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## **SECTION 2**

### **Summary**

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

- 1. I find the Wigmore Group Neighbourhood Development 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 Wigmore Group Neighbourhood Development Plan go to Referendum.*
- 3. I have read the Wigmore Group Consultation Statement and the representations made in connection with this subject. I consider that the consultation process was adequate 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 Wigmore 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 16<sup>th</sup> 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 Wigmore 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 Wigmore Group Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Wigmore 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 Wigmore 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*

- *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 neighbourhood 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 are 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 Wigmore 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.

There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 para 1 has stated:

*"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act-*

*The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."*

*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 Wigmore Group Neighbourhood Development Plan with the agreement of Wigmore Group Parish Council.

#### **4.2. Qualifying body**

4.2.1 I am satisfied that the Wigmore 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 The Wigmore Group Neighbourhood Development Plan covers the civil parishes of Wigmore, Leinthall Starkes, Elton and Pipe Aston.

4.3.2 The Wigmore Group Neighbourhood Plan Area was designated by Herefordshire Council on 17<sup>th</sup> January 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 Wigmore 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 Regulation 15 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 Wigmore Group Parish Council, the qualifying body for preparing the Wigmore Group Neighbourhood Development Plan, submitted it to Herefordshire Council for consideration under Regulation 15. Herefordshire Council has made an initial assessment of the submitted Wigmore 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 23<sup>rd</sup> April 2019.*

#### **4.7. The Consultation Process**

*4.7.1 The Wigmore 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 I have received numerous representations expressing concern over the conduct and contents of the consultation process. However, 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 Wigmore Group Neighbourhood Development Plan out for consultation under Regulation 16 from 16<sup>th</sup> of January to 27<sup>th</sup> February 2019.*

*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, the details are available on the Herefordshire Council website and in the Progression to Examination Document. A number of these referred to the consultation process which I have addressed in paragraph 4.7.2. 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 Wigmore 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 take an independent view as to whether or not the assessment as submitted is correct.*

*4.9.2 I have to determine whether the Wigmore 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.*
5. *There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:*

*"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act-*

*The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."*

*4.9.3 Documents brought to my attention by the Local Planning Authority for my examination include, the full list of documents is available to view on Herefordshire Council's website:*

*(i) The Wigmore 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 Wigmore Group Neighbourhood Development 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.”*

*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 Wigmore 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 Wigmore 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 The Wigmore 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 Wigmore 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*

*The view of Herefordshire Council was that a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment was required.*

##### **4.12.3 SEA**

*4.12.4 The SEA concluded that:*

*“On the whole, it is considered that the Wigmore 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 Screening of the Neighbourhood Plan**

4.14.1 The conclusion of the HRA scoping carried out by Herefordshire Council was that:

*“The initial Screening report (May 2013) found that there are no Special Areas of Conservation within the neighbourhood area. However, the western edge is contained within the hydrological catchment of the River Lugg which flows into the River Wye (including the River Lugg) SAC. Downton Gorge SAC is 0.47km away from the northern border of the neighbourhood area. Therefore, a full screening assessment is required.”*

#### **4.15 HRA Screening**

4.15.1 The plan has undergone a number of HRA screenings. The submitted draft plan was screened in January 2019.

4.15.2 The conclusion of the January 2019 report was:

*“that the Wigmore Plan will not have a likely significant effect on the River Wye SAC and Downton Gorge SAC.”*

#### **4.16 Adequacy of the HRA screening**

4.16.1 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”.*

#### **4.12. Sustainable development**

*The Basic Conditions Statement sets out how the Wigmore 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 Wigmore Group Neighbourhood Development Plan subject to the recommended modifications addresses the sustainability issues adequately.*

*4.12.1 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 Wigmore Group Neighbourhood Development Plan has done so.*

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

#### **12.10 Excluded development**

*12.10.1 am satisfied that the Wigmore 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.*

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

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

#### **12.12 The Neighbourhood Plan Vision, Strategic Aims and Policies**

*5.1 Our aims for the Wigmore Group Neighbourhood Plan are to:*

- Retain and protect the distinct character of the Wigmore Group Parishes;*
- Develop the Wigmore Group Parishes as more sustainable settlements, providing a better range of services and increased local employment opportunities;*

- Respond to the housing needs of our residents by sympathetic, organic and relevant

growth;

- Enhance and protect all aspects of our peaceful rural environment and its economy; and
- Safeguard and enhance the recognised character and appearance of the built and natural landscape in a balanced and harmonious manner without distortion or harm from any one activity or development type.

#### *12.12.1 The Wigmore Neighbourhood Plan Vision:*

*In 2031 for the Wigmore Group of Parishes to be a flourishing community, genuinely sustainable, with the rural nature of all four Parishes maintained, providing a natural and built environment in which residents enjoy living, working and playing, and which is welcoming and attractive to visitors and tourists*

*To achieve these aims and Vision we have identified the following six Objectives for the Wigmore Group Neighbourhood Plan:*

*OBJECTIVE 1: To ensure that the Wigmore Group Neighbourhood Development Plan promotes sustainable development for this and future generations by protecting key environmental assets (including greenspaces, landscapes, wildlife habitats, heritage assets and their settings and the Wigmore Conservation Area), conserving and safeguarding essential natural resources (e.g. water supplies including boreholes) and taking account of constraints (e.g. flooding).*

*OBJECTIVE 2: To promote a level of housing growth that is proportionate to the size of Wigmore village.*

*OBJECTIVE 3: To ensure that new housing in the group of parishes, is provided in a suitable range of tenures, types and sizes so that local people of all ages can continue to live in the village and parish in a suitable home, families are attracted to the area, and local housing needs are met.*

*OBJECTIVE 4: To maintain the existing character of the group of parishes including their landscape whilst allowing appropriate limited development, and by protecting and improving existing facilities and services.*

*OBJECTIVE 5: To ensure that future development in the area reflects the existing styles of buildings and is sympathetic with local traditional building styles.*

*OBJECTIVE 6: To promote local employment and ensure future development supports*

existing strengths of the area to enhance the rural economy and improve tourism facilities consistent with maintaining the character of the area.

#### COMMENT

*I am satisfied that vision, the aims and objectives of the Wigmore Group Neighbourhood Development Plan have been developed as a result of the consultation process and that the policies developed address these issues.*

### **13.Policies**

#### *Natural Environment*

#### **13.1 POLICY WG1 PROTECTING AND ENHANCING LOCAL LANDSCAPE CHARACTER**

*So as to ensure fully that the historic landscape settings of the Wigmore Group villages are maintained and developed sustainably for future generations, ensure that:*

- a. All heritage assets and their landscape settings are fully maintained;*
- b. The Wigmore Conservation Area is fully maintained and enhanced; and*
- c. All natural landscapes, their wildlife and the character of the Parishes are maintained.*

*Development proposals will be supported only where they take account of the following landscape design principles:*

- c. Preserve and not significantly detract from those parts of locally significant views (see Maps 6 and 7 for locally significant landscape views) that are visible from locations that are freely accessible to members of the general public (for example from a public footpath, right of way, roadside, or other publicly accessible land). Developments should take into consideration any adverse impacts on these views through landscape appraisals and impact studies.*
- d. Enhance the existing development form of scattered villages, hamlets and farmsteads within the wider setting of the area.*
- e. Conserve local landscape features, where possible.*
- f. Ensure that there is no enhanced risk of indirect downstream water quality impacts on the River Teme and Downton Gorge nationally and internationally important conservation areas.*
- g. Incorporate mature and established trees into future landscaping schemes, where possible.*
- h. Preserve and enhance local habitats and wildlife corridors, particularly for rare and*

endangered species. Landscaping schemes will be required to incorporate planting schemes which use traditional and locally appropriate species to support and enhance biodiversity. Species should be appropriate to the location and setting in terms of type, height, density and the need for on-going management.

i. Design and deliver high quality green infrastructure, informed by the Herefordshire Green Infrastructure Strategy, linking settlements and creating ecological and recreational networks and maximising opportunities for residents and visitors to have a high-quality experience of nature and heritage.

#### COMMENT

National Planning policy sets out the framework for the protection of the natural environment, designated and non-designated heritage assets together with Conservation Areas. The protection offered to these different elements differs and for clarity it would be better if the policy was split with one element of the policy covering the natural environment and landscape and the other dealing with built heritage. In addition, there is some duplication as policy WG9 covers development within the Conservation Area. The policy as currently worded does not reflect that policy framework and for clarity and in order to meet the Basic Conditions the policy should be modified as follows:

#### ~~POLICY WG1 Protecting Conserving and Enhancing the Natural Environment and Local Landscape Character~~

~~So as to ensure fully that The historic landscape settings and natural environment of the Wigmore Group villages are should be maintained conserved and enhanced developed sustainably for future generations. ensure that:~~

~~a. All heritage assets and their landscape settings are fully maintained;~~

~~b. The Wigmore Conservation Area is fully maintained and enhanced; and~~

~~c. All natural landscapes, their wildlife and the character of the Parishes are maintained.~~

~~Development proposals will only be supported ~~only~~ where they take account of the following landscape design principles:~~

~~a. Preserve and not significantly detract from those parts of The locally significant views identified on (see Maps 6 and 7 for locally significant landscape views) that are visible from locations that are freely accessible to members of the general public (for example from a public footpath, right of way, roadside, or other publicly accessible land). Should be retained. Development proposals should be supported by an appropriate level of landscape impact assessment. ~~into consideration any adverse impacts on these views through landscape~~~~

~~appraisals and impact studies.~~

b. Enhance and conserve the existing development form of scattered villages, hamlets and farmsteads within the wider landscape setting of the area

c. Conserve local landscape features, where possible.

d. Ensure that there is no enhanced risk of indirect downstream water quality impacts on the River Teme and Downton Gorge nationally and internationally important conservation areas.

e. ~~Incorporate~~ Retain mature and established trees into future landscaping schemes, where possible.

f. ~~Preserve~~ Conserve and enhance local habitats and wildlife corridors, particularly for rare and endangered species. Landscaping schemes will be required to incorporate planting schemes which use traditional and locally appropriate species to support and enhance biodiversity. Species should be appropriate to the location and setting in terms of type, height, density and the need for on-going management.

g. Where appropriate development proposals should include details for the provision of Design and deliver high quality green infrastructure, informed by the Herefordshire Green Infrastructure Strategy, linking settlements and creating ecological and recreational networks and maximising opportunities for residents and visitors to have a high-quality experience of nature and heritage.

#### WG1a Sustaining and Enhancing Heritage Assets and Their Settings

~~a. All heritage assets and their landscape settings are fully maintained;~~

Development affecting a designated or non-designated heritage asset or its setting in the Wigmore Group Neighbourhood Plan Area must be in conformity with National Policy and the Development Plan. Great weight will be given to the conservation of the asset.

### **13.2 Policy WG2 Dark Skies**

To minimise light pollution and to maintain the views of our night time skies, planning proposals that include external lighting and significant openings that would allow internal lighting to be seen externally will have to demonstrate the following:

a. They have undertaken an assessment of the need for lighting and can demonstrate need;  
and

b. The nature of the proposed lighting is appropriate for its use and location. The Institution of Lighting Professionals (ILP) has provided guidance on acceptable levels of illumination for

specific areas.

*Applicants will be required to assess the need for lighting, whether the benefits of the lighting outweigh any harm caused and any alternative measures available.*

*Proposals whose lighting will have a detrimental impact on the established character of the key settlements and surrounding landscape will not be acceptable.*

*It is recognised that many traditional buildings may have ‘significant openings’ where internal lighting will be a natural consequence.*

#### COMMENT

*I have no comment on this policy.*

### **Housing**

#### **13.3 Policy WG3 New Housing Development in Wigmore**

*Proposals for new housing development within the settlement boundary (Map 3) of Wigmore village will be supported, where the proposed development satisfies the following criteria:*

- a. Is small scale development comprising of a group of no more than 11 dwellings;*
- b. Is located on an infill site within the settlement boundary;*
- c. Maintains an appropriate density in keeping with the context of the immediate surrounding area;*
- d. Gives priority to the use of previously developed land and/or the conversion of existing buildings;*
- e. Provides appropriate residential amenity for future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);*
- f. Reflects the size, role and function of the village and relates well to the existing layout of the village;*
- g. Is of a high standard of design in accordance with Policies WG1 and WG9 (where relevant) and makes a positive contribution to the surrounding environment and landscape;*
- h. Demonstrates an appropriate mix of dwelling sizes and types including affordable housing, where possible to meet local housing needs;*
- i. Ensures appropriate and safe access can be achieved from the existing highway network;*

- j. Does not lead to the loss of existing community facilities, or local green space;*
- k. Ensures sufficient parking is provided on site in accordance with Herefordshire Council's Highway Design Guide;*
- l. Does not lead to the loss of local employment opportunities, including tourism; and*
- m. Is not at significant risk of flooding and they can demonstrate they will not increase the risk of flooding elsewhere.*

*Proposals for development outside of the settlement boundary will only be supported in accordance with the relevant Herefordshire Council policies.*

**COMMENT**

*It is obviously the intention of the Wigmore Group NDP to establish a new settlement boundary for Wigmore and the supporting evidence has been provided however the policy itself does not make direct reference to this. In addition, the National Planning Policy Framework and policies SS2 and RA2 of the Herefordshire Local Plan Core Strategy 2015 adopted 16th October 2015 requires an element of flexibility for housing numbers, bullet point a. does not provide the element of flexibility required. The plan also refers to potential development sites within the settlement boundary which are not infill sites, but the policy wording does not refer to these. For clarity and to meet the Basic Conditions the policy should be modified as follows:*

*Policy WG3 Settlement Boundary and New Housing Development in Wigmore*

*This policy establishes a new settlement boundary for Wigmore Village. Proposals for new housing development within the settlement boundary (Map 3) of Wigmore village will be supported, where the proposed development satisfies the following criteria:*

- a. Is small scale development*
- ~~*b. Is located on an infill site within the settlement boundary;*~~
- b. Gives priority to the use of previously developed land and/or the conversion of existing buildings;*
- c. Maintains an appropriate density in keeping with the context of the immediate surrounding area;*
- d. Provides appropriate residential amenity for future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);*
- e. Reflects the size, role and function of the village and relates well to the existing layout of*

*the village;*

*f. Is of a high standard of design in accordance with Policies WG1 and WG9 (where relevant) and makes a positive contribution to the surrounding environment and landscape;*

*g. Demonstrates an appropriate mix of dwelling sizes and types including affordable housing, where possible to meet local housing needs;*

*h. Ensures appropriate and safe access can be achieved from the existing highway network including provision for pedestrians and cyclists;*

*i. Does not lead to the loss of existing community facilities, or local green space;*

*j. Ensures sufficient parking is provided on site in accordance with Herefordshire Council's Highway Design Guide;*

*k. Does not lead to the loss of local employment opportunities, including tourism; and*

*l. Is not at significant risk of flooding and ~~they can~~ be demonstrated ~~they will not increase the risk of flooding elsewhere.~~*

*Proposals for development outside of the settlement boundary will only be supported in accordance with the relevant Herefordshire Council policies.*

#### **13.4 Policy WG4 New Housing Development in Leinthall Starkes**

*In order to retain the rural character of the settlement of Leinthall Starkes, proposals for new housing will be considered within the settlement boundary (Map 4), and subject to the following criteria:*

*a. Located on an infill site within the settlement boundary;*

*b. Small scale development comprising three or four single detached dwellings on separate plots in the context of the existing settlement;*

*c. Maintains an appropriate density in context with the immediate surrounding area;*

*d. Ensures appropriate and safe access can be achieved;*

*e. Provides appropriate residential amenity for future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);*

*f. Is of a high standard of design in accordance with Policies WG1 and WG9 (where relevant) and makes a positive contribution to the surrounding environment and landscape;*

*g. Demonstrates a contribution to the delivery of an appropriate mix of dwelling types and sizes, where possible, to meet local housing needs; and*

*h. Ensures sufficient parking is provided on site in accordance with Herefordshire Council's Highway Design Guide.*

*Proposals for development outside of the settlement boundary will only be supported in accordance with the relevant Herefordshire Council policies.*

#### **COMMENT**

*It is obviously the intention of the Wigmore Group NDP to establish a new settlement boundary for Leinthall Starkes and the supporting evidence has been provided however the policy itself does not make direct reference to this. The policy restricts development to infill within the settlement boundary which by its nature will be small scale and I have not been provided with any justification for the additional restriction of part b of the policy, which I consider to be overly restrictive. For clarity and to meet the Basic Conditions the policy should be modified as follows:*

#### ***Policy WG4 Settlement Boundary and New Housing Development in Leinthall Starkes***

*This policy establishes a new settlement boundary for Leinthall Starkes. In order to retain the rural character of the settlement of Leinthall Starkes, proposals for new housing will be considered supported within the settlement boundary (Map 4), and subject to the following criteria:*

*a. Located on an infill site within the settlement boundary;*

~~*b. Small scale development comprising three or four single detached dwellings on separate plots in the context of the existing settlement;*~~

*b. Maintains an appropriate density in context with the immediate surrounding area;*

*c. Ensures appropriate and safe access can be achieved including provision for pedestrians and cyclists;*

*d. Provides appropriate residential amenity for future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);*

*e. Is of a high standard of design in accordance with Policies WG1 and WG9 (where relevant) and makes a positive contribution to the surrounding environment and landscape;*

*f. Demonstrates a contribution to the delivery of an appropriate mix of dwelling types and sizes, where possible, to meet local housing needs; and*

*g. Ensures sufficient parking is provided on site in accordance with Herefordshire Council's Highway Design Guide.*

*Proposals for development outside of the settlement boundary will only be supported in accordance with the relevant Herefordshire Council policies.*

### **13.5 Policy WG5 ENSURING AN APPROPRIATE RANGE OF TENURES, TYPES AND SIZES OF NEW DWELLINGS**

*All proposals for new housing development will have to demonstrate how they contribute to maintaining an appropriate mix of tenures, types and size of dwellings in the Parish. In particular, smaller dwellings of one or two bedrooms will be encouraged in order to even out the size range of dwellings available in the Parish.*

#### **COMMENT**

*I have no comment on this policy.*

### **Community Facilities**

#### **13.6 Policy WG6 WIGMORE VILLAGE**

*The role of Wigmore village will be enhanced by protecting valuable community services and facilities. When considering planning applications, there will be a presumption in favour of the protection of existing facilities and the character of the area.*

*The proposed re-use of local community facilities will only be permitted for other health, education or community type uses.*

*The change of use of existing facilities to other uses will not be permitted unless the following can be demonstrated:*

- a. The proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities, and*
- b. Such sites should be accessible by public transport, walking and cycling and have adequate car parking.*
- c. Satisfactory evidence is produced that there is no longer a need for the facility; or*
- d. Satisfactory evidence is produced to demonstrate that the existing use is not viable and that there are no viable alternative economic or community uses.*

*Proposals for new, and improvements to existing, community facilities are acceptable provided that:*

- e. *The site is, wherever possible, adjacent to or within Wigmore settlement boundary;*
- f. *Where possible proposals should integrate with and enhance existing services;*
- g. *The site is accessible by walking, and cycling, and by public transport (if available);*
- h. *Detrimental impacts on road safety or traffic flow can be satisfactorily mitigated in the interests of both road users and users of the proposed development; and*
- i. *The proposal would not have an adverse effect on neighbouring residential amenity by way of noise or nuisance.*

#### **COMMENT**

*The second sentence of this policy is overly restrictive and contradictory to the rest of the policy which sets out criteria for changes of use of community facilities. In order to meet the Basic Conditions, the policy should be modified by deleting the second paragraph- "The proposed re-use of local community facilities will only be permitted for other health, education or community type uses."*

#### **13.7 Policy WG7 WIGMORE SCHOOL**

*There will be a presumption in favour of the protection of existing education facilities in Wigmore village.*

*Further expansion of the school will be supported where it meets the following criteria:*

- a. *Is of a high standard of design in accordance with Policies WG1, 2 and 9 (where relevant) and makes a positive contribution to the surrounding environment and landscape;*
- b. *Is not at significant risk of flooding and it can demonstrate it will not increase the risk of flooding elsewhere;*
- c. *Does not have an unacceptable impact on traffic; and*
- d. *Does not have an adverse effect on neighbouring residential amenity.*

#### **COMMENT**

*I have no comment on this policy*

*Design and Heritage*

#### **13.8 WG8 DESIGN OF DEVELOPMENT IN THE WIGMORE GROUP PARISHES**

*All new development will be expected to enhance the positive attributes of the villages and*

*local design features.*

*Development will not be supported where it has a detrimental impact on the character of the area in which it is located.*

*New development within the designated Neighbourhood Plan area will be supported when it meets the following criteria:*

- a. Demonstrates consideration has been given to the use of brownfield sites or the conversion of existing buildings;*
- b. Is capable of being connected to essential infrastructure with services with capacity;*
- c. Does not have a detrimental effect on residential amenity by reason of noise or other nuisance;*
- d. Does not have an adverse effect on the safe and efficient operation of the existing highway network;*
- e. Does not lead to the loss of existing community facilities, or local green space;*
- f. Makes a contribution to local identity, and sense of place;*
- g. Is suitable in terms of the overall design and appearance of the proposed development (including size, scale, density, layout, access) when assessed in the context of surrounding buildings, spaces, and other features of the street scene;*
- h. Uses, and where appropriate re-uses, local and traditional materials where possible;*
- i. Ensures sufficient parking is provided on site in accordance with Herefordshire Council's Highway Design Guide;*
- j. Is designed to high energy efficiency standards;*
- k. Incorporates sustainable urban drainage systems (SUDS); and l. In landscaping includes plant species native to Herefordshire.*

*Proposals regarding self-build and custom-build housing are supported provided they meet all other necessary criteria.*

#### **COMMENT**

*There are elements of this policy which duplicate elements covered in other policies within the plan. In addition, some elements of the policy will not be relevant to all forms of development. For clarity and to meet the Basic Conditions the policy should be modified as follows:*

## *WG8 DESIGN OF DEVELOPMENT IN THE WIGMORE GROUP PARISHES*

*All new development will be expected to enhance the positive attributes of the villages and local design features.*

*Development will not be supported where it has a detrimental impact on the character of the area in which it is located.*

*New development within the designated Neighbourhood Plan area will be supported when it meets the following criteria:*

- a. Demonstrates consideration has been given to the use of brownfield sites or the conversion of existing buildings;*
- b. Is capable of being connected to essential infrastructure with services with capacity;*
- c. Does not have a detrimental effect on residential amenity by reason of noise or other nuisance;*
- d. Does not have an adverse effect on the safe and efficient operation of the existing highway network;*
- ~~e. Does not lead to the loss of existing community facilities, or local green space;~~*
- e. Uses, and where appropriate re-uses, local and traditional materials where possible;*
- f. Incorporates sustainable urban drainage systems (SUDS) where appropriate; and*
- g. ~~In~~ Landscaping schemes includes plant species native to Herefordshire.*

*Proposals regarding self-build and custom-build housing are supported provided they meet all other necessary criteria.*

### **13.9 Policy WG9 Design of Development in The Wigmore Conservation Area**

*Within the Wigmore conservation area development will not be supported where it has a detrimental impact on the setting of a heritage asset or the character of the Wigmore Conservation Area. In addition to the criteria in Policy WG8, new development within the Conservation Area will be supported when it meets the following criteria:*

- a. Maintains the historic pattern of the built form in the Conservation Area by respecting the historic layout associated with the evolution of the Conservation Area;*
- b. Complements the scale, height and massing of the existing historic development in the context of the immediate surrounding area and the wider conservation area;*

- c. Reflects the proportion of wall to opening found in the elevations of traditional buildings and employ robust detailing, avoiding use of applied features or detailing;
- d. Reinforces local identity by the use of the traditional materials, including timber-framed (black-and-white) buildings with stone and red brick, used in the Conservation Area; and
- e. Re-uses traditional buildings which contribute to townscape quality.

#### COMMENT

National Planning policy sets out the framework for the protection of Conservation Areas and does not need to be repeated. The policy as currently worded does not reflect that policy framework and for clarity and in order to meet the Basic Conditions the policy should be modified as follows:

#### Policy WG9 ~~DESIGN OF DEVELOPMENT IN THE WIGMORE CONSERVATION AREA~~

~~Within the Wigmore Conservation Area development will only be supported where it is in conformity with National Policy and the Development Plan. ~~has a detrimental impact on the setting of a heritage asset or the character of the Wigmore Conservation Area.~~ In addition to the criteria in Policy WG8 and where planning permission is required, New development within the Conservation Area should: ~~will be supported when it meets the following criteria:~~~~

- a. ~~Maintains~~ Reflect the historic pattern of the built form in the Conservation Area by respecting the historic layout associated with the evolution of the Conservation Area;
- b. Complements the scale, height and massing of the existing historic development in the context of the immediate surrounding area and the wider conservation area;
- c. Reflects the proportion of wall to opening found in the elevations of traditional buildings and employ robust detailing, avoiding use of applied features or detailing;
- d. Reinforces local identity by the use of the traditional materials, including timber-framed (black-and-white) buildings with stone and red brick, used in the Conservation Area; and
- e. Re-uses traditional buildings which contribute to townscape quality where possible

#### **Local Employment**

#### **13.10 WG 10 PROMOTING LOCAL EMPLOYMENT AND TOURISM**

New proposals for employment, tourism and working from home opportunities will be supported when they:

- a. Re-use brownfield land and/or conversion of existing buildings, where appropriate;

- b. Are of a high standard of design in accordance with Policies WG8 and WG9 (where relevant) and makes a positive contribution to the surrounding environment and landscape;*
- c. Do not diminish heritage assets or their settings;*
- d. Do not lead to the loss of existing community facilities, or green space;*
- e. Are not at significant risk of flooding and they can demonstrate they will not increase the risk of flooding elsewhere;*
- f. Are located close to existing highways and do not give rise to a significant increase in traffic, particularly on minor roads;*
- g. Would not have an adverse effect on neighbouring residential amenity by way of noise or nuisance or water, air, soil and light pollution; and*
- h. Are of a small-scale and are compatible with the rural character of the Parishes.*

**COMMENT**

*I have no comment on this policy.*

**13.11 Policy WG11**

**NEW COMMUNICATIONS TECHNOLOGIES**

*The development of new high-speed broadband infrastructure to serve the Parish will be supported where it is sympathetically designed and, when appropriate, suitably camouflaged.*

*All new development will be required to make provision for high speed broadband and other communication networks.*

**COMMENT**

*I have no comment on this policy.*

## **SECTION 5**

### **Conclusion and Recommendations**

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

5.2 *The Wigmore Group Neighbourhood Development 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 Wigmore Group Neighbourhood Development 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 Wigmore 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 Wigmore Group Neighbourhood Development Plan subject to modification does meet the Basic Conditions.*

5.6 *The policies and plans in the Wigmore Group Neighbourhood Development 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 16<sup>th</sup> October 2015.*

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

*Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD*

*Planning Consultant*

*NPIERS Examiner*

*CEDR accredited mediator*

*17<sup>th</sup> May 2019*

