

Herefordshire Council

**Whitchurch and Ganarew  
Group Parish  
Neighbourhood Development Plan  
2011-2031**

**Independent Examiner's Report**

By Ann Skippers MRTPI FRSA AoU

12 September 2019

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## Summary

I have been appointed as the independent examiner of the Whitchurch and Ganarew Group Parish Neighbourhood Development Plan.

The Plan area covers the two rural Parishes of Whitchurch and Ganarew. The Parishes are located to the southwest of Ross-on-Wye. It borders Monmouthshire along its southwestern edge. Only 5% of land is covered by built environment or other infrastructure. Around 85% falls within the Wye Valley Area of Outstanding Natural Beauty with about 10% designated as Sites of Special Scientific Interest; one of which is also a European site. It is an area rich in interest and notable for its scenery which attracts many visitors.

The Plan contains 24 policies including a site allocation and definition of settlement boundaries. A range of issues of concern to the community are covered by the policies.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. My reasoning is set out in detail in this report. These do not significantly or substantially alter the intention or overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Herefordshire Council that the Whitchurch and Ganarew Group Parish Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
12 September 2019



## 1.0 Introduction

This is the report of the independent examiner into the Whitchurch and Ganarew Group Parish Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Herefordshire Council (HC) with the agreement of the Group Parish Council to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning spanning the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 2.0 The role of the independent examiner

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).

The basic conditions<sup>1</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation

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<sup>1</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>2</sup> It states that:

- 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 examiner is also required to check<sup>3</sup> whether the neighbourhood plan:

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

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>4</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Herefordshire Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

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<sup>2</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>3</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

<sup>4</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

### 3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

The Consultation Statement contains a very useful timeline<sup>5</sup> which sets out key milestones in the Plan's development.

Work began in earnest on the Plan at the end of 2014 when the Steering Group was established.

Public meetings were held early in 2015 to kick-start the process, build on earlier work on a Parish Plan and to seek volunteers.

Thematic groups were established. A community event held over a weekend was held in May 2016 with the publication of a preliminary evidence base to support that event. Over 125 people attended.

A pack of questionnaires which included an 'adult' survey, a 'call for sites' and a housing needs survey was delivered by hand to all households in the Group Parish. Hand collected two weeks later, this approach resulted in a good response rate.

Pre-submission consultation was held between 9 April – 21 May 2018. As well as being available online and in hard copy at various locations.

Two drop-in events were held during the Regulation 14 period.

Throughout the process there has been a dedicated website and use made of noticeboards, flyers and banners and the Parish newsletter. Steering Group meetings have been open to the public.

I consider that the consultation and engagement carried out is satisfactory.

Submission (regulation 16) consultation was held between 18 January – 1 March 2019.

The Regulation 16 stage resulted in 10 representations. I have considered all of the representations and taken them into account in preparing my report.

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<sup>5</sup> Consultation Statement page 4

## 4.0 The examination process

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>6</sup> PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup> Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG<sup>8</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>9</sup>

I sought clarification on a number of matters from the Group Parish Council and HC in writing and my list of questions is attached to this report as Appendix 2. I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

Last year NPIERS published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Group Parish Council sent comments and I have taken these into account.

I am very grateful to everyone for ensuring that the examination has run smoothly.

I made an unaccompanied site visit to familiarise myself with the Plan area on 17 July 2019.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

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<sup>6</sup> PPG para 055 ref id 41-055-20180222

<sup>7</sup> Ibid

<sup>8</sup> Ibid para 056 ref id 41-056-20180222

<sup>9</sup> Ibid

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing carried out and the Plan's presentation made consistent.

## **5.0 Compliance with matters other than the basic conditions**

I now check the various matters set out in section 2.0 of this report.

### **Qualifying body**

Whitchurch and Ganarew Group Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### **Plan area**

The Plan area is the whole of the Group Parish area which consists of the two Parishes of Whitchurch and Ganarew. The area is shown on Map 1 on page 7 of the Plan. HC approved the designation of the area on 4 December 2013. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements.

### **Plan period**

The Plan period is 2011 – 2031; this is clearly stated on the front cover of the Plan and confirmed in the Basic Conditions Statement. This requirement is therefore met. These dates align with the time period for the Core Strategy.

### **Excluded development**

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

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

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because 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.<sup>10</sup>

## 6.0 The basic conditions

### Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. On 19 February 2019, the revised NPPF was updated and replaces the previous NPPF published in March 2012 and revised last July.

Paragraph 214 in Annex 1 of that document explains that:

“The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans are submitted 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.”

Footnote 69 explains that for neighbourhood plans “submission” 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.

The Plan was submitted on 16 January 2019. It is therefore clear that it is the previous NPPF published in 2012 that is relevant to this particular examination.

Any references to the NPPF in this report refer to the NPPF published in 2012 unless otherwise stated.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.<sup>11</sup>

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They

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<sup>10</sup> PPG para 004 ref id 41-004-20170728

<sup>11</sup> NPPF paras 14, 16

cannot promote less development than that set out in the Local Plan or undermine its strategic policies.<sup>12</sup>

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.<sup>13</sup>

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance) which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous<sup>14</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>15</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>16</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>17</sup>

Whilst this has formed part of my own assessment, tables in the Basic Conditions Statement sets out how the Plan aligns with the NPPF alongside other tables which go into more detail.

### **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole<sup>18</sup> constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.<sup>19</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains a series of tables which explains how the Plan aligns with each of the three components of sustainable development outlined in the NPPF.

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<sup>12</sup> NPPF para 184

<sup>13</sup> Ibid para 17

<sup>14</sup> PPG para 041 ref id 41-041-20140306

<sup>15</sup> Ibid

<sup>16</sup> Ibid para 040 ref id 41-040-20160211

<sup>17</sup> Ibid

<sup>18</sup> NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

<sup>19</sup> Ibid para 7

## **General conformity with the strategic policies in the development plan**

The development plan consists of the Herefordshire Local Plan Core Strategy 2011 – 2031 (CS) which was adopted on 16 October 2015 and various other documents including the saved policies of the Unitary Development Plan (UDP) (found in Appendix 1 of the CS). I have taken all the CS policies to be ‘strategic’.

Whilst this has formed part of my own assessment, the Basic Conditions Statement offers an assessment of how each Plan policy generally conforms to the relevant CS policies.

## **European Union Obligations**

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG<sup>20</sup> confirms that it is the responsibility of the local planning authority, in this case HC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is HC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

## ***Strategic Environmental Assessment***

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

An Environmental Report (ER) dated January 2019 has been submitted as the initial screening assessment of October 2013 indicated a SEA was needed.

The ER confirms that a Scoping Report dated March 2015 was prepared and sent to the statutory consultees from 31 March – 5 May 2015. No responses were received from the statutory consultees.

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<sup>20</sup> PPG para 031 ref id 11-031-20150209

A draft ER underwent a period of consultation alongside the pre-submission version of the Plan. Natural England responded concurring with the conclusions of that version of the ER.<sup>21</sup>

Following the Regulation 14 stage, changes were made to the Plan. The ER of January 2019 includes a review of the revisions.

The ER concludes that the Plan “...is in general conformity with both national planning policy...and strategic policies...Nor does it propose any growth that would be over and above the growth prescribed by strategic policies...”.<sup>22</sup> It was published for consultation alongside the submission version of the Plan.

HC will monitor the outcomes from the Plan’s policies annually.

The ER is a comprehensive document that has dealt with the issues appropriately for the content and level of detail in the Plan. This in line with PPG advice which confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan.<sup>23</sup> In my view, it has been prepared in accordance with Regulation 12 of the Regulations.

Therefore EU obligations in respect of SEA have been satisfied.

### ***Habitats Regulations Assessment***

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>24</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A HRA dated January 2019 has been submitted. This explains that an initial screening undertaken in October 2013 concluded that a full HRA screening would be needed. This was because the Plan area falls within the hydrological catchment area of the River Wye (including the River Lugg) Special Area of Conservation (SAC) which is located south and east of the Plan area. It also falls within the Wye Valley Woodlands SAC and is 9.1km from the Wye Valley and Forest of Dean Bat Sites.

An earlier HRA dated March 2018 concluded that there would be no likely significant effect on the River Wye (including the River Lugg) SAC, the Wye Valley Woodlands and Wye Valley and Forest of Dean Bats Sites SACs.

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<sup>21</sup> ER Appendix 7

<sup>22</sup> Ibid Non-technical summary

<sup>23</sup> PPG para 030 ref id 11-030-20150209

<sup>24</sup> Ibid para 047 ref id 11-047-20150209

In the light of CJEU cases and the changes to the Plan between Regulation 14 and 16 stages, the HRA of January 2019 has been reviewed to see if the conclusions of the earlier HRA report remain valid. It concluded that the Plan “will not have a likely significant effect on the likely significant effect on the River Wye (including the River Lugg) SAC, the Wye Valley Woodlands and Wye Valley and Forest of Dean Bats Sites SACs. This related both to alone and in combination effects.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Given the nature and characteristics of the SACs concerned and the nature and contents of this Plan, I consider that the requisite requirements have been met and that the prescribed basic condition is complied with.

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.<sup>25</sup> In undertaking a great deal of work on HRA, HC has considered the compatibility of the Plan in regard to EU obligations and does not raise any concerns in this regard.

### **European Convention on Human Rights (ECHR)**

The Basic Conditions Statement contains a statement in relation to human rights. There is nothing in the Plan that leads me to conclude there is any breach of the fundamental rights and freedoms guaranteed under the ECHR or that the Plan is otherwise incompatible with it or does not comply with the Human Rights Act 1998.

## **7.0 Detailed comments on the Plan and its policies**

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. Where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented very clearly. It contains 24 policies which appear in ‘green boxes’. It starts with a useful contents page.

### **1. Introduction**

This is a well-written section that sets out the background to the Plan.

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<sup>25</sup> PPG para 031 ref id 11-031-20150209

## 2. An overview of the Neighbourhood Plan area

This section sets out background information about the Plan area. It explains that about 5% of land is occupied by buildings and infrastructure. Around 85% of the area falls within the Wye Valley Area of Outstanding Natural Beauty (AONB) and some 10% is a Site of Special Scientific Interest (SSSI). There are many nature conservation designations and buffer zones in the Plan area. The area is important for geodiversity.

Human activity can be traced back some 12, 000 or so years. There is important heritage in the Plan area including the Old Court Hotel and five scheduled ancient monuments.

Tourism is important to the local economy with visitors often outnumbering the resident population. There are numerous businesses both connected to tourism, but also providing other services and commercial enterprises.

There is a wealth of information in this well-written and informative section.

## 3. Issues

Setting out key areas of concern, this section sets the scene well covering many issues in a succinct and informative way.

There is a subtlety to the NPPF referred to in paragraph 3.4.2 and a modification is made to reflect this. It should be noted that the Plan quotes the NPPF 2018 which has been updated after the Plan was submitted to HC. A decision needs to be made as to whether the Plan should reflect the latest NPPF or not even though it falls to be examined against the NPPF published in 2012.

- **Change the penultimate sentence in paragraph 3.4.2 on page 15 of the Plan to read: “Major development should be refused *except in exceptional circumstances and where it can be demonstrated to be in the public interest.*”**

## 4. Vision and objectives

The vision for the Plan is:

“To be a Parish where an excellent quality of life is available to all, where people and their environment are valued and where there are homes, businesses and facilities to meet the needs of a sustainable community.”

The vision is supported by a number of objectives under topic headings of housing, employment, environmental sustainability, roads and traffic and community services and facilities.

Both the vision and the objectives are clearly articulated.

## 5. Our strategy for sustainable development

### Policy WG1: Promoting sustainable development

This is an overarching policy that promotes sustainable development in the Group Parish. It supports the provision of at least 65 houses over the Plan period and economic development subject to a number of criteria. All are appropriate given the nature of the area. The policy is clearly worded and with one modification to refer to the development plan rather than just the Plan, will meet the basic conditions.

- **Add “*and other documents which comprise the development plan*” at the end of the first sentence of the policy**

### Policy WG2: Development strategy

This policy directs most new housing to Whitchurch with Symonds Yat West receiving a proportionate amount of new housing and supports the expansion of employment areas. Both are subject to ensuring any development is appropriate given the constraints of the area.

The policy defines a settlement boundary for Whitchurch and supports appropriate infilling within it.

A settlement boundary is also defined for Symonds Yat West. This is the first time a settlement boundary has been defined for this settlement.

Outside the settlement boundaries, development must comply with CS policies, particularly CS Policies RA3.

Stoney Hills Industrial Estate and industrial and commercial buildings between the Old Ross Road and the Old Forge are supported for continued use. HC makes the point that criterion d) of the policy refers to “limited” extension and that a better word might be appropriate. I agree and a modification is made to reflect the stance of the CS more fully. Further development at the business parks at Martin’s Grove and Wyastone Leys is not identified.

Visitor and tourism facilities on land adjacent to the River Wye are supported.

Rural diversification is supported.

Any development is subject to ensuring that it is appropriate given the constraints of the area.

With this modification, the policy will take account of national policy and guidance, generally conform to the CS and CS Policies SS2, RA2, RA3, RA5, RA6 and E4 in particular and help to achieve sustainable development.

- **Change the word “limited” in criterion d) to “appropriate”**

## 6. Housing policies

It is useful for me at this stage to set out the strategic context for the Plan.

The strategy for the rural areas in the CS<sup>26</sup> is positive growth. CS Policies SS2 and RA1 indicate that 5,300 dwellings will be delivered throughout the rural housing market areas (HMA).

The strategy is based on seven HMAs. This Plan area falls within the Ross-on-Wye HMA. This HMA has an indicative housing growth target of 14% according to CS Policy RA1.

The CS explains that this indicative growth target in CS Policy RA1 will form the basis for the minimum level of new housing to be accommodated in each neighbourhood plan across the County.

The main focus for development is within or adjacent to existing settlements listed in two figures, 4.14 and 4.15. CS Policy RA2 translates this into policy. Whitchurch is identified in Figure 4.14 as a settlement which will be the main focus of proportionate housing development. Symonds Yat West is identified in Figure 4.15 as a settlement where proportionate housing is appropriate.

The CS explains that where there is more than one settlement listed in Figures 4.14 and 4.15, there is the appropriate flexibility to apportion the minimum housing requirement between the settlements concerned.<sup>27</sup> The CS continues that this will allow for a locally flexible approach that respects settlement characteristics, the distribution of local facilities and other local factors.

The Plan explains that the housing growth target is 65 dwellings. Given that 55 have already been constructed or committed, this leaves 12. Although on more recent figures in other documents such as the Environmental Report, and in answer to my

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<sup>26</sup> Core Strategy Section 4.8

<sup>27</sup> Ibid paragraph 4.8.21

queries, the minimum figure has already been exceeded at this point in time. The Plan however adopts an approach of seeking to provide some 81 new dwellings;<sup>28</sup> in other words it takes a positive approach to new development.

The CS explains that settlement boundaries for settlements identified in CS Policy RA2 will be defined in neighbourhood plans or the Rural Areas Sites Allocation Development Plan Document. Once a settlement boundary is defined, CS Policy RA3 will apply to land outside of settlements.

The Plan focuses most growth to Whitchurch and limited growth at Symonds Yat West.

### **Policy WG3: Housing development in Whitchurch**

This policy supports infilling in the defined settlement boundary, committed sites and a new site allocation. All are shown clearly on the Whitchurch Village Policies Map.

Outside the settlement boundary, housing development is also supported on the edge of, but outside the settlement boundary where it is small plots for self-build or affordable housing. HC has made the point in its representation that this does not provide the clarity needed and I agree. The Group Parish Council however makes the point that there may be constraints that rule out sites immediately adjacent to the boundary. A modification is therefore made to try and address both points.

I raised a number of queries about the inclusion or otherwise of additional sites within the defined settlement boundary; some as a result of my own observations at my site visit and others based on representations received. Having considered these matters further, the settlement boundary as put forward is appropriately defined. To include these other sites would raise expectations about the development potential and there is sufficient flexibility in this Plan and other development plan policies to accommodate appropriate development on such sites adjacent or close to the settlement boundary.

The policy will meet the basic conditions subject to a modification made in the interests of clarity.

- **Change the words “...but on its edge...” in the third paragraph of the policy to “...but adjacent or in close proximity to the settlement boundary...”**

### **Policy WG4: Housing site in Whitchurch**

This short policy allocates land of about 1.0 hectare adjacent to Yew Tree Close for housing development. The site is clearly shown on the Policies Map.

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<sup>28</sup> Table 1 on page 33 of the Plan

The supporting text explains that it is expected some 10 or so houses will be provided given the density of development in the locality. The site adjoins land which already has planning permission for nine units. The Plan seems to envisage that the sites would be developed separately, but it seems to me the allocation is reliant on access through the committed site. I raised this point in my queries. I also accepted a note on behalf of the landowners who had picked up I had raised this query. This confirms that a suitable access can be achieved. It may also make sense for a comprehensively planned scheme to come forward.

The policy is clearly worded and simply allocates the site. It therefore meets the basic conditions and no modifications to it are recommended.

### **Policy WG5: Housing development in Symonds Yat West**

Policy WG5 supports housing development in Symonds Yat West within the newly defined settlement boundary. I consider that the policy, with some modification, will be sufficiently robust and therefore meet the basic conditions. My concern is to ensure that the very special and distinct character of the settlement is not eroded by permitting development that would not be in keeping with the settlement or its location within an AONB.

- **Change criterion ii) to read: “Utilise *clearly perceptible* infill plots when viewed in relation to the character of the frontage, bearing in mind the *grain, rhythm and density that predominates* in that part of the settlement.”**

### **Policy WG6: Affordable, including intermediate, homes**

The supporting text explains that affordable housing provided through CS Policies H1 and H2 should meet local needs.

Policy WG5 sets out priorities for allocation and defines local need taking a ‘cascade’ approach. The NPPF is clear that, in rural areas, planning policies should be responsive to local circumstances and support housing developments that reflect local needs.<sup>29</sup> I consider this to broadly reflect this stance and the community’s wishes without being overly prescriptive. HC do not raise any objection to this policy. It therefore meets the basic conditions and no modifications to it are recommended.

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<sup>29</sup> NPPF para 54

## Policy WG7: Housing design and appearance

With five criteria, this policy sets out expectations for new development to deliver locally distinctive development of a high quality that protects, reflects and enhances local character.

The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.<sup>30</sup> It continues that neighbourhood plans should set out robust and comprehensive policies that set out the quality of development expected for the area.

The policy aligns with the NPPF's stance. It builds on CS Policies SS6, LD1 and SD1. It will help to achieve sustainable development.

However, the first sentence of the policy requires new development to adhere to best practice in construction standards to ensure safety and sustainability. In a Written Ministerial Statement (WMS) of 25 March 2015, the Government announced that it is not now appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. Regrettably then, this needs to be modified.

With this modification, the policy will meet the basic conditions.

- **Change the word “should” in the first sentence of the policy to “*is encouraged to*”**

## Policy WG8: Sustainable design

I referred to the WMS in relation to the previous policy. This policy seeks to do a number of things including influence construction and performance. Therefore modifications are made to the policy to ensure it can meet the basic conditions.

Otherwise the policy is a local expression of CS Policies SS7 and SD1 and will help to achieve sustainable development.

- **Reword the policy to read:**

**“An integrated approach to achieve a high standard of sustainable design *is encouraged* to achieve the maximum possible reduction in the carbon footprint of any development.**

**Development proposals *are encouraged to* contain a coordinated package of**

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<sup>30</sup> NPPF para 56

design measures which, in addition to regulatory requirements, include:

- a) Utilising physical sustainability measures associated with buildings that include orientation of buildings, the provision of energy- and water-conservation measures, storage for bicycles and storage for waste including provision for recycling, broadband infrastructure and renewable energy infrastructure such as photovoltaic or photo-thermal panels, air-source and ground-source heat pumps, where these do not detract from any historic fabric or settings.

*New development should:*

- b) *Provide tree-planting and other forms of green infrastructure to provide shade and shelter and maximise use of permeable surfaces;*
- c) *Support infrastructure to promote sustainable travel wherever possible;*
- d) *Enable a sustainable drainage system to serve a wider range of properties where such opportunities exist;*
- e) *Ensure that an assessment is carried out to establish the extent and nature of any contamination where there is good reason to believe that contamination of land may exist on any site, including through agricultural processes and make sure that effective measures are taken to ensure that potential occupiers and the wider environment are not put at unacceptable risk;*
- f) *Minimise construction traffic and reduce waste; and*
- g) *Ensure that where external lighting is required, it is appropriate to its purpose and supported by a lighting plan that demonstrates that it will not have an adverse effect through unnecessary glare, light-trespass, scenic intrusion or sky-glow.*

*New homes must be fully integrated into the existing neighbourhood and support a pedestrian-friendly environment through convenient links to local facilities and public transport connections which are suitable for those with pushchairs, in wheelchairs, walking with aids or using mobility scooters.*

*Where new innovative sustainable design or features are incorporated, they should fit sensitively within the street scene and incorporate a number of locally distinctive features to maintain the Parish's cohesive character."*

## 7. Economic development

### Policy WG9: Land adjacent to the River Wye to the east of Whitchurch

Recognising that the CS has a range of policies supporting economic development, this policy is geographically specific. The area has a range of tourism-related activities, some directly connected to the river.

The policy supports tourism-related facilities subject to a number of criteria aimed at ensuring they are appropriate to the location and can provide suitable parking. Given the area's location within an AONB, a specific mention of this would help with clarity.

In addition, it is recognised that enhancement of the area could take place and this is supported subject to suitable safeguards.

The area is identified on the Policies Map; I consider it would be useful for a cross reference to be inserted into the policy in the interests of clarity.

The area includes a small business park, Martin's Grove as well as an existing camp site, caravan park, related facilities and a butterfly farm.

The Environment Agency (EA) has raised concerns about this policy as the land lies predominantly within Flood Zone 3 and is likely to be partially functional floodplain where only water compatible development is supported. The EA is concerned whether new built development is being sought. Camping and caravan sites are classed as 'more' or 'highly' vulnerable depending on whether the use is short or long term. Without evidence and clarity over what the policy supports, the EA is concerned that further users will be introduced into an area of high risk without demonstrating it will be safe and the risk not increased to others. As a result I consider an additional criterion should be added to the policy.

With these modifications, the policy will meet the basic conditions. It will take account of the NPPF<sup>31</sup> which supports the rural economy and in particular sustainable rural tourism that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. It is a local expression of CS Policies SS5, RA6 and E4.

- **Add a new criterion to the policy that reads: *"Particular regard will be had to conserving the landscape and scenic beauty in the Area of Outstanding Natural Beauty."***
- **Add a new criterion to the policy that reads: *"Any development will need to take account of the site's location within a Flood Zone in accordance with the NPPF, CS policies and Policy WG19."***

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<sup>31</sup> NPPF para 28

- Add the words “*as identified on the Whitchurch Policies Map*” after “...adjacent to the River Wye...” in the first sentence of the policy

### **Policy WG10: Stoney Hills Industrial Estate and the complex of industrial and commercial buildings between the Old Ross Road and The Old Forge**

Both of the sites in the policy’s title are well-established commercial areas. I saw at my visit that Stoney Hills has purpose built units, some for let, but many occupied by a range of businesses. It is a self-contained site. The Old Forge area also has a range of businesses on this larger area on both sides of the B4229.

Policy WG10 retains both areas for employment uses and supports appropriate expansion and intensification of uses. Criteria include ensuring that the effects on residential amenity, parking and traffic considerations, impact on the AONB including external storage and flood risk are assessed.

The policy is clearly written and meets the basic conditions. In particular it reflects the NPPF’s stance on supporting economic growth in rural areas<sup>32</sup> and is a local expression of CS Policies SS5, RA6, E1 and E2. It will help to achieve sustainable development.

### **Policy WG11: Use of rural buildings**

Policy WG11 supports the conversion of large country houses and farmsteads and rural buildings for business purposes. It also supports live work units. In addition new associated buildings are supported. HC raise a concern about new buildings being permitted and the impact both individually and cumulatively. This would be at odds with CS Policy RA5 criterion 5 although I note the NPPF does permit well-designed new buildings to support the rural economy.<sup>33</sup>

All proposals are subject to five criteria. The criteria ensure that the nature and scale is appropriate to both the location and any impact on the transport network, the effect of any external storage is mitigated, the effect on residential amenity is considered and safeguards historic farmsteads.

I consider that this is in line with the NPPF’s stance on supporting a prosperous economy,<sup>34</sup> and in general conformity with CS Policies RA5 and RA6 in particular, but that it is necessary to strengthen some of the criteria.

With these modifications, the policy will meet the basic conditions.

- **Revise the policy to read:**

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<sup>32</sup> NPPF para 28

<sup>33</sup> Ibid

<sup>34</sup> Ibid

**“The change of use of large country houses and farmsteads, the re-use of rural buildings, and extensions to or intensification of use in such buildings, including through associated *small-scale and well designed* new buildings, that enable rural business or enterprise, including live/work units, will be supported provided:**

- a) The nature and scale of the use reflects the rural landscape and *has an acceptable impact on the highway network*;**
- b) Where the use requires external storage to support the rural-based activity, external screening is provided to fully mitigate the effects upon the local landscape from all publicly visible locations;**
- c) The residential amenity of adjacent properties is not *adversely affected from the operation of the enterprise itself or any associated traffic movements*;**
- d) Limited additional buildings may be provided to support the enterprise or reduce external storage where these *are well designed and* reflect small-scale traditional agricultural or rural buildings within the landscape; *and***
- e) Where the rural buildings involved comprise a historic farmstead, such buildings under d) should be informed by an analysis of these historic settlements.”**

### **Policy WG12: Working from home**

The Plan recognises that working from home is a major contributor to the local economy. This policy supports the provision of live-work units subject to acceptable effects on residential amenity. The policy is a local expression of CS Policies SS5, RA6 and E3. It is clearly worded. It meets the basic conditions and no modifications are recommended.

### **Policy WG13: Polytunnel policy**

Concern is expressed about the impact of polytunnels on the AONB. The supporting text explains that the policy includes a range of safeguards to protect the environment, amenity and highway safety.

The Plan explains that often such development is of a size and scale that it would be classed as “major development”. It goes on to say that the NPPF<sup>35</sup> would not then support such proposals. I am not convinced that this is the case. The NPPF indicates that major developments would not be supported except in exceptional circumstances and where they are in the public interest. The NPPF sets out the considerations to be taken into account in the assessment of such planning applications.<sup>36</sup> These

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<sup>35</sup> NPPF para 116

<sup>36</sup> Ibid

considerations include the need for the development and the impact of permitting or refusing it on the local economy. I can foresee scenarios where this might be successfully argued in relation to the contribution such activity makes to the local economy. I am also mindful that the most recent NPPF reflects the same position.<sup>37</sup> Modifications are therefore made to the supporting text to address this concern.

Turning now to the wording of the policy itself, a number of modifications are needed to ensure it will meet the basic conditions.

Criterion a) refers to exceptions set out in Policy WG14, but this policy does not set out exceptions and in any case is also subject to modification. This criterion should therefore be deleted.

Other modifications are made to ensure the policy is clear and reflects the NPPF. I note that HC considers the policy to be compliant with the CS and Policies SS6, LD1, LD2, LD4, SD1 and SD3 in particular.

- **Add the word “*necessarily*” before “...comply with...” in the fourth sentence of paragraph 7.6.2 on page 46 of the Plan**
- **Delete the fifth and subsequent sentences of paragraph 7.6.2**
- **Delete criterion a) of the policy**
- **Delete the words “Where proposals do not amount to major development, they...” from criterion b) and replace with “*Proposals*”**
- **Change the last paragraph of the policy to read: “Where proposals amount to major development, protecting the *scenic* beauty and landscape of the AONB will be given priority and such proposals will not be acceptable except in exceptional circumstances and it can be satisfactorily demonstrated that the proposal is in the public interest, there is no viable alternative location outside of the AONB, and the environmental effects can be mitigated to an acceptable degree.”**

## 8. Environmental and heritage policies

### Policy WG14: Conserving the landscape and scenic beauty, both within and outside of the Wye Valley AONB

Most of the Plan area falls within the Wye Valley AONB. The NPPF is clear that great weight should be given to conserving landscape and scenic beauty in AONB which have

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<sup>37</sup> NPPF February 2019 para 172

the highest status of protection.<sup>38</sup> It continues that planning permission should be refused for major developments except in exceptional circumstances and where it would be demonstrated they are in the public interest.<sup>39</sup> The NPPF then indicates what types of issues may be included in such assessments.<sup>40</sup>

The Plan recognises that development outside the AONB may have an effect on it. Policy WG14 therefore sets out principles for development. A modification is made to more accurately reflect the stance of the NPPF.

The policy then seeks to define what constitutes major development. The most recently published NPPF indicates that this is a matter for the decision maker.<sup>41</sup> This is recognised in paragraph 8.2.2 of the supporting text. I do not then consider it appropriate to seek to define this in policy given this is the most recent indication of national policy (whilst recognising the Plan is examined in relation to the NPPF 2012).

The remainder of the policy is worded well.

With these modifications, the policy will meet the basic conditions. It will reflect CS Policies SS6, LD1, LD2 and LD4 in particular and help to achieve sustainable development.

- **Add the words “*except in exceptional circumstances and where*” after “...major development...” in the third sentence of the policy deleting the word “unless” from the same sentence**
- **Delete the sentence that begins “In determining whether a proposal is major development...” and the five criteria a) to e) that follow from the policy**

### **Policy WG15: Enhancement of the natural environment**

The NPPF is clear that planning policies should contribute to and enhance the natural environment.<sup>42</sup> This policy seeks to achieve that. It sets out what is expected and why.

However, the last sentence of the policy allows the loss of features “where absolutely necessary”. I am concerned that this would encourage such arguments to be put forward and may result in the loss of important features, however inadvertently. A modification is made to address this.

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<sup>38</sup> NPPF para 115

<sup>39</sup> Ibid para 116

<sup>40</sup> Ibid

<sup>41</sup> NPPF February 2019 footnote 55

<sup>42</sup> NPPF para 109

With this modification, the policy will be in general conformity with the CS and Policies SS6, LD2 and LD3 in particular and will help to achieve sustainable development.

- **Change the last sentence of the policy to read: “There should be no net loss of biodiversity and the loss of any features, *including those which potentially reduce the coherence and effectiveness of the ecological network of sites, will only be permitted in exceptional circumstances and where satisfactory offset and compensatory measures can be brought forward.*”**

### Policy WG16: Protecting heritage assets

The NPPF<sup>43</sup> recognises that heritage assets are an irreplaceable resource; they should be conserved in a manner appropriate to their significance. It continues that great weight should be given to the conservation of a designated heritage asset. In relation to non-designated heritage assets, the NPPF indicates that significance should be taken into account and that a “balanced judgement” will be needed having regard to the scale of any harm or loss and the significance of such heritage assets.

The policy takes account of national policy and guidance, is in general conformity with CS Policies SS6, RA3, RA5, LD1 and LD4 in particular and will help to achieve sustainable development. It is clearly worded. Only one addition is made in response to HC’s comments about the need for the policy to refer to CS Policy RA5 as well.

- **Change the last sentence of the policy to read: “...Herefordshire Local Plan Core Strategy *policies RA3 (6) and RA5.*”**

### Policy WG17: Protection from flood risk

The NPPF<sup>44</sup> is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Flood risk is something that neighbourhood plans can address and forms part of planning for new development in relation to a range of impacts arising from climate change.

The policy seeks to help to address flood risk and encourage appropriate surface water and sustainable drainage systems. It is clearly worded. It takes account of national policy and guidance, generally conforms to CS Policies SD3 and SD4 in particular and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

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<sup>43</sup> NPPF Section 12

<sup>44</sup> Ibid paras 99 - 104

## Policy WG18: Sewerage infrastructure

Policy WG18 seeks to ensure that all new development connects to the public sewer to ensure that the potential for pollution is minimised given the River Wye SAC. It takes a precautionary approach which is acceptable given the characteristics of, and issues in, the Plan area. I consider this reflects the necessity for appropriate infrastructure to achieve sustainable development. I note Dwr Cymru/Welsh Water welcome the policy. The policy is clearly worded and is a local expression of CS Policy SD4 in particular. It meets the basic conditions and no modifications are recommended.

## Policy WG19: Renewable and low carbon energy

Renewable energy and low carbon schemes are supported by this policy subject to acceptable effects including on the natural and historic environment and amenity.

The policy takes account of the NPPF's drive to meet the challenge of climate change and can be viewed as a positive strategy promoting such energy whilst ensuring that adverse impacts are satisfactorily addressed.<sup>45</sup> It generally conforms to CS Policies SS7 and SD2 adding detail at the local level and will help to achieve sustainable development.

A modification is made to ensure that proposals are small scale. Subject to this the policy will meet the basic conditions.

- **Add the words "*Small scale*" at the start of the first sentence of the policy**

## 9. Highways, transport and road safety

### Policy WG20: Traffic measures within the Parish

The Plan identifies concern about the level and speed of traffic in the Parish and the pollution it creates.

This policy seeks to do a number of things; firstly it sets out working with other agencies which is laudable but not directly related to the development and use of land which is one of the matters I must check.<sup>46</sup> Secondly, it covers a number of issues primarily concerned with the management of traffic; again not a development and use of land issue. In my view, it therefore constitutes a community aspiration rather than a planning policy. Accordingly, modifications are made.

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<sup>45</sup> NPPF para 97

<sup>46</sup> See Sections 2 and 5 of this report

- Delete Policy WG20 and its supporting text at paragraphs 9.2.1, 9.2.2 and 9.2.3
- If desired, the content of the deleted policy and its supporting text can be adapted into a clearly identified and separate community aspiration

### Policy WG21: Highway design requirements

Policy WG21 seeks to ensure that any new development is appropriate with regard to its impact on highways.

I have recommended some modifications in the interests of clarity and precision. With these modifications, the policy will take account of the NPPF,<sup>47</sup> be in general conformity with the CS, in particular Policies SS4 and MT1, and help to achieve sustainable development.

- Change the title of the policy to *“Transport related requirements”*
- Change the first sentence of the policy to read: *“Development proposals should ensure:”*
- Change criterion a) to read: *“Satisfactory access is provided for vehicles, cyclists and pedestrians;”*
- Change criterion b) to read: *“That satisfactory off-street parking is provided including, where appropriate, provision for cycle parking and storage, in accordance with Herefordshire Council’s car parking standards and, where appropriate, take every available opportunity to address or improve parking problems that exist in the vicinity of the site. In addition, off road parking spaces should be constructed using permeable materials;”*
- Reword criterion c) to read: *“The volume of traffic generated is acceptable in relation to the capacity and nature of the local road network;”*

## 10. Community facilities

### Policy WG22: Protection and enhancement of Parish facilities and services

This policy seeks to retain and protect facilities from development that might restrict their current use unless alternative provision is made. Enabling development supporting the viability of key services is also supported. Any enhancement or new

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<sup>47</sup> NPPF Section 4

facilities and services are subject to five criteria. All are clearly and appropriately worded given the nature and characteristics of the area.

The loss of key facilities is resisted unless it can be demonstrated they are no longer viable. There is no definition of key services in the Plan. This then may lead to confusion in applying the policy and so is deleted in the interests of providing a practical framework for decision-making.

In addition greater flexibility is needed; sometimes the loss of a facility can be compensated with alternative provision of an equivalent or better standard. A modification is made to reflect this.

With these modifications, the policy will meet the basic conditions. It takes account of the NPPF<sup>48</sup> which plans positively for facilities and services to enhance the sustainability of communities and guards against the unnecessary loss of valued facilities and services. It generally conforms to CS Policy SC1 in particular which protects, retains and enhances existing social and community infrastructure. It will help to achieve sustainable development.

- **Delete the word “key” from the second and last sentences of the policy**
- **Add the words “*or where a replacement facility or service of equivalent or better provision is provided in a suitable location.*” at the end of the policy**

### **Policy WG23: Contributions to Parish services, youth provision and recreation facilities**

This policy seeks to direct developer contributions towards community infrastructure.

Planning obligations should only be sought where they meet the statutory tests<sup>49</sup> which are also set out in the NPPF.<sup>50</sup> The tests are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

As drafted, the policy indicates that these contributions are only sought where appropriate and I take this to mean meeting these tests given the circumstances of an individual site or development.

The policy therefore takes account of national policy and guidance, will generally conform to the CS and will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

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<sup>48</sup> NPPF paras 28, 70

<sup>49</sup> Regulation 102 Community Infrastructure Levy Regulations 2010 as amended by CIL (Amendment) (England) (No 2) Regulations 2019

<sup>50</sup> NPPF para 204

## Policy WG24: Broadband infrastructure

In common with many rural areas, the availability and quality of broadband and other telecommunications infrastructure is an important issue. This policy supports the provision of infrastructure to improve telecommunications. This is in line with the NPPF's support for high quality communications infrastructure<sup>51</sup> and CS Policy SS5. It will help to achieve sustainable development. The policy is clearly worded and meets the basic conditions. No modifications are therefore recommended.

## 11. Delivering the Plan

As well as indicating how the Parish Council will use the Plan, this section commits the Parish Council to monitoring and reviewing the Plan. Whilst monitoring is not yet a requirement for neighbourhood plans, I welcome the intention to regularly review the Plan and commend this as good practice to others.

## References

This section refers to three supporting and associated documents.

## Glossary of terms

A helpful glossary of terms is included. Some amendments are made in the interests of completeness or accuracy or to avoid confusion and repetition.

- **Change “Conservation Area” to “An area *designated as being* of special architectural or historic interest, the character *or* appearance of which *should be preserved or enhanced*”**
- **Add “A series of statutory documents” at the start of the definition of “Development Plan”**
- **Update the definition of “Local Plan” using the definition in the most recent NPPF**
- **Update “National Planning Policy Framework” to refer to the most recent NPPF**

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<sup>51</sup> NPPF Section 5

- Delete the sentence which begins “Sometimes developers can self impose obligations...” from “Planning Obligations”
- Update “Presumption in Favour of Sustainable Development”
- Delete “Public Inquiry” or add definition [as there is no “Inquiry” definition]
- Delete “Sequential Test”
- Delete the sentence which begins “An approach to development...” from “Sustainable Development”
- Add the word “usually” after “Planning permission must...” in “Use Classes Order”

## 8.0 Conclusions and recommendations

I am satisfied that the Whitchurch and Ganarew Group Parish Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Herefordshire Council that, subject to the modifications proposed in this report, the Whitchurch and Ganarew Group Parish Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Whitchurch and Ganarew Group Parish Neighbourhood Plan area as approved by Herefordshire Council on 4 December 2013.

*Ann Skippers* MRTPI  
 Ann Skippers Planning  
 12 September 2019

## Appendix 1 List of key documents specific to this examination

Neighbourhood Development Plan 2011 – 2031 Submission Draft October 2018

Basic Conditions Statement January 2019

Consultation Statement January 2018 Issue 1

Environmental Report January 2019

Habitats Regulations Assessment Report January 2019

Future Housing Needs Survey Report September 2016 Data Orchard

Survey Report Analysis Data

Questionnaire Report August 2016 Data Orchard

Appendix 2 Free Text Comments

Preliminary Evidence Base

Whitchurch and Ganarew Group Parish Policies Map

Symonds Yat Policies Map

Whitchurch Policies Map

Herefordshire Core Strategy 2011-2031 October 2015 and Appendices

Saved Policies of the Unitary Development Plan 2007

Wye Valley AONB Management Plan 2015 – 2020 February 2016

Comments from the Group Parish Council on the Regulation 16 representations

Various documents on the Group Parish Council website [www.wagpcnp.org.uk](http://www.wagpcnp.org.uk) including Housing Report 12 January 2018

**List ends**

## Appendix 2 Note and questions from the examiner

### **Whitchurch and Ganerew Group Parish Neighbourhood Plan Examination**

#### **Note and questions of clarification from the Examiner to the Group Parish Council and HC**

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

#### ***Note from the examiner for consideration***

1. A settlement boundary has been defined for Symonds Yat West (Policies WG2 and WG5). Whilst I note the settlement is identified in Table 4.15 of the Core Strategy as a settlement where proportionate housing is appropriate, it falls in an Area of Outstanding Natural Beauty (AONB). National policy is clear that within AONBs, great weight should be given to conserving and enhancing landscape and scenic beauty as such areas have the highest status of protection. The scale and extent of development should be limited.

The Core Strategy also allows flexibility where more than one settlement is identified in Tables 4.14 and 4.15 as in this case as Whitchurch is also identified in 4.14.

I understand that the Group Parish has already met its housing target (albeit this is a minimum figure); is this correct? I would be grateful for clarification on the latest available figures.

The settlement's nature and character is such that it is arguably difficult to write a policy that would only permit what might be considered to be limited and acceptable development.

I am therefore concerned that defining a boundary for Symonds Yat West is not necessary or desirable and may inadvertently result in far more development than is envisaged. As a consequence, I am considering whether this should be deleted from the Plan.

I would be grateful for any comments on these thoughts (which are given informally and without prejudice).

#### ***Questions of clarification where further information is sought***

2. Please confirm the date the Plan was submitted to HC.
3. Please confirm whether the Group Parish has been given an opportunity to make any comments on all or any of the representations received at Regulation 16 stage and if so, send me a copy of any comments made or confirm that no comments has been made.
4. In relation to the settlement boundary for Whitchurch (policies WG2 and WG3), three matters arise:
  - a. A representation suggests that additional land to the rear of Old Court Hotel should be included. I would welcome your comments on this. This may already be part of any comments submitted on Regulation 16 representations of course.

- b. I consider that the car wash/car park/ Jo's Place 'island' site in between the Old Ross Road and the A40 could potentially be included in the settlement boundary. Why was it excluded?
  - c. I consider the dwelling adjacent to the primary school might potentially be added to the settlement boundary. Why was this property excluded?
- 5. Are there any assessment/evidence documents in the public domain relating to the definition of the settlement boundaries for Whitchurch and Symonds Yat West? If so, please send me a copy or link.
- 6. The proposed site allocation (Policies WG3 and WG4), land adjacent to Yew Tree Close, seems to rely on access through the committed site. Please send me brief details of the permission for the committed site including a site/layout plan and comment on this issue. What work has been done to look at both sites holistically? Has the land owner(s) confirmed access is available for the allocation? Is the land within the same ownership?
- 7. The Environment Agency has raised concern in relation to Policy WG9. I would welcome your comments on this and any suggestions on how to overcome the concern.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.

Ann Skippers  
Independent examiner  
1 August 2019