs), and found there were none. The sites are small scale and located some way from the River Wye and tributaries. Development proposals have not exceeded the requirements of the HCS, which has existing safeguards in place that ensure development will only take place if the proposals do not adversely impact on water quality and biodiversity of the River Wye.

3.5 The GWB-NDP 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 as wide across-section of the community as possible was appreciated and extra efforts made.

## 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 GWB-NDP 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 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 GWB-NDP is a readable and well set out document. It complies with all legislative requirements in terms of content, has evidenced policies well and provided concisely useful background information to the parish. There are some punctuation omissions I have noticed, particularly in the policies. For example Policy GWB3 is missing a full stop at the end of the third line. If these have an impact on clarity so serious that it is a Basic Conditions issue, I have mentioned it in the following modifications. Otherwise the LPA is authorised to correct other errors that may have been missed so far [Town and Country Planning Act 1990 Schedule 4B section 12(6)]. I have also noted that the Consultation Statement has the wrong date for the neighbourhood area designation – 18<sup>th</sup> August rather than the 16<sup>th</sup> August 2016.

**4.4 Policy GWB1: Promoting Sustainable Development** The Policy has been criticised for not including the requirement for protecting residential amenity including noise of current and future residents. The NPPF (2012: para 17) and its Core Principles states that development should “seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. Given the noise sensitivity of allocated sites this is an important point, and in order that the Plan meets the Basic Conditions with regard to having due regard to national policy and promoting sustainable development I recommend that it is altered as shown in Modification 1.

Due to the updated housing figures provided by the LPA (para 4.18.4 this report), I am also recommending an update to the figures given in the Policy.

**Modification 1:** Policy GWB1 is recommended to include the following extra text to bullet point e):

*e) The Neighbourhood Development Plan provides the scope to deliver at least the minimum target of 35 dwellings over the period 2011-2031 with 28 dwellings already having been built or having planning permission. The sites identified ~~will~~ provide the potential to build dwellings that will meet the needs of the local and wider community in terms of size, type and tenure **and are required to provide an environment that offers acceptable living standards with regards to potential noise nuisance and other pollution both inside and out of the dwellings.***

**4.5 Policy GWB2: Conserving the Landscape and Scenic Beauty within the Wye Valley AONB** Complies with the Basic Conditions.

**4.6 Policy GWB3: Enhancement of the Natural Environment** Complies with the Basic Conditions.

**4.7 Policy GWB4: Protecting Heritage Assets** The policy will comply with the Basic Conditions with the provision of information on the Parish Policies Map that locates the three unregistered parks and gardens referred to in bullet e). Estate buildings have been requested as an addition to the protection for historic farmsteads, but this is not a Basic Conditions issue, and the policy offers protection for local heritage assets in bullet point d). Historic Farmhouses are a specific local Historic England project.

**Modification 2:** I recommend that the Parish Policies Map indicates the location and boundaries of Goodrich Court, Huntsham Court and Courtfield parks and gardens in order that Policy GWB4 can be clearly understood, and meets the standards of clarity required by the NPPF 2012: para154.

**4.8 Policy GWB5: Protection from Flood Risk** Complies with the Basic Conditions.

**4.9 Policy GWB6: Sustainable Design** The second sentence of this policy has been drafted poorly to the extent that the clarity required of policies is not met. Discussion with the NDP Steering Group has agreed to an alteration as shown in modification 3, which I recommend in order that the Basic Conditions are met with regard to national planning policy and guidance on policy clarity.

**Modification 3:** The second sentence of Policy GWB6 is recommended to be replaced with the following sentence: **“Where appropriate, development proposals should include the following design measures:”**

**4.10 Policy GWB7: Sewerage Infrastructure** Complies with the Basic Conditions.

**4.11 Policy GWB8: Traffic Measures within the Group Parish** Complies with the Basic Conditions.

**4.12 Policy GWB9: Highway Design Requirements** The Parking Requirements of this policy are higher than those in the Highway Design Guide referred to in the policy, but that document allows for rural variation, and most of the lanes in the settlements of the parish are too narrow to allow any on-street parking. For clarity, as required by the NPPF, and to comply with the Basic Conditions, the Herefordshire Council Highway Design Guide should be given its full name.

4.12.1 Bullet e) is too hypothetical as currently construed to be clearly understood. The issue of when highway street lighting is required is not a land-use planning issue, although light pollution can be. I recommend that in order to have regard to the NPPF requirement for clarity, and the need to engage with land-use issues in a neighbourhood plan (NPPG ID: 41-004-20170728), and therefore comply the Basic Conditions, Policy GWB9 is amended as shown in modification 4:

**Modification 4:** Bullet e) of Policy GWB9 to be rewritten as follows:

**“e) Any new street lighting is encouraged to be kept to a minimum and avoid light pollution in the immediate environment.”**

Bullets b) and d) to use the full name for the “Herefordshire Council Highway Design Guide for new developments 2006”.

#### 4.13 Policy **GWB10: Broadband and Telecommunication Infrastructure**

Complies with the Basic Conditions.

#### 4.14 Policy **GWB11: Protection and Enhancement of Community Facilities and Services**

The policy needs to be more specific about the community facilities to be protected in order that it has the clarity required by the NPPF2012 (para 154). I have written to the Parish Council concerning this, and their response indicated that facilities also include open space. Clarity on the latter will require that the open space is shown on a plan that makes the boundaries clear. Local Green Space do not need to be also designated as open space/community facilities, in fact they cannot be so – as a difference in levels of protection offered would be contradictory. Local Wildlife sites cannot be listed in a policy that could promote development that would harm the wildlife asset.

4.14.1 In line with advice from the qualifying body, and to comply with the Basic Conditions with regard to clarity of policy, I recommend that Policy GWB11 is amended as shown in modification 5.

**Modification 5:** The first paragraph of Policy GWB11 to be altered as follows:

*Existing community facilities and **public open space 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. The retention of key services will be supported where possible through enabling development that would enhance their viability.*

**Goodrich Primary School**

**Goodrich Village Hall**

**St Giles Church**

**Shop and Café at Goodrich Castle**

**Cross Keys Public House**

**Hostelrie Public House**

**Open Space recreational facilities:**

**Goodrich Cricket Pitch**

**Goodrich Tennis Courts**

The Goodrich Village Proposals Map to show the recreational facilities at a detail that shows the boundaries of each.

#### **4.15 Policy GWB12: Contributions to Community Services, Youth Provision and Recreation Facilities**

Complies with the Basic Conditions.

**4.16 Policy GWB13: Moors Meadow and Church Field Local Green Space** There has been some confusion within the progress of this policy, specifically with the designation of the Church Field site and the level of protection the local green space (LGS) designation affords – similar to green belt (NPPF2012 para78). This has resulted in me asking further questions of the qualifying body regarding the changes to the designation of Church Field from Reg14, and the intent of the boundary change shown in the submission version of the Plan.

4.16.1 The Submission Plan currently shows the designation of the whole of Church Field as LGS, a change from the Reg14 version. At Reg14 the south east corner of the field was excluded from the designation. The response to comments made at the Reg14 stage, as reported in the Consultation Statement submitted with the Plan, suggested that the issue of development on the site should be

“determined in relation to the effect on the setting of the Church and the wider scenic qualities rather than the designation of the site as Local Green Space”.

A change to the text at para 7.6 in the Plan was then suggested to signal this intent, but the boundary changed to include the whole field. This is of course not a course of action consistent with the designation of a LGS as required by the NPPF. My questions to the group during this examination have firstly clarified that my understanding of intent was correct, and then asked for their view on how they would like the contradiction resolved. I am not bound to follow the group’s answer as regards resolving the contradiction, which was they felt the boundary of the LGS should revert back to that shown in the Reg14 document.

4.16.2 Objections have been received to the designation of the space as LGS at Reg16, and others supporting the entire field to be designated but objecting to the text suggesting that this designation would not necessarily rule out future development. A planning application (P171562F) on the site, showing residential development only in the south east corner of the site, was refused on heritage views, particularly with regard to adverse impact on the setting of a listed building (the church) but also with regard to the adverse visual impact of the development on other listed buildings to the south and east of the Church Field. This additional impact was not considered by the Parish Council in their assessment that the SE corner of the field was less significant visually with regard to impact

on heritage. Historic England object to the development, despite it being located within the SE corner felt by the Group Parish Council to be of less adverse visual impact on the church. The NPPF requires that heritage assets and their settings (Para 132) are given 'great weight' in the planning process, particularly listed buildings that are Grade 1 or 2\*. The NPPF (2012 para 115) states that 'great weight' should also be given to landscape conservation in an AONB, and that this includes cultural heritage, which the Goodrich church and surrounding listed buildings are.

4.16.3 An objection at the Reg16 consultation stage to the designation of Church Field as a LGS on behalf of the owners of the site was received. This points out that the site is in private ownership and is not an open space for public use, although this is not a requirement for designation as a LGS. The exclusion of the SE corner of Church Field from the designation at Reg14 is felt to reflect general support for some development here, and it is pointed out that the LPA considered this Reg14 designation in general conformity with the HCS. This point is accepted, but the LPA response at Reg14 did question why the entire field was not included in the designation. The inconsistency of the proposed alteration to the submitted Plan is discussed, and leads to the conclusion that altering the boundary to include all of the field was not properly justified. Appendix 3 quoted in the objection is a extract from the Village Design Statement, and that document makes it clear that the 'Goodrich Church Area' includes 28 houses, and is not referring exclusively to the Church Field potential site. The objection also offers guidance for how the site in the SE corner could be developed. Inserting such guidance however would be beyond the remit of this examination, which must be concerned with ensuring the Plan meets the Basic Conditions.

4.16.4 I accept that Church Field is a green space that by reason of historic and landscape value is worthy of designation as a LGS in its entirety. The boundary change to include the whole field in the designation was proposed as a result of the Reg14 consultation, and the submission version of the Plan shows this alteration. It is consistent with the now superseded Herefordshire UDP Policy HBA9 as designating the whole of Church Field as an open area and green space, although of course that designation is no longer part of the Development Plan for the purposes of this examination. There is no natural boundary to the field that would indicate clearly where the south east corner is, and there is a general principle that designations such as LGS have clear boundaries. I also understand that both the landowner and parish council would be content with a designation of the LGS that continued with the site as shown in the Reg14 document, and that to an extent extending the boundary for the submission version of the Plan seems to have been done under the mistaken



premise that the part of the site newly incorporated could still be considered for development at a future date.

4.16.5 My role in this examination is to ensure that the Plan meets the Basic Conditions. While I find the Historic England comments from the planning application convincing in suggesting that the whole site should be designated LGS, the comments were not made during the NDP process, and indeed Historic England did not object to the exclusion of the SE corner of the site at Reg14, although they did comment on the Plan at this stage. There is not a duty on a Neighbourhood Plan to designate sites as LGS, it is for the qualifying body to choose sites or not, and then justify them. While I find that there is adequate justification for the designation of the entire Church Field site, and evidence of support for this in comments made at Reg16, there is also clear evidence that the intent of the Plan and Qualifying Body was that the SE corner of the site should remain open for possible development, which designation of the entire site would rule out. I therefore recommend that in order to comply with the Basic Conditions and designate Local Green Space with due regard to the permanence of that designation as specified in the NPPF, the boundary of the Church Field LGS designation shall be as shown in the Reg14 version of the Goodrich Village Proposals Map and para 7.6 of the Plan be amended. The description of the LGS in Policy GWB13 is recommended to be clearer that it refers to Church Field in order to have the clarity required of the NPPF.

**Modification 6:** The Goodrich Village Proposals Map to show the boundary of the Church Field LGS as it was in the Reg14 pre-submission version of the GWB-NDP:

The description of the Church Field LGS at bullet b) of Policy GWB13 to read:

**b) Church Field as shown excluding an area in the SE corner of the site**

The text of para 7.6 to make it clear that it is only development on the excluded part of the site (Church Field) that may be considered at a future date and be re-written as follows:

*The area of open undeveloped space to the south-west of St Giles Church **known as Church Field** allows a wide and open view of the Church for those approaching the church from the road (Church Pitch) to the south. A Public Right of Way crosses the area linking Church Pitch with the south-west corner of the churchyard ~~it~~ **and** also makes a significant contribution to the Church's setting. It is considered that the issue of **any future** development upon the excluded part of ~~the~~ **Church Field** should be determined in relation to the effect on the setting of the Church and the wider scenic qualities. ~~rather than the designation of the site as Local Green Space~~*

**4.17 Policy GWB14: Housing Development in Goodrich Village** The policy refers to a settlement boundary, but at no point in the Plan is it formally defined. There needs to be a reference in a policy to it being shown on the Goodrich Village Policies Map for the clarity of policy required by the NPPF. A comment at Reg16 objected to the exclusion of a site with planning permission from being included within the settlement boundary defined in this Plan. The boundary has been altered with respect to another planning permission, but this has also now been built out. Although a settlement boundary can include planning permissions, practice on this varies. As long as the definition is consistently done with regard to the current situation on the ground, there is no requirement that it does so. Para 8.4 of the GWB-NDP sets out the justification for the settlement boundary adequately, and explains that it is based on the former boundary in the superseded Herefordshire UDP, adapted to take into account subsequent developments and extended to Goodrich Cross to incorporate the site allocations. The paragraph has a reference to ‘a suggested housing area agreed with Herefordshire Council’. I can find no significant alteration to the UDP boundary besides the site allocations and a built-out planning permission, and this statement would appear to be incorrect, besides suggesting a mis-use of settlement boundary alterations. For accuracy and clarity as required by the Basic Conditions I recommend that it is removed.

4.17.1 The policy is comprised of 8 criteria, all of which need to be met. However the punctuation and lack of a final ‘and’ at the penultimate criteria bullet g) does not make this clear. For the clarity required by the NPPF and in order to comply with the Basic Conditions I recommend the policy is altered as shown in Modification 7 for all of the points discussed above.

**Modification 7:** An initial sentence is to be added to Policy GWB14 as follows:  
**“A settlement boundary is defined for Goodrich Cross and Goodrich Village as shown on the Village Policies Map.”**

The punctuation of Policy GWB14 is to be altered so that each bullet point is ended with a semi-colon not a full stop, and bullet g) reads as follows:  
*g) Has safe vehicular access, links with the public footpath network and off-street vehicle parking arrangements which should be an integral part of the overall site design; and*

Paragraph 8.4 to end the penultimate sentence at “...or curtilages”. The additional phrase to be deleted as follows: ...or curtilages. and in one case a suggested housing development area agreed with Herefordshire Council .....

**4.18 Policy GWB15: Housing Sites in Goodrich Village** The policy is promoting sites that have been subject to an acceptable site assessment and selection process, but this is not referenced in the text and it should be. The NPPG requires that allocations in neighbourhood plans are based on an appraisal of options and individual site assessments (ID: 41-042-20170728), and without this work clearly referenced and available the Plan is appearing not to meet this requirement, and thus also appears to not meet the Basic Conditions. Para 8.11 is recommended to be altered as shown in Modification 8 below to rectify this, and the number of dwellings quoted in the text has been updated in the light of recent information from the LPA.

4.18.1 The allocated sites, particularly the two bordering the A40 to the west, have been criticised by The Environmental Health Section of Herefordshire Council as not being suitable for residential development even with mitigation measures against the noise and nuisance issues. Air quality is also felt to be a concern with residential development so close to a major road. My site visit certainly confirmed for me that there are issues, and the objection does not surprise me. There has also been an objection to the site allocations stating that they should not have been allocated before noise level investigations were undertaken. However this is assessment work that can be undertaken as part of a planning application, when details of the development were known.

4.18.2 The site assessment states it has taken into account the need for development not to be located where it would be adversely affected by noise and air pollution. There are also policy objectives promoting development on brownfield sites recognised in the assessment and the designation of the whole parish as an AONB makes development within it particularly sensitive visually and environmentally. Any choice of sites results from balancing differing factors, and I accept that the site assessments has considered key factors affecting choice of site. As an examiner of a neighbourhood plan it is not my task to consider the soundness of the Plan and its allocations and choice. My task is to consider whether the Plan has complied with the Basic Conditions. The strategic housing allocation for the parish comes from the HCS, which was subject to strategic environmental assessment. In the light of this, a site assessment and options exercise has been undertaken that complies with the requirements of the NPPG, and is allocating housing that is certainly no less than that required by the Development Plan – a requirement of the NPPF (2012: para 184).

4.18.3 One of the allocated sites (land off Springfield Road) has received planning permission (P163251/O and following reserved matters) and work had appeared to commence by the time of

my site visit. The site is included within the assessment of dwellings already provided or under construction, so that it's allocation has now been overtaken by events, although it is useful to see that the allocation includes only part of the field, as the remainder of the field is required, for landscaping and noise protection purposes, to remain undeveloped.

4.18.4 The Springfield Road site will result in nine dwellings, and another planning approval on land adjacent to Goodrich Stopgates (P181255/O) will result in a further 2 dwellings if built. The LPA have advised that as at April 2018, and from April 2011, of a target figure of 35 houses for the parish, 14 have been built, 14 have planning permission, leaving a residual figure of 7 houses still need allocating. Allocations at 'Land Opposite Dean Swift Close' and the 'Former Nutshell Caravan Park' may not be able to provide all of the suggested number of dwellings (21 combined on a site area of around 1.6 ha) due to the need to protect future residents from noise and air pollution in particular, but as the minimum housing requirement for the GWB-NDP is now 7, there is plenty of space on the sites for mitigation measures, should they be required and possible. The suitability of the sites, and numbers of dwellings actually possible, will be settled by future planning applications.

4.18.5 The NPPF (2012: para123) requires new development not to give rise to significant adverse impacts from noise. Policy GWB15 needs a stronger requirement that any development does not give rise to adverse impact from noise and that assessment of noise levels and proposed mitigation is to be submitted with any planning application. Thus in order that the policy complies with the Basic Conditions and meets the requirements of the NPPF with regard to the need to protect future residents from noise and other pollution, and matters of accuracy and proper identification of evidence and site selection, I recommend that it is amended as shown in Modification 8 below.

**Modification 8: Policy GWB15 to be amended as follows:**

*The following sites identified on Goodrich Village Policies Map are proposed for development:*

- a) Land opposite Dean Swift Close amounting to around 0.4 hectares (1.0 acres)*
- b) Land comprising the former Nutshell Caravan Park amounting to around 1.2 hectares (3.0 acres)*
- c) Land off Springfield Road north-east of Goodrich Manor amounting to 0.4 hectares (1.0 acres)*

**Any proposal for development on these sites will be required to undertake a full noise and air pollution impact assessment to the satisfaction of the LPA on the proposed development and their occupants for both the internal areas of the dwellings and external space. ~~The design and layout of development within the sites should address the need to protect dwellings from the effects of noise and to ensure development fits sensitively into the landscape.~~**

The Meeting Housing Need and Site Assessment Report 2018 produced by the Steering Group to be referenced and introduced in the Plan at para 8.11, and available online together with the Plan. The beginning of para 8.11 in the Plan to read as follows:

*This NDP needs to make available land to provide a minimum of ~~17~~ 7 new dwellings in order to achieve the outstanding number from the 35 required over the period 2011 to 2031. **An assessment of sites produced by the Steering Group (Housing Need and Site Assessment Report 2018) recommended the allocation of these three sites. They are expected to achieve and somewhat exceed this number should proposals be advanced based on a modest density of 15-20 dwellings per hectare...***

**4.19 Policy GWB16: Meeting Housing Needs** The Policy has been criticised as not complying with the NPPF with regard to sites suitable for affordable housing. However the policy has the qualifier 'appropriate' which means it does not apply to every site, and therefore it does comply with the Basic Conditions regarding government policy on the size of sites that are required to provide affordable housing. The NPPF applying to this Plan and examination is the original 2012 version.

**4.20 Policy GWB17: Affordable and Intermediate Homes** The wording of bullet d) in the policy has been agreed with the Qualifying Body to need amendment in order that is correctly reflecting the intent and justification. The parishes considered adjacent need to be identified in order that the policy has the clarity required by the NPPF (2012: para 154). Therefore in order that Policy GWB17 complies with the Basic Conditions with regard to clarity and accuracy I recommend that it is amended as shown in Modification 9.

**Modification 9: Policy GWB17 to be amended as follows:**

The first paragraph, last sentence of Policy GWB17 to identify the adjacent parishes as follows:

*“...Should at the time of allocation there be nobody with such a connection the accommodation may be allocated to those from the adjacent parishes of **Whitchurch and Ganarew; Marstow and Walford in Herefordshire and English Bicknor and Ruardean in Gloucestershire** and subsequently to those within the Ross on Wye Housing Market Area.*

Bullet d) of Policy GWB17 to read as follows:

*(d) Those with an essential need to support a **close relative** or be supported by a current resident who is a **close relative** within the Group Parish.*

**4.21 Policy GWB18: Tourism Enterprises** Complies with the Basic Conditions.

**4.22 Policy GWB19: Scale of Economic Development** Complies with the Basic Conditions.

**4.23 Policy GWB20: Farm Diversification** Complies with the Basic Conditions.

**4.24 Policy GWB21: Working from Home** Complies with the Basic Conditions.

4.25 **Proposals Maps** The Goodrich Village and the Parish Proposals Maps are recommended to be altered as shown in modifications 2, 5 and 6 above. Additionally I found the Parish Proposals Map confusing and possibly inaccurate in its recording of the Neighbourhood Area. A Black line that is used for the limits of the Neighbourhood Area follows the line of the River Wye in the bottom left-hand corner, but the actual boundary from the designation document includes the Huntsham Hill area and Symonds Yat East.

**Modification 10:** I recommend that to comply with the Basic Conditions and for clarity and accuracy as required by the NPPF, the boundary of the Neighbourhood Area in the Parish Proposals Map is altered to clearly correspond with the boundary of the Group Parish.

## 5. The Referendum Boundary

5.1 The Goodrich and Welsh Bicknor 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 Goodrich and Welsh Bicknor Neighbourhood Development Plan 2011 – 2031 shall be the boundary of the group parish, the designated Neighbourhood Area for the Plan.