

WELSH NEWTON AND LLANROTHAL NEIGHBOURHOOD PLAN

Submission Draft Version

**A report to Herefordshire Council
into the examination of the
Welsh Newton and Llanrothal
Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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1.0 Summary

- 1.1 The Welsh Newton and Llanrothal Neighbourhood Development Plan has been prepared to set out the community's wishes for this Group parish to retain the distinctive rural character of the area by ensuring that any new development is sustainable and well designed and has a positive impact on local wildlife and natural heritage assets.
- 1.2 The parish contains the villages of Welsh Newton, Welsh Newton Common and Llanrothal and surrounding countryside.
- 1.2 The Plan sets out policies that support and complement those in the Core Strategy. I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer including improvements to the mapping of sites referred to in policies to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
 - The deletion of Policies WNL4 and WNL9 and parts of Policies WNL3, WNL7, WNL8 and WNL14;
 - Clarification of the wording of policies and the supporting text;
 - The creation of a new policy on Extensions to Dwellings in the Countryside; and
 - Improvements to the mapping of policies.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Welsh Newton and Llanrothal Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

Background Context

- 2.1 This report sets out the findings of the examination into the Welsh Newton and Llanrothal Neighbourhood Development Plan (referred to as the WNLNP throughout this report).
- 2.2 Welsh Newton and Llanrothal parish lies about nine miles to the south west of Ross on Wye within the boundary of Herefordshire Council. It is a rural parish with the historic villages of Welsh Newton, Welsh Newton Common and Llanrothal containing several listed buildings. There are also extensive areas of surrounding countryside. At 2011 there were 316 people living in Welsh Newton and Llanrothal in 133 households.

Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the Welsh Newton and Llanrothal Neighbourhood Plan by Herefordshire Council with the consent of Welsh Newton and Llanrothal Parish Council in February 2019. I do not have any interest in any land that may be affected by the WNLNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies. My appointment was facilitated through the Neighbourhood Planning Independent Examiner Referral Service.

Role of the Independent Examiner

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

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

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

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

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

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

2.7 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should

extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension.

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

The Examination Process

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

Legislative Requirements

Qualifying Body

- 2.15 The neighbourhood plan making process has been led by Welsh Newton and Llanrothal Parish Council which is a “qualifying body” under the

Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group.

- 2.16 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the Town and Country Planning Act (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act) have been met.

The Plan Area

- 2.17 The Neighbourhood Plan area is co-terminus with the parish of Welsh Newton and Llanrothal. The area was designated by Herefordshire Council on 29 January 2013 as a Neighbourhood Area. The Basic Conditions Statement confirms that there are no other neighbourhood plans relating to that area.
- 2.18 This satisfies the requirements of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

Plan Period

- 2.19 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Plan and the Basic Conditions Statement state that the lifespan of the Neighbourhood Plan is 2011 – 2031. Paragraph 2.3 of the Basic Conditions statement states that it is from the date it is made until 2031. This timescale mirrors that of the adopted Core Strategy. The commencement date of the Plan on the Plan's cover is some time before the plan was prepared and it is recommended that it should be revised to the date it is "made".

Recommendation 1: Revise the date of the Plan period to 2019 – 2031.

Excluded Development

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

Development and use of land

- 2.21 The Neighbourhood Development Plan should only contain policies relating to development and use of land. Subject to the modifications proposed, the WNLNP would be compliant with this requirement of Section 38B of the Planning and Compulsory Purchase Act 2004 as amended.
- 2.22 I am satisfied therefore that the WNLNP satisfies all the legal requirements set out in paragraph 2.4 above.

The Basic Conditions

Basic Condition 1 – Has regard to National Policy

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

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

Basic Condition 2 - Contributes to sustainable development

- 2.32 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.
- 2.33 There is no legal requirement for a formal Sustainability Appraisal to be carried out in respect of neighbourhood plans. However good practice suggests that where neighbourhood plans are allocating land for development an appraisal should be carried out.
- 2.34 Table 2 of the Basic Conditions Statement considers how the WNLNP contributes to the delivery of sustainable development with regards to economic, social and environmental aspects. Taking account of the information presented, I am satisfied that the WNLNP contributes to the delivery of sustainable development.

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

- 2.35 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The adopted strategic policies covering the Neighbourhood Plan area are contained in the Herefordshire Local Plan Core Strategy which was adopted in 2015.
- 2.36 The Basic Conditions Statement comments on how the Plan policies will support and deliver the Core Strategy policies.

- 2.37 The Council raised no concern over general conformity with the strategic policies of the development plan. I consider in further detail in Section 3 below the matter of general conformity with the strategic policies of the plan.

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

- 2.38 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.39 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (Herefordshire Council) that the plan is not likely to have “significant effects.”
- 2.40 A screening opinion was carried out on the draft WNLNP and it concluded that due to the range of environmental designations in and around the parish, there may be significant environmental effects and consequently a SEA would be required. The Environmental Report assesses the objectives, policies and options and includes a rescreening of revised policies. The final Environmental Report was published in October 2018.
- 2.41 The WNLNP was first submitted in October 2016. The Examiner concluded that the Environmental Report had not adequately considered all reasonable alternatives in order to test the outcomes of the policy options. The WNLNP was withdrawn in response to the Examiner’s findings.
- 2.42 Subsequently the Environmental Report has been rewritten. Section 5 gives consideration to 5 options for delivering the housing requirement. The options covered were:
- Do nothing.
 - Allocate sites for housing
 - Manage future housing using a settlement boundary
 - Allocate sites and identify a settlement boundary.
 - Manage future housing through a development management policy.
- 2.43 The options for delivering the settlement boundary were also considered in the report:
- No settlement boundary
 - Draw tightly around of properties
 - Draw boundary around curtilages of properties (i.e garden plots included)

- 2.44 The options were considered against the SEA objectives; the supporting text in section 5 adequately explains the reasons for selecting the preferred options.
- 2.45 All of the options, objectives and policies were rescreened in the October 2018 Environmental Report. Overall the rescreening did not significantly affect the conclusions of the earlier SEA report, as they did not involve the introduction of new policies or change the overall aims and objectives of the existing planning policies, despite the addition of new criteria in certain places. Settlement boundary options that were considered by the parish that were not screened in the previous assessment were screened, resulting in a positive effect towards the SEA baseline.
- 2.46 The conclusions of the Environmental Report demonstrate that *“the cumulative impact of the NDP policies over the course of the plan period is generally positive or neutral. Although some policies may have a different impact during the first 5 years of the plan period, there is no reason why they cannot have a positive effect in the medium to long-term due to policy safeguards included in the Local Plan (Core Strategy); these safeguards should avoid or mitigate against unacceptable adverse impacts.”*
- 2.47 Consideration of the potential cumulative impact of the WNLNP concluded that *“the objectives and policies contained in the Welsh Newton and Llanrothal NDP are by and large in general conformity with the Local Plan (Core Strategy), which means that the cumulative effect of the plan will contribute to the achievement of the SEA objectives”*.
- 2.48 Habitat Regulations Assessment (HRA) screening has been carried out as the Parish falls within the catchment for the River Wye. The River Wye is a European site, a Special Area of Conservation (SAC). The HRA assesses the potential effects of the WNLNP on the River Wye SAC. The initial report was prepared in October 2015 on the Regulation 14 draft Plan and updated in September 2016 on the Regulation 16 draft plan. It has subsequently been reviewed in October 2018 in the light of the first Examiner’s Report and the findings of the Sweetman case to ensure compliance with the ruling.
- 2.49 This review and rescreening have found that it is unlikely that the WNLNP would result in significant effects on the River Wye SAC. *“It is therefore concluded that the Welsh Newton and Llanrothal Neighbourhood Plan will not have a likely significant effect on the River Wye SAC and Wye Valley Woodlands SAC”*.
- 2.50 It also concludes that *“It is unlikely that the Welsh Newton and Llanrothal Plan will have any in-combination effects with any plans from neighbouring parish councils as the level of growth proposed is the same as that proposed for the Ross on Wye Housing Market Area in the Herefordshire Core Strategy”*.
- 2.51 The statutory environmental bodies: Historic England, Natural England and the Environment Agency were consulted on the Environmental Report and HRA Screening Report in October 2015 (Regulation 14), November 2016

(Regulation 16) and November 2018 (Regulation 16 resubmission). Herefordshire Council has confirmed that the environmental bodies made no comments to the Environmental Report and HRA Screening Report accompanying the November 2018 re-submission Plan.

- 2.52 The Basic Conditions Statement includes a Human Rights Assessment and concludes that “*the Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district levels*”. From the evidence provided in this assessment and the Consultation Statement, I am satisfied that the plan makers have sought to consult the whole community and have taken their views into consideration in preparing the WNLNP. I am satisfied that the Plan has met the requirements of the Human Rights Act.
- 2.53 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the WNLNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

Consultation on the Neighbourhood Plan

- 2.54 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.55 The Examination Report on the first submission draft WNLNP highlighted some inadequacies in the Consultation Statement accompanying that Plan. The Consultation Statement was revised in October 2018 and my comments relate to the evidence of the consultation process as set out in that version.
- 2.56 The preparation of the WNLNP began in 2012 with a review of the work undertaken in 2010 for the Parish Plan. A Planning for Real event had been held and a questionnaire posted to all residents. A separate questionnaire was circulated to children and young people. 108 questionnaires were returned. The analysis of the questionnaires led to the development of action plans and the themes set out in section 1 of the Plan.
- 2.57 The first consultation event on the Plan took place with a public drop in event on 29 November at the village hall which was attended by around 35 people. The emerging plan was placed on the Parish Council’s website. The Consultation Statement states that informal consultation on the emerging Draft Plan was carried out with local residents and businesses in November to December 2014. The Qualifying Body has confirmed that this was undertaken by making available a copy of the draft WNLNP in the Post Office and by personal contact through Steering Group members. The Draft Plan was revised to take into account the comments received.

- 2.58 A consultation to identify the settlement boundary for Welsh Newton Common was undertaken in summer 2015. The settlement boundary was drawn up following a drop in consultation meeting for the local community on 13 June 2015 where different options were considered. Appendix 2 of the Consultation Statement includes the publicity flyer sent to all households to publicise this event.
- 2.59 The Regulation 14 consultation on the pre-submission draft WNLNP and Environmental Report was undertaken from 26 October to 14 December 2015. An e-mail or letter was sent to all Consultation Bodies, local businesses and local community organisations. Flyers were placed on all Parish Council Noticeboards in Llanrothal, Welsh Newton and at two places on Welsh Newton Common. Posters/flyers were also displayed at the post office and village hall and a letter and representation form was delivered to every household.
- 2.60 Tables 1 and 2 in the Consultation Statement summarise the representations received to the Regulation 14 consultation.
- 2.61 The first Regulation 16 consultation took place between 7 November and 19 December 2016. Following receipt of the Examiner's Report, it was resolved to withdraw the Plan.
- 2.62 The second Regulation 16 consultation took place between 1 November and 13 December 2018. This included a revised Environmental Report and HRA Screening. Eight representations were received, mostly making no comments or adding no comments to those they made previously. Comments were also made by Herefordshire Council to various policies. One representation was received late.
- 2.63 I have carefully considered the adequacy of the consultation process. It would appear that limited engagement took place in the early stages of drafting the plan with reliance on work undertaken previously for the Parish Plan. However, from the evidence presented to me, I am satisfied that the consultation and publicity on the draft Plan has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.
- 2.64 This report is the outcome of my examination of the second Submission Draft Version of the Welsh Newton and Llanrothal Neighbourhood Plan 2011 – 2031 dated October 2018. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting, then the Plan will be made following approval by Herefordshire Council.

3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in Section 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The Plan reflects a thorough and detailed understanding of the local area with policies relating to the natural environment and built heritage, housing, business and rural economic development, sustainable energy, accessibility and local facilities.
- 3.5 Nine maps are included in the Plan showing the boundary in the plan area and sites in various settlements. In view of the scale of the maps, some are barely legible. It is important that the boundaries of sites are shown clearly so that they can be used consistently by decision makers. There are also three Policies Maps which are not included in the Plan itself which show the boundaries of sites referred to more clearly when viewed at A4 size. I recommend that the Policies Maps should be included in the Plan at full page size and referred to under relevant policies. Consequently Maps 6-9 should be deleted. Map 5 of the viewpoints should also be shown at full page size unless the viewpoints are included on the Welsh Newton and Llanrothal Policies Map. I will consider the usefulness of Map 4 under Policy WNL1.
- 3.6 Map 1 purports to show the boundary of the Plan area but actually shows the boundaries of the two parishes that make up the group. The Plan should be revised to only show the boundary of the Plan area and exclude that part of the parish boundary through Welsh Newton village.
- 3.7 A number of policies are a mixture of policy and explanation including examples and text of how the policy is to be applied. National planning guidance is that policies should be clear and unambiguous. I have made recommendations under those policies to remove explanatory text from the policy and place it in the justification where appropriate.

- 3.8 The area of sites is set out in “feet” in the Plan. It is recommended that metric units of measurement are used to be consistent with the Herefordshire Core Strategy and established practice.
- 3.9 There is a considerable amount of repetition of matters in several policies for example of exterior lighting and eco building principles. If a provision or requirement is set out in the general environmental policies or building design policy that apply throughout the plan area, it is not necessary to repeat it in a policy on a specific area or topic. The environmental and design aspects of policies should be reviewed and where the matter is addressed in the general policy it should be deleted from the topic policy. I have sought to comment on this matter where relevant under individual policies. This would help to give a clearer and more focused plan.
- 3.10 A number of policies state that certain types of development “will be permitted”. The NPPF paragraph 11 states that “*Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.*” The decision making authority will consider the policies of the development plan as a whole as well as other material considerations in determining planning applications. A Neighbourhood Plan cannot determine whether a particular form of development will or will not be permitted.
- 3.11 The punctuation of the policies should be checked. Where all criteria are to be satisfied, there should be a semi-colon at the end of each criterion and the word “and” should be added at the end of the penultimate criterion.
- 3.12 Once the Plan is finalised the word “draft” should be deleted.

Recommendation 2: Include the three Policies Maps and Map 5 in the Plan at full page size. Delete Maps 6 – 9. Revise Map 1 to only show the boundary of the Plan area.

Use metric measurements throughout.

The Neighbourhood Plan - Policies

Introduction

- 3.13 The Introductory sections of the Plan set out a detailed and clear background to the Plan area, the plan making process and the key planning issues.

Vision and Objectives

- 3.14 A succinct Vision is set out that seeks “*to retain the distinctive rural character of the area by ensuring that any new development is sustainable and well designed and has a positive impact on local wildlife and natural heritage assets.*”

- 3.15 There are fifteen objectives; three for the plan area as a whole, eight for Welsh Newton and four for Welsh Newton Common. These are distinguished from the rest of the text by boxes. However, under each objective is some explanatory text, some of which is descriptive of the area and some is a summary of the relevant policy or the justification to the policy. To ensure that the objectives are set out clearly and to avoid unnecessary repetition, it is recommended that the supporting text under each objective is deleted.

Recommendation 3: Delete the supporting text under each objective. Place it under sections 4.3, 4.4 or 4.5 as appropriate.

Policy WNL1 Protecting and Enhancing Local Landscape Character

- 3.16 The policy sets out 15 landscape design principles that have to be satisfied by development proposals. The policy provides local detail that builds on Core Strategy Policies LD1 – 3.
- 3.17 I have made a recommendation to revise criterion 2 in accordance with my recommendation on Policy WNL5 to avoid unnecessary repetition.
- 3.18 Criterion 6 refers to significant wildlife sites shown on Map 4; however, this map shows ponds, orchards and the location of recent dormouse records. The status of these sites should be explained in the justification. The safeguarding of orchards and ponds is referred to under criteria 7, 10, and 11. The preservation of wildlife habitats for wildlife is addressed in point 7 although the text could be revised to specially refer to dormice. The title of Map 4 should be revised to reflect the content of the map. The justification should make reference to the relevant maps.
- 3.19 The Environmental Report refers to 5 Local Wildlife Sites in the Plan area and these are shown on the Welsh Newton and Llanrothal Policies Map.
- 3.20 NPPF paragraph 113 states *“Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks”*.
- 3.21 There are no sites of European, national or regional importance within the plan area. In any case Core Strategy Policy LD2 sets out the policy approach for considering development affecting areas of European, national and local importance. It is therefore recommended that criterion 6 should be deleted. The justification should refer to the Local Wildlife Sites being shown on the Policies Map.

- 3.22 Criterion 9 includes examples of the species of trees that may be suitable. The list in Policy WNL3 differs and includes hedge species, which I have recommended should be deleted from that policy. A single list of preferred species should be included in the justification to Policy WNL1.
- 3.23 Criterion 14 requires developments to provide appropriate high quality infrastructure for any new development or to contribute to the local community through developer contributions and community infrastructure levy.
- 3.24 The PPG on Planning Obligations advises that “*Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.*” These tests are set out in NPPF paragraph 204.
- 3.25 The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms. Certain types of development are exempt from certain obligations eg small housing sites and self build housing.
- 3.26 Planning obligations are subject to negotiation and cannot be imposed as a requirement of all development through a neighbourhood plan policy. It is considered that criterion 14 does not conform with national planning guidance and should be deleted. No development schemes have been allocated in the Plan area that are of a scale where developer contributions would be applicable.
- 3.27 Criterion 15 seeks to safeguard views from 8 viewpoints. These are shown on Map 5 (not 4 as stated) and shown on photographs in the text. The criterion goes on to state that the list is not exhaustive and does not imply that other views are not valuable or important.
- 3.28 The nature of the landscape in the parish and beyond means that there are good views of the surrounding countryside. Those selected are the most significant viewpoints from public vantage points. It is considered that these viewpoints should be shown on the Policies Map if possible. The reference to other possible viewpoints introduces imprecision into an otherwise clear policy approach to considering viewpoints and I am therefore recommending that it be deleted.

Recommendation 4: Revise Policy WNL1 as follows:

Add the following to criterion 2: “Security lighting should be appropriate, unobtrusive and energy efficient.”

Delete criterion 6.

Include reference to the Local Wildlife Sites being shown in the Policies Map in the justification to the Policy and proposals affecting them being determined against Core Strategy Policy LD2.

Revise criterion 7 to read: “.....by providing species rich hedgerows *which provide habitats for wildlife including dormice, ponds....*”

Delete from criterion 9 “eg beech, ash, sweet chestnut, cherry”. Include a list of trees and bushes in the justification.

Delete criterion 14.

Show the map of viewpoints (Map 5) at full page size or on the Policies Map and revise criterion 15 to refer to the relevant map. Delete “*This list of viewsimportant to the area*” from criterion 15.

Policy WNL2 Green Infrastructure

3.29 I make no comments on Policy WNL2.

Policy WNL3 Protecting and Enhancing Local Wildlife and Habitats

3.30 This policy sets out how development proposals should protect and enhance local wildlife and habitats and provides local detail to support the implementation of Core Strategy Policy LD2. There is a degree of overlap and repetition with parts of Policy WNL1. The final paragraph repeats part of criterion 9 although it cites different examples of trees and bushes. It is recommended that it be deleted. A single list of tree and hedge species should be included in the justification to Policy WNL1.

Recommendation 5: Delete the final paragraph of Policy WNL3.

Policy WNL4 Local Greenspace Protection

3.31 The policy is proposing the designation of two areas of land at Welsh Newton Common and the Glebe Field at Welsh Newton as Local Green Space.

3.32 Herefordshire Council has noted that common land is protected from any development incompatible with its future continued use as common land and its designation as Local Green Space is unnecessary. I agree with this comment and note that much of the area is woodland or highway verges; some is protected as a Local Wildlife Site. I therefore recommend that the land at Welsh Newton Common should not be designated as Local Green Space.

- 3.33 The Glebe field at Welsh Newton is agricultural land with no public access. It is not usually appropriate to designate such land as Local Green Space unless there is special justification. I have asked the Qualifying Body for their evidence on the historic significance of the field. They have noted that it is the Glebe Field. This is defined as land owned by the church to support the parish priest. The field provides an open setting for the church and war memorial however, I have not been provided with any evidence that the field has any special historic significance to justify its designation as a Local Green Space. I therefore recommend that it should not be designated as a Local Green Space.
- 3.34 It may be helpful to plan users to retain a map of the common land for information with an explanation of its status in the justification.

Recommendation 6: Delete Policy WNL4 and the justification in paragraphs 5.1.15 to 5.1.18.

Policy WNL5 - Building Design Principles

- 3.35 The policy sets out principles to be used in the design of new development. The first sentences of criteria 1 and 2 repeat the same points on scale, mass and built form. It is recommended that the first sentence of criterion 2 is deleted.
- 3.36 Criterion 1 refers to local heritage assets being protected. The justification explains that the list of local heritage assets is to be published in the future. Core Strategy Policy LD4 sets out the policy approach to conserving and enhancing heritage assets. Paragraph 135 of the NPPF provides guidance on the consideration of development affecting a non-designated heritage asset. This states that
- “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 3.37 It is considered that the statement “local heritage assets are to be protected” does not accord with national planning guidance to weigh up the effect of a development proposal on a non designated heritage asset and to come to a balanced judgement. I am therefore recommending that the phrase should be revised to refer to them being conserved and enhanced in accordance with Core Strategy Policy LD4.
- 3.38 Criterion 4 unnecessarily refers to “within the Group Parish” and I recommend that it should be deleted. The criterion also refers to the Herefordshire farmstead assessment framework and associated guidance. This is supporting guidance to explain how the policy is to be applied and as such

should be included in the justification. The titles of the documents should be listed clearly.

- 3.39 The second sentence of criterion 5 on light pollution is cross referenced to Policy WNL1. It repeats the points in that policy and adds details on the consideration of security lighting. It is recommended that the second sentence of this criterion is incorporated into Policy WML criterion 2 to avoid unnecessary repetition.
- 3.40 It would be appropriate to incorporate the examples of sustainable buildings principles referred to in other policies in the justification to this policy.

Recommendation 7: Revise Policy WNL5 as follows:

Revise the second sentence of criterion 1 to read: “Local heritage assets *should be conserved and enhanced in accordance with Core Strategy Policy LD4. Development proposals which could impact ondesign.*”

Delete the first sentence of criterion 2.

Delete “within the Group Parish” and the second sentence (“Due reference....statements.”) from criterion 4. Include the full titles of relevant explanatory guidance in the justification to the policy.

Delete the second sentence of criterion 5. Incorporate the policy on security lighting into criterion 2 of Policy WNL1.

Add “*The use of rainwater recycling, SUDS, photovoltaics, renewable energy should be incorporated into the development wherever possible*” to the justification to the policy.

Policy WNL6 Welsh Newton Common Settlement Boundary and New Housing

- 3.41 Welsh Newton Common is identified in Core Strategy Policy RA2 and Table 4.15 as an “Other settlement where proportionate housing is appropriate.” The neighbourhood area is within the Ross on Wye housing market where the indicative housing growth target is 14%. Paragraph 5.2.3 gives the figures at April 2014 and differ from those in the SEA where April 2018 figures are used. The data in the Plan should be updated.
- 3.42 HC has informed me that the housing target is 14 and that at 2018 there were 8 commitments and 8 completions. The indicative growth target has therefore been met. To provide for further limited growth, the Plan makes provision for growth through windfall development using a criteria based policy. The settlement boundary has been drawn up for Welsh Newton Common following public consultation which included the alternative options of having no boundary and one that was drawn tightly around the backs of properties. It

is noted that the settlement boundary that has been selected has been drawn to include areas of agricultural land as well as large gardens.

- 3.43 The Environmental Report in considering the options for drawing the settlement boundary concluded that *“The preferred option to draw around boundaries and property curtilages provided more options for infill and small development opportunities. Therefore this option was favoured the most”*. The report concluded that *“Due to the small scale of potential development within the settlement boundary and criteria to ensure the natural environment is protected it is unlikely to have a negative impact and instead have a neutral impact on the baseline data”*.
- 3.44 Paragraph 5.2.10 states that the inclusion of land in the settlement boundary does not infer that the local community would welcome development there. However, the policy as worded would permit small developments of one or two dwellings adjoining clusters of existing buildings. I have concerns that there are inadequate controls in the policy and consequently it could potentially result in a considerable number of dwellings in the area which would not be in accordance with the strategic policy approach and the impact of which was not considered in the Environmental Report.
- 3.45 Access to Welsh Newton Common is via a narrow lane which ends in a cul-de-sac. Parts of the settlement are accessed by narrow unmade roads. It is recommended that any further development in the settlement should be accessed directly from a made up road. This would in effect limit the areas suitable for development or result in the making up of other roads.
- 3.46 As noted in paragraph 3.9 above, to avoid repetition, the building design principles and natural environment safeguards should be included in the plan wide policies. National guidance states that policy wording should be clear and unambiguous. Examples of how a policy is to be applied should be included in the justification.
- 3.47 Policy WNL5 criterion 3 addresses architectural style and innovative design. It is recommended that the Design and Finish section of Policy WNL6 should be incorporated within Policy WNL5. Revisions are recommended to improve the clarity of this text.
- 3.48 The Natural Environment section repeats much of Policy WNL3 and could be incorporated into that policy. The examples in the last paragraph of the Natural Environment section are considered to be unnecessary as they are explained in detail in the justification and highlight requirements set out in Policies WNL1 and 2.

Recommendation 8: Revise Policy WNL6 as follows:

Add the following after the first sentence in the second paragraph: *“New housing should be accessed directly from a made up road.”*

Delete the Design and Finish and Natural Environment sections.

Include the Design and Finish section in Policy WNL5. Combine and revise the second and third paragraphs to read: “*Designs should be informed by the distinctive local character of the rural area. Ridge heights should not exceed 6m. Eco building principles will be supported wherever possible*”.

Incorporate the first paragraph of the Natural Environment section into Policy WNL3.

Include the examples in the justification to Policy WNL3.

Update the figures in paragraph 5.2.3.

Policy WNL7 Rural Exception Housing

- 3.49 Paragraph 5.2.14 refers to the use of holiday lets for short term or residential accommodation being supported. This is a policy statement and is not appropriate for inclusion in the justification. There are no policies on the conversion of holiday lets to other forms of residential accommodation in the Plan and it should therefore be deleted.
- 3.50 The last sentence of paragraph 5.2.16 repeats the wording of criterion 5 and adds no explanation to aid the interpretation of the policy. It should be deleted as unnecessary repetition.
- 3.51 Criteria 1 – 3 and 7 repeat matters that are addressed in the WNL3 and WNL5 and are unnecessary repetition. Criterion 4 adds nothing to the requirements of the strategic policies. Criterion 6 may conflict with national planning policy and Core Strategy Policy RA3 point 6 concerning houses of exceptional quality.
- 3.52 Criterion 5 concerns extensions to dwellings and is not relevant to the consideration of proposals for new rural exceptions dwellings in the countryside. It is recommended that it should be included in a separate policy. In response to my question, the Qualifying Body has confirmed that it is intended that the policy should apply to development in the countryside outside the settlement boundary. This should be made explicit in the wording of the policy.
- 3.53 The second part of the policy on agricultural and forestry dwellings seeks to tie dwellings with an occupancy condition to the farm in perpetuity. It states that where the requirement expires then the property is to be removed or given over to affordable housing. In response to my question on whether this requirement is deliverable, HC has commented that the policy conforms with the Core Strategy although it is recognised that maintaining agricultural occupancy in perpetuity may be hard to deliver and suggest that the words “where possible” should be added to the policy.

- 3.54 The wording of the second paragraph in this section is imprecise and does not reflect paragraph 55 of the NPPF which refers to the essential needs of a rural worker.

Recommendation 9: Revise Policy WNL7 as follows:

Delete criteria 1 – 7.

Include the text of criterion 5 in a new policy entitled “*Extensions to Dwellings in the Countryside*”. Revise the first sentence to read: “Proposals for extensions to dwellings *outside the settlement boundary* to increase.....”

Revise the sub-heading of the policy to “*Occupancy of Agricultural and Forestry Dwellings*”. Revise the first paragraph under Agricultural Occupancy and Forestry to read: “.....in perpetuity, *where possible:.....*”.

Revise the second paragraph under Agricultural Occupancy and Forestry to read “Where there is a need for temporary housing *for agricultural, forestry or other rural workers*, allexists.

Delete the second sentence of paragraph 5.2.14 and the last sentence of paragraph 5.2.16.

Policy WNL8 Extensions to Houses and Residential Conversions of Former Agricultural Buildings

- 3.55 Although the title of Policy WNL8 refers to Extensions to Houses, the wording of the policy does not include any policies on the subject. I have commented above on the criterion 5 of Policy WNL7 and recommended that it should be included in a new policy on extensions to dwellings in the countryside. It is therefore recommended that the title of Policy WNL8 should be revised to exclude reference to extensions to houses. The policy refers throughout to rural buildings (which may include buildings other than agricultural buildings) and the title should be revised to accord with the policy wording.
- 3.56 The first section of the policy is poorly worded including an explanation of the reasons for the policy and examples which should be included in the justification. Paragraph 4 refers to proposals being “permitted”. As explained in paragraph 3.10, neighbourhood plan policies cannot tie the hands of the local planning authority as other policies of the development plan and other material considerations may apply in the decision making process.
- 3.57 Core Strategy Policy RA5 sets out the strategic policy for the Reuse of Rural Buildings. Criteria 1, 2, 4 and 5 repeat the requirements set out in the strategic policy. Criterion 3 states that the conversion should not lead to “inappropriate levels of unsustainable low density development which would impact on village vitality”. It is not clear how this matter is to be interpreted. It is considered that it does not accord with national and strategic policies which

support the conversion of redundant rural buildings in order to make use of existing buildings and include no requirements on density or impact on village vitality. Agricultural buildings may be converted to dwellings as permitted development under Class Q.

- 3.58 Policies WNL1 and 3 address external lighting and there is no need to repeat the matter in this policy.
- 3.59 The section on sustainability repeats matters included in Policies WNL3 and 5 and should be deleted.

Recommendation 10: Revise Policy WNL8 as follows:

Revise the title of the policy to “*Conversion of Rural Buildings to Residential Use*”.

Revise the first four paragraphs to read:

“Proposals for the re-use and adaptation of rural buildings will be supported where the development is in accordance with Core Strategy Policy RA5. The conversion of rural buildings to meet identified local housing need will be supported. The re-use of traditional buildings of stone or similar construction and vacant dwellings will be supported, where practicable.”

Delete criteria 1 – 5.

Include examples of how the policy should be interpreted in the justification including the possible sites identified.

Delete “External lighting should be kept to a minimum”.

Delete the section on Sustainability.

Policy WNL9 Site Allocation – Former Garage Site, Welsh Newton

- 3.60 The policy proposes the allocation of the former garage site at Welsh Newton for a mix of uses including housing. The site has now been developed for housing. As a consequence, it is recommended that the allocation and its justification should be deleted.

Recommendation 11: Delete Policy WNL9 Site Allocation and paragraphs 5.2.21 to 5.2.30. Delete the site from the Policies Map.

Policy WNL10 - New business development in former agricultural buildings

- 3.61 Policy WNL10 sets out detailed matters to be taken into account in the consideration of proposals to convert former agricultural buildings to business uses. It builds on the principles set out in Core Strategy Policies RA5 and 6 and sets out local guidance on the subject. I make no comments on the wording of the policy.
- 3.62 The punctuation of the policy should be corrected in accordance with paragraph 3.11 above and the word “and” added after the penultimate criterion.
- 3.63 There is a typographical error in line 2. It should read “is supported”.

Recommendation 12: Correct punctuation and typographical error in Policy WNL10.

Policy WNL11 – Polytunnels

- 3.64 This policy has been developed from the planning principles set out in the 2008 Herefordshire Poly tunnels SPD. This has been replaced by the Poly tunnels Planning Guide dated June 2018. Paragraph 5.3.5 should be revised to refer to the 2018 Poly tunnels Planning Guide. Herefordshire Council has noted that poly tunnels are considered to be a “less vulnerable” development in the flood risk vulnerability classification.
- 3.65 I have asked the LPA/QB whether any points need updating as a consequence. HC has suggested putting in more mitigation measures with an explanation of the benefits of using sustainable drainage systems SUDS for active water management as a mitigation measure to prevent harm to existing watercourses, ecological assets and soil erosion. I agree that this would update the policy and be more informative.
- 3.66 The policy includes the words “will / will not be permitted”. As policies cannot tie the hand of the local planning authority, this should be revised in accordance with paragraph 3.10 above.

Recommendation 13: Revise Policy WNL11 as follows:

Revise paragraph 3 to read “Polytunnel developments *should not* adversely affect.....local heritage assets.”

Revise the final paragraph to read “Polytunnels *should not be sited* in the fluvial flood plain.”

Add a new paragraph to the policy as follows: “*Polytunnel developments should carefully address flood risk and surface water run-off and the potential adverse impacts on local water resources by:*”

- ***Discharging into existing drainage ditches or constructing them where they do not exist so there is a logical flow into the greater river system;***
- ***Discharging from surface water attenuation at greenfield discharge rate.;***
- ***Providing surface water attenuation such as attenuation basins storage tanks, lagoons or farm storage reservoirs;***
- ***Using swales to cleanse water and also to disperse a proportion of the runoff via soakaways; and***
- ***Discharging runoff to soakaways or using drainage basins to cleanse water and disperse run-off via soakaways.”***

Mitigation management measures could include: Constructing drainage channels/tile drains/French drains etc. as necessary so that surface water run-off from poly tunnel development is captured effectively and directed into attenuation lagoons.”

Add a paragraph in the justification to explain that the policy supports using sustainable drainage systems (SUDs) for active water management as a mitigation measure to prevent harm to existing watercourses, ecological assets and soil erosion.

Policy WNL12 – Supporting New Communications Technologies and Broadband

3.67 I make no comments on this policy.

Policy WNL13 – Supporting Community-Led Low Carbon Energy Schemes

3.68 This policy provides the framework to follow up work undertaken during the preparation of the plan on the development of a community led renewable or low carbon energy development to serve the community. The title and the policy should refer to “renewable or low carbon energy development” in line with national planning guidance.

3.69 Core Strategy Policy SD2 sets out the strategic policy on renewable and low carbon energy generation. It would be helpful to refer to this policy in the justification.

3.70 Revisions are recommended to improve the clarity of the wording of the criteria.

Recommendation 14: Revise Policy WNL13 as follows:

Revise the title to read “Community Led *Renewable* or Low Carbon Energy Development”.

Revise the first paragraph to read “....community led *renewable or low carbon* energy schemes to meet.....”

Revise criterion 1 to read: “Visual impact on the landscape *is* minimised by....”

Revise criterion 2 to read: “*The proposal would not have an unacceptable impact on residential amenity, particularly impacts from noise.*”

Revise criterion 3 to read: “*There are no unacceptable impacts on local wildlife habitats.*”

Revise criterion 5 to read: “Small scale wind turbines *should be located where they are not visually intrusive.*”

Include Policy SD2 in the list of Herefordshire Core Strategy Policies.

Policy WNL14 – Renewable Energy Schemes

- 3.71 This policy provides the framework for other forms of renewable or low carbon energy development. The title and the policy should refer to “renewable or low carbon energy development” in line with national planning guidance.
- 3.72 NPPG on Renewable and Low Carbon Energy provides national guidance on the subject. Core Strategy Policy SD2 sets out the strategic policy on renewable and low carbon energy generation. It would be helpful to refer to this policy in the justification. Policy WNL14 provides locally specific guidance that builds on that set out in Policy SD2.
- 3.73 Criterion 1 should be revised to state that the transport study should demonstrate how damage to roads etc will be avoided.
- 3.74 Criterion 3 states that community based schemes will be supported in preference to commercial schemes. The criterion could not applied in the consideration of commercial schemes and should therefore be deleted.
- 3.75 National planning guidance on Renewable and Low Carbon Energy states:
“Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with set back distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and near-by land uses. This is why it is important to think about in what circumstances proposals are likely to be acceptable and plan on this basis.” (Paragraph: 008 Reference ID: 5-008-20140306).

It is considered that criterion 4 does not accord with national planning guidance and it is recommended that it be deleted.

- 3.76 Criterion 8 sets a distance from bridleway. The phrasing of this criterion is vague and imprecise. It is not clear how due regard is to be given to road users and livestock. It states that the distance from bridleways is recommended and that it will be required. It also refers to “routes habitually used by horse riders”. It is considered that this wording is imprecise and could not be applied consistently by decision makers. I have therefore recommended that the criterion be deleted.

Recommendation 15: Revise Policy WNL14 as follows:

Revise the title to read “Renewable and *Low Carbon Energy Development*”.

Revise the first paragraph to read “*Renewable and low carbon energy schemes criteria.*”

Delete criteria 3, 4 and 8.

Policy WNL15 –Improving Local Footpaths, Bridleways, Cycleways and other Public Rights of Way

- 3.77 I make no comments on this policy which supports the improvements of these routes. It is supported by a comprehensive list of actions for the Parish Council.

Policy WNL16 - Provision and Protection of Local Community Facilities

- 3.78 The policy sets out the conditions that are to be satisfied in considering proposals for the change of use of community facilities to other uses. Paragraph 5.4.8 refers to the list of community infrastructure set out in Appendix 3. However, this list includes many items that are not considered to be appropriate as community facilities. I have asked the Qualifying Body to provide me with a list of the community facilities that this policy is intended to apply to. They have stated “*The village hall and St Mary the Virgin church, Welsh Newton and the redundant church of St John the Baptist, Llanrothal*”.
- 3.79 The policy includes the phrase “will not be permitted”. A recommendation is made for alternative wording in accordance with paragraph 3.10.

Recommendation 16: Revise Policy WNL16 as follows:

Revise the first paragraph to read: “....to other uses *will only be supported where the following can be demonstrated:*”

Revise paragraph 5.4.8 to read “*The following community facilities are covered by this policy: The village hall, the church of St Mary the Virgin church, Welsh Newton and the redundant church of St John the Baptist, Llanrothal.*” Delete Appendix 3.

Developer contributions towards improved community infrastructure will be sought where it is shown that the obligation is necessary to make the scheme acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.”

4.0 Referendum

- 4.1 The Welsh Newton and Llanrothal Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area;
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Herefordshire Council that the Welsh Newton and Llanrothal Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by the Herefordshire Council on 29 January 2013.

5.0 Background Documents

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

- Welsh Newton and Llanrothal Neighbourhood Plan Submission Draft Version 2011 – 2031 dated October 2018;
- Welsh Newton and Llanrothal Neighbourhood Plan Basic Conditions Statement;
- Welsh Newton and Llanrothal Neighbourhood Plan SEA Environmental Report October 2018;
- Welsh Newton and Llanrothal Neighbourhood Plan HRA Screening Report October 2018;
- Welsh Newton and Llanrothal Neighbourhood Plan Consultation Statement;
- National Planning Policy Framework March 2012 and February 2019;
- Planning Practice Guidance March 2014 (as amended);
- The Town and Country Planning Act 1990 (as amended);
- The Localism Act 2011;
- The Neighbourhood Planning (General) Regulations 2012;
- Herefordshire Local Development Framework Core Strategy (2011-2031) 2015;
- Renewable and low carbon energy: Guidance to help local councils in developing policies for renewable and low carbon energy and identifies the planning considerations. Ministry of Housing, Communities & Local Government June 2015.
- Polytunnels Planning Guide 2018 Herefordshire Council

6.0 Summary of Recommendations

Recommendation 1: Revise the date of the Plan period to 2019 – 2031.

Recommendation 2: Include the three Policies Maps and Map 5 in the Plan at full page size. Delete Maps 6 – 9. Revise Map 1 to only show the boundary of the Plan area.

Use metric measurements throughout.

Recommendation 3: Delete the supporting text under each objective. Place it under sections 4.3, 4.4 or 4.5 as appropriate.

Recommendation 4: Revise Policy WNL1 as follows:

Add the following to criterion 2: “Security lighting should be appropriate, unobtrusive and energy efficient.”

Delete criterion 6.

Include reference to the Local Wildlife Sites being shown in the Policies Map in the justification to the Policy and proposals affecting them being determined against Core Strategy Policy LD2.

Revise criterion 7 to read: “.....by providing species rich hedgerows *which provide habitats for wildlife including dormice, ponds....*”

Delete from criterion 9 “eg beech, ash, sweet chestnut, cherry”. Include a list of trees and bushes in the justification.

Delete criterion 14.

Show the map of viewpoints (Map 5) at full page size or on the Policies Map and revise criterion 15 to refer to the relevant map. Delete “*This list of viewsimportant to the area*” from criterion 15.

Recommendation 5: Delete the final paragraph of Policy WNL3.

Recommendation 6: Delete Policy WNL4 and the justification in paragraphs 5.1.15 to 5.1.18.

Recommendation 7: Revise Policy WNL5 as follows:

Revise the second sentence of criterion 1 to read : “Local heritage assets *should be conserved and enhanced in accordance with Core Strategy Policy LD4*. Development proposals which could impact ondesign.”

Delete the first sentence of criterion 2.

Delete “within the Group Parish” and the second sentence (“Due reference....statements.”) from criterion 4. Include the full titles of relevant explanatory guidance in the justification to the policy.

Delete the second sentence of criterion 5. Incorporate the policy on security lighting into criterion 2 of Policy WNL1.

Add “*The use of rainwater recycling, SUDS, photovoltaics, renewable energy should be incorporated into the development wherever possible*” to the justification to the policy.

Recommendation 8: Revise Policy WNL6 as follows:

Add the following after the first sentence in the second paragraph: “*New housing should be accessed directly from a made up road.*”

Delete the Design and Finish and Natural Environment sections.

Include the Design and Finish section in Policy WNL5. Combine and revise the second and third paragraphs to read: “*Designs should be informed by the distinctive local character of the rural area. Ridge heights should not exceed 6m. Eco building principles will be supported wherever possible*”.

Incorporate the first paragraph of the Natural Environment section into Policy WNL3.

Include the examples in the justification to Policy WNL3.

Update the figures in paragraph 5.2.3.

Recommendation 9: Revise Policy WNL7 as follows:

Delete criteria 1 – 7.

Include the text of criterion 5 in a new policy entitled “*Extensions to Dwellings in the Countryside*”. Revise the first sentence to read: “*Proposals for extensions to dwellings outside the settlement boundary to increase.....*”

Revise the sub-heading of the policy to “*Occupancy of Agricultural and Forestry Dwellings*”. Revise the first paragraph under Agricultural Occupancy and Forestry to read: “*.....in perpetuity, where possible:.....*”.

Revise the second paragraph under Agricultural Occupancy and Forestry to read “*Where there is a need for temporary housing for agricultural, forestry or other rural workers, allexists.*”

Delete the second sentence of paragraph 5.2.14 and the last sentence of paragraph 5.2.16.

Recommendation 10: Revise Policy WNL8 as follows:

Revise the title of the policy to “*Conversion of Rural Buildings to Residential Use*”.

Revise the first four paragraphs to read:

“Proposals for the re-use and adaptation of rural buildings will be supported where the development is in accordance with Core Strategy Policy RA5. The conversion of rural buildings to meet identified local housing need will be supported. The re-use of traditional buildings of stone or similar construction and vacant dwellings will be supported, where practicable.”

Delete criteria 1 – 5.

Include examples of how the policy should be interpreted in the justification including the possible sites identified.

Delete “External lighting should be kept to a minimum”.

Delete the section on Sustainability.

Recommendation 11: Delete Policy WNL9 Site Allocation and paragraphs 5.2.21 to 5.2.30. Delete the site from the Policies Map.

Recommendation 12: Correct punctuation and typographical error in Policy WNL10.

Recommendation 13: Revise Policy WNL11 as follows:

Revise paragraph 3 to read “Polytunnel developments *should not* adversely affect.....local heritage assets.”

Revise the final paragraph to read “Polytunnels *should not be sited* in the fluvial flood plain.”

Add a new paragraph to the policy as follows: “*Polytunnel developments should carefully address flood risk and surface water run-off and the potential adverse impacts on local water resources by:*

- ***Discharging into existing drainage ditches or constructing them where they do not exist so there is a logical flow into the greater river system;***
- ***Discharging from surface water attenuation at greenfield discharge rate.;***
- ***Providing surface water attenuation such as attenuation basins storage tanks, lagoons or farm storage reservoirs;***
- ***Using swales to cleanse water and also to disperse a proportion of the runoff via soakaways; and***
- ***Discharging runoff to soakaways or using drainage basins to cleanse water and disperse run-off via soakaways.”***

Mitigation management measures could include: Constructing drainage channels/tile drains/French drains etc. as necessary so that surface water run-off from poly tunnel development is captured effectively and directed into attenuation lagoons.”

Add a paragraph in the justification to explain that the policy supports using sustainable drainage systems (SUDs) for active water management as a mitigation measure to prevent harm to existing watercourses, ecological assets and soil erosion.

Recommendation 14: Revise Policy WNL13 as follows:

Revise the title to read “Community Led *Renewable or Low Carbon Energy Development*”.

Revise the first paragraph to read “....community led *renewable or low carbon* energy schemes to meet.....”

Revise criterion 1 to read: “Visual impact on the landscape *is* minimised by....”

Revise criterion 2 to read: “*The proposal would not have an unacceptable impact on residential amenity, particularly impacts from noise.*”

Revise criterion 3 to read: “*There are no unacceptable impacts on local wildlife habitats.*”

Revise criterion 5 to read: “Small scale wind turbines *should be located where they are not visually intrusive.*”

Include Policy SD2 in the list of Herefordshire Core Strategy Policies.

Recommendation 15: Revise Policy WNL14 as follows:

Revise the title to read “Renewable and *Low Carbon Energy Development*”.

Revise the first paragraph to read “*Renewable and low carbon* energy schemes criteria.”

Delete criteria 3, 4 and 8.

Recommendation 16: Revise Policy WNL16 as follows:

Revise the first paragraph to read: “....to other uses *will only be supported where* the following can be demonstrated:”

Revise paragraph 5.4.8 to read “*The following community facilities are covered by this policy: The village hall, the church of St Mary the Virgin church, Welsh Newton and the redundant church of St John the Baptist, Llanrothal.*” Delete Appendix 3.

Developer contributions towards improved community infrastructure will be sought where it is shown that the obligation is necessary to make the scheme acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.”