

Independent Examiner's Report of the
Longtown Group Parish
Neighbourhood Development Plan

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SECTION 2

Summary

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

- 1. I find the Longtown Group Parish Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Longtown Group Parish Neighbourhood Development Plan go to Referendum.*
- 3. I have read the Longtown Group Parish Consultation Statement and the representations made in connection with this subject. I consider that the consultation process was adequate and that the Neighbourhood Development Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Longtown Group Parish Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. The current development plan for the Neighbourhood Plan Area is the Herefordshire Local Plan Core Strategy 2015 adopted 16th October 2015.*

SECTION 3

Introduction

3.1. Neighbourhood Plan Examination.

3.1.1 My name is Deborah McCann and I am the Independent Examiner appointed to examine the Longtown Group Parish Neighbourhood Development Plan.

3.1.2 I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

3.1.3 My role is to consider whether the submitted Longtown Group Parish Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Longtown Group Parish Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

3.1.4 The Longtown Group Parish Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012 (as amended).

3.1.5 The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing.

3.2. The Role of Examiner including the examination process and legislative background.

3.2.1 *The examiner is required to check whether the neighbourhood plan:*

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

3.2.2 *The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).*

3.2.3 *As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:*

i)The Plan can proceed to a Referendum

ii)The Plan with recommended modifications can proceed to a Referendum

Where a policy does not meet the Basic Conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing

with 'Wider Community Aspirations'. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications. Policies in a neighbourhood plan which have elements which seek to control things which fall outside the scope of the planning system, introduce requirements which are indiscriminate in terms of the size of development or are overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

iii) The Plan does not meet the legal requirements and cannot proceed to a Referendum

3.2.4 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Longtown Group Parish Neighbourhood Development Plan go to Referendum.

3.2.5 In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004*
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect*
- the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for*

examination by a qualifying body.

3.2.6 I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
 - Contributes to the achievement of sustainable development;*
- and*
- Is in general conformity with the strategic policies contained in the Development Plan for the area.*

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

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

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

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

3.2.7 Herefordshire Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Local Planning Authority must "make" the Neighbourhood Plan a part of its

Development Plan as soon as possible. If approved by a referendum and then “made” by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

4.1. Appointment of the Independent examiner

4.1.1 Herefordshire Council appointed me as the Independent Examiner for the Longtown Group Parish Neighbourhood Development Plan with the agreement of Longtown Group Parish Council.

4.2. Qualifying body

4.2.1 I am satisfied that the Longtown Group Parish Council meets the necessary requirements and is the Qualifying Body under the Localism Act 2011.

4.3. Neighbourhood Plan Area

4.3.1 The Longtown Group Parish Neighbourhood Development Plan covers the civil parishes of Craswall, LLanveynoe, Longtown and Walterstone. Longtown Group Parish Neighbourhood Development Plan (NDP) covers the Longtown Group Parish Neighbourhood Plan area only and no other Neighbourhood Plan areas.

4.3.2 The Longtown Group Parish Neighbourhood Plan Area was designated by Herefordshire Council on 13th June 2013.

4.3.3 No part of the Neighbourhood Area overlaps any part of any other Neighbourhood Area (Section 61G (7) of the Act).

4.4. Plan Period

4.4.1 It is intended that the Longtown Group Parish Neighbourhood Development Plan will cover the period 2011-2031.

4.5. Herefordshire Council Assessment of the Plan under regulation 15 of the Neighbourhood Planning (General) Regulations 2017.

4.5.1 Regulation 15 Plan proposals and modification proposals

15.(1) Where a qualifying body submits a plan proposal or a modification proposal to the local planning authority, it must include—

(a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;

(b) a consultation statement;

(c) the proposed neighbourhood development plan or neighbourhood development plan as proposed to be modified”; and

(d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act or in the case of a modification proposal, how the neighbourhood development plan as proposed to be modified meets the requirements of paragraph 11 of Schedule A2 to the 2004 Act.

e) in relation to a modification proposal, a statement setting out the whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion.

(2) In this regulation “consultation statement” means a document which—

(a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan or neighbourhood development plan as proposed to be modified;

(b) explains how they were consulted;

(c) summarises the main issues and concerns raised by the persons consulted; and

(d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

4.5.2 Longtown Group Parish Neighbourhood Development Plan was

submitted by the Qualifying Body to Herefordshire Council for consideration under Regulation 15. Herefordshire Council has made an initial assessment of the submitted Longtown Group Parish Neighbourhood Development Plan and the supporting documents and was satisfied that these comply with the specified criteria.

4.6. Site Visit

4.6.1 I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on the 3rd of October 2019.

4.7. The Consultation Process

4.7.1 The Longtown Group Parish Neighbourhood Development Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;

(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

4.7.2 I have examined the documents and considered the focus of the Neighbourhood Plan I conclude that the consultation process was adequate, well conducted and recorded.

4.7.3 A list of statutory bodies consulted is included in the Consultation Statement.

4.8. Regulation 16 consultation by Herefordshire Council and record of responses.

4.8.1 *The Local Planning Authority placed the Longtown Group Parish Neighbourhood Development Plan out for consultation under Regulation 16 from 13th of June to the 8th February 2019.*

4.8.2 *A number of detailed representations were received during the consultation period and these were supplied by Herefordshire Council as part of the supporting information for the examination process, the details are available on the Herefordshire Council website. I considered the representations, have taken them into account in my examination of the plan and referred to them where appropriate.*

4.9. Compliance with the Basic Conditions

4.9.1 *The Longtown Group Parish Council produced a Basic Conditions Statement. The purpose of this statement is to set out in some detail how the Neighbourhood Plan as submitted does meet the Basic Conditions. It is the Examiner's Role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.*

4.9.2 *I have to determine whether the Longtown Group Parish Neighbourhood Development Plan:*

1. *Has regard to national policies and advice*
2. *Contributes to sustainable development*
3. *Is in general conformity with the strategic policies in the appropriate Development Plan*
4. *Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*
5. *There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:*

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

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

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

(i) The draft Longtown Group Parish Neighbourhood Development Plan - the main document which includes policies developed in consultation with the community at various engagement events and workshops.

(ii) Consultation Statement – sets out how the community, and other stakeholders, have been involved in preparing the Plan.

(iii) Basic Conditions Statement - An appraisal of the Plan policies against European Union (EU) and national policies, as well as the strategic policies of the Herefordshire Local Plan and any other policies and guidance.

(iv) Environmental Report May 2019

(v) Habitats Regulations Assessment Report November 2018

Comment on Documents submitted

4.9.4 I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Longtown Group Parish Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

4.10. Planning Policy

4.10.1. National Planning Policy

4.10.3 To meet the Basic Conditions, the Plan must have "regard to national

policy and advice”. National Planning Policy is contained within the National Planning Policy Framework 2019 (updated) and the supporting guidance.

4.10.4 The Longtown Group Parish Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

4.10.5 I have examined the Longtown Group Parish Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to minor modification does meet the Basic Conditions in this respect.

4.11 Local Planning Policy- The Development Plan

4.11.1 The Longtown Group Parish of Parishes is within the area covered by Herefordshire Council. Currently the relevant development plan is the Herefordshire Local Plan Core Strategy 2015 adopted 16th October 2015.

4.11.2 To meet the Basic Conditions, the Longtown Group Parish Neighbourhood Development Plan must be in “general conformity” with the strategic policies of the development plan.

The NPPF 2019 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision¹² for:

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

c) community facilities (such as health, education and cultural infrastructure); and

d) conservation and enhancement of the natural, built and historic

environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

4.11.3 Neighbourhood Plans should only contain non-strategic policies. The NPPF 2019(updated) states:

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

4.11.4 Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

4.11.5 The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

4.11.6 Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective*
- whether the policy seeks to shape the broad characteristics of development*
- the scale at which the policy is intended to operate*
- whether the policy sets a framework for decisions on how competing priorities should be balanced*
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan*
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan*
- whether the Local Plan identifies the policy as being strategic”*

4.12. Other Relevant Policy Considerations

4.12.1. European Convention on Human Rights (ECMR) and other European Union Obligations

4.12.2 As a ‘local plan’, the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.

Strategic Environmental Assessment (SEA) is an important part of the evidence base which underpins Neighbourhood Development Plans (NDP), as it is a systematic decision support process, aiming to ensure that environmental assets, including those whose importance transcends local, regional and national interests, are considered effectively in plan making.

An Environmental Report has been produced Herefordshire Council for the Longtown Group Parish Neighbourhood Area dated May 2019.

The environmental appraisal of the Longtown Group Parish NDP has been undertaken in line with the Environmental Assessment of Plan and Programmes Regulations 2004. Stage A of the SEA process involved Scoping and Stage B provided a review and analysis of the NDP. Stage C involved preparing an Environmental Report and Stage D comprises a formal consultation on both this and the submission Plan itself.

The following organisations were consulted during the formal consultation period:

- *Natural England*
- *Historic England*
- *Environment Agency*

4.12.3 SEA

4.12.4 The SEA concluded that:

“On the whole, it is considered that the Longtown Group Parish NDP is in general conformity with both national planning policy contained in the National Planning Policy Framework and strategic policies set within the Herefordshire Local Plan (Core Strategy). Nor does it propose any growth that would be over and above that prescribed by strategic policies. There are no changes to the NDP recommended as a result of the SEA”.

4.13 Habitats Regulations Assessment (HRA)

4.13.1 An HRA is required by the Habitats Directive (92/43/EEC) in appropriate circumstances. Land use plans may require the undertaking of an HRA to assess their implications for European sites. The purpose of HRA is to assess the impacts of a land use plan against the conservation objectives of a European site and to ascertain whether it would have a likely significant effect on the integrity of that site, whether alone or in combination with other plans and projects.

4.14 Regulations Habitats Assessment (HRA) Screening of the Neighbourhood Plan

4.14.1 The conclusion of the HRA scoping carried out by Herefordshire Council was that a further HRA was not required.

4.16 Adequacy of the HRA screening

4.16.1 Herefordshire Council has sought Counsel advice in light of the implication of the recent European judgment the case of People Over Wind and Sweetman v Coillte Teoranta (C-323/17) (“Sweetman”) and the representations from Natural England to a number of Habitat Regulation Assessment consultations undertaken post the judgment.

These revised Habitat Regulations Assessments (post Sweetman) relied on policies within the Core Strategy; namely policy SD4 and LD2 to indicate that there was unlikely to be any ‘likely significant effects’ and that an Appropriate Assessment would not be required and the NDPs met the EU obligations.

The key issue has been whether policies within the Core Strategy are classified as ‘mitigation’ and therefore cannot be used within an initial screening. Resulting in the need for Appropriate Assessment which NDPs cannot be subject to.

Counsel advice has indicated that Policy SD4 (for example) is part of the development plan and importantly it has been considered through the Core Strategy assessment as removing the pathway to harm and ‘likely significant effects’. As all neighbourhood plans need to be in conformity with the Core Strategy and the policies of the development plan read as a whole, there is no need for the NDPs to include additional mitigation covered within these policies as it is within the higher-level plan (the Core Strategy).

The advice gives a clear conclusion that the Council can and should make the NDPs and examinations could be concluded, where either there is an adequate sewerage treatment capacity; or there is not but SD4 applies”.

4.12. Sustainable development

The Basic Conditions Statement sets out how the Longtown Group Parish Neighbourhood Development Plan has addressed the issue of achieving

sustainable development. My conclusion is that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Longtown Group Parish Neighbourhood Development Plan subject to the recommended modifications addresses the sustainability issues adequately.

4.12.1 The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Longtown Group Parish Neighbourhood Development Plan has done so.

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

12.10 Excluded development

12.10.1 am satisfied that the Longtown Group Parish Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

12.11 Development and use of land

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

12.12 The Neighbourhood Plan Vision, Strategic Aims and Policies

12.12.1 The Longtown Group Parish Neighbourhood Development Plan Vision:

“This beautiful group of parishes, with a strong agricultural heritage, needs to

meet the social and economic needs of the whole community whilst maintaining and enhancing its unique rural landscape and environment. It must improve its infrastructure and support small-scale development to ensure it is a vibrant and sustainable place for all generations of residents and visitors to live, learn, work and play.

- *We will protect our natural and historic environment*
- *We will provide new homes and support local facilities*
- *We will promote business and employment opportunities”*

The consultation process identified a number of policy themes:

- *Housing*
- *Economy*
- *Infrastructure and Community Facilities*
- *The Environment*
- *Energy Supplies*

COMMENT

I am satisfied that vision and policy themes of the Longtown Group Parish Neighbourhood Development Plan have been developed as a result of the consultation process and that the policies developed address these issues.

13. Longtown Group Parish Neighbourhood Development Plan Policies

Policy LGPC 1: Housing within Longtown village

New housing within Longtown village will be restricted to sensitive infilling within the settlement boundary including sites marked for development on the Longtown Village Policies Map (p.19.). Infilling must meet the following criteria:

- a) *Development shall not adversely affect the site or setting of Longtown Castle and the Pont- Hendre motte and bailey.*

- b) Dwellings shall be of a scale, massing, density, building line and layout compatible with the character, size and form of the neighbouring properties.*
- c) Development shall not result in the loss of important features such as trees, hedgerows, significant frontage gaps or green spaces that contribute to the character of the village.*
- d) To the north of the Penbailey site (policy LGPC3), any development should reflect the existing character of that part of the village and not result in a regimented, close-knit groups of dwellings but should comprise plots with modest scale cottages facing onto the roadside and containing garden gaps along the frontage of at least similar width to the dwellings in addition to any vehicular access.*
- e) Development shall not adversely affect the amenity of adjacent properties.*
- f) There should be safe access for vehicles and parking arrangements should be an integral part of the overall design.*
- g) Support will be given to proposals for custom-built and/or self-build dwellings and live/work units where these would not adversely affect residential amenity of existing properties or generate unacceptable levels and type of traffic within the village.*

COMMENT

I have no comment on this policy.

Policy LGPC 2: Land South East of Greyhound Close

The development of 0.6 ha (1.5 acres) of land to the south east of Greyhound Close identified on the Longtown Village Policies Map is proposed for housing development subject to the following additional conditions:

- a) There should be tree planting and structural landscaping to protect the setting of the settlement and Longtown Castle.*

b) *Landscaping should include measures to protect and enhance biodiversity.*

c) *Buildings should be designed to avoid repetition of form and detail that would give an urban appearance and a mixture of building materials, styles and aspects should reflect the existing village character.*

d) *The development should provide low-density, single-storey housing to suit older people and to protect the view of Hatterall Hill.*

e) *The scale and nature of development on this site should be informed by a Heritage Impact Assessment.*

COMMENT

Both Historic England and the Historic Buildings Officer of Herefordshire Council have raised concerns in relation to the allocation of this site for development:

“Longtown is a Roman Fort, later adapted to a Motte & Bailey castle with a linear town extending from this. The site is highly important, although not designated as a Conservation Area. The southern site has the potential to affect the understanding of the history of the wider settlement as the layout already established by the cul-de-sac would not be characteristic of the wider settlement. This would harm the setting of ‘The Old Greyhound’ Listed at Grade 2. It may be possible to carefully design a scheme which reinforces the linearity of both historic plots and the village, a specific policy or a Conservation Area designation, to help to control the nature of development on this site may be beneficial. We note that the site does not benefit from an area designation other than the Scheduling of the Castle.” (Principle Building Conservation Officer)

Historic England: “However, in the Regulation 14 response we also registered our significant concern in relation to the allocated housing site “south-east of Greyhound Close” (Site reference No. 3) pointing out that Historic England could not support the allocation of this site in the Neighbourhood Plan for housing development. As stated previously, in

the view of our Assistant Inspector of Ancient Monuments, Alison Macdonald:

“The siting of 8-12 houses on this plot would change the character of this part of the village and therefore the setting of the Scheduled Monument. Although it is acknowledged that the re-development of the adjacent farmyard has already had a negative impact on the character of the village this should not set a precedent. It is acknowledged in the site assessment (pg. 32) that “the development of this site would exacerbate the uncharacteristic form of development in this location”. Housing within the core of historic Longtown of which this is part (as acknowledged by the SM parcel on the other side of the road) faces the road and is within the burgage plot divisions. This plot has no street frontage and access would be through the farm development (Greyhound Close). The landscape of this area is also highly sensitive in this location, with views of the village, showing its historic form, from the Brecon Beacons National Park”.

Alison concluded that, with further detailed discussion with both the neighbourhood plan team and the local planning authority, it may be possible for a sensitive design to be arrived at for a small number of houses on this site, but not the numbers suggested, and it would very much depend on layout and design.”

Herefordshire Council in their Reg 14 Consultation response supported the site’s inclusion as one of the only viable sites in the Neighbourhood plan Area. In addition, the reference to 8-12 dwellings has been removed from the policy although there is still reference in the supporting text. Having considered the representations carefully and on planning balance I consider that the site can be included but to ensure that the site can be developed without harm to the historic character of the area the policy should be modified as follows:

Policy LGPC 2: Land South East of Greyhound Close

The development of 0.6 ha (1.5 acres) of land to the south east of

Greyhound Close identified on the Longtown Village Policies Map is proposed for housing development subject to the following additional conditions:

a) The scale and nature of development on this site should be informed by a robust Heritage Impact Assessment ensuring that any proposals would not harm the setting of “The Old Greyhound “ Grade 2 Listed Building and respect the highly sensitive landscape of this area with its views of the village, showing its historic form, from the Brecon Beacons National Park.

b) There should be tree planting and structural landscaping to protect the setting of the settlement and Longtown Castle.

c) Landscape proposals should include measures to protect and enhance biodiversity.

d) The design of new buildings and materials used should be locally distinctive reflecting existing village character and avoiding an urban appearance.

e) If appropriate the development could provide low-density, single-storey housing to suit older people and to protect the view of Hatterall Hill.

In addition, the supporting text should be modified as follows:

6.11 The assessment of the site identified that it was suitable for development despite a number of constraints, but these can be overcome by informing the scale and nature of development through a Heritage Impact Assessment and incorporating the conditions listed above.

Policy LGPC 3: Land North of Penbailey

The development of land to the north of Penbailey identified on Longtown

Village Policies Map is proposed for housing development subject to the following additional conditions:

a) Provision be made for a children's play area and other open space, sports and recreation needs, in accordance with applicable standards, or appropriate contributions made to off-site facilities.

b) Provision be made for car parking to relieve additional congestion outside the Village Primary School.

c) Measures to protect the public foul sewer that traverses the site will be required by way of an easement/protection zone or diversion.

COMMENT

Paragraph c) is not controlled by the planning system but would form a requirement of the appropriate Statutory Undertaker. Policies should not impose requirements on developments which could impact on the viability and deliverability of a proposal. The requirement to provide parking for the primary school, although a reasonable aspiration could impact on the viability and deliverability of any proposal. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy LGPC 3: Land North of Penbailey

The development of land to the north of Penbailey identified on Longtown Village Policies Map is proposed for housing development subject to the following additional conditions:

a) Provision be made for a children's play area and other open space, sports and recreation needs, in accordance with applicable standards, or appropriate contributions made to off-site facilities.

b) If achievable, provision should be made for car parking to relieve additional congestion outside the Village Primary School.

Policy LGPC 4: Residential Use Associated with Historic Farmsteads

Sensitively designed housing development of buildings comprising historic farmsteads in Craswall, Llanveynoe, the rural parts of Longtown and Walterstone will be supported where proposals respect historic character and are:

- a) single or multiple dwellings to meet a local need for affordable housing, such as for key workers.*
- b) 'enabling development' to ensure the retention or repair of any heritage asset.*
- c) live and work units of appropriate scale for the existing farmstead.*
- d) reinstating the form and layout of a historic building complex identified by Herefordshire Historic Farmstead Characterisation Project where the design of the proposal is of exceptional quality or innovation.*

COMMENT

I have no comment on this policy.

Policy LGPC 5: Providing for Local Housing Need

Where affordable or intermediate dwellings are to be retained under Section 106 agreements, the priority for their allocation, on the first and all subsequent lettings, should be given first to those demonstrating a local housing need within LGPC (i-iv below). If there is no one with such a connection at the time of letting, the accommodation may be offered to those from adjacent parishes, followed by those from the Golden Valley Housing Market Areas and then to the whole of Herefordshire.

- a) Those living in the Longtown Group Parish of Parishes (LGP).*
- b) Those who have lived in LGP for 6 out of the past 12 months or 3 out of 5 years.*

c) *Those who work or are coming to work in the LGP.*

d) *Those with an essential need to support or be supported by a current resident in the LGP*

COMMENT

I have no comment on this policy.

Policy LGPC 6: Supporting Local Enterprise

The development of new businesses or the expansion of existing businesses will be supported where they result in sustainable economic growth and provide local employment.

Small-scale light or general industry, in particular craft-based operations or sustainable technologies, will be encouraged to locate in converted rural buildings, in large houses or on brown- field sites provided they comply with the criteria set out in this policy.

Tourism enterprises will be supported where they are appropriate to the rural area in terms of nature and scale. Schemes that assist the retention of existing services and facilities and which make appropriate use of redundant buildings will be welcomed.

Agricultural development requiring planning permission must ensure potential polluting effects are fully mitigated.

The following criteria will be employed to determine economic sustainability:

a) *Development should be in scale with the rural character of the site.*

b) *The amenity of nearby residents should not be adversely affected.*

c) *The local roads should be able to accommodate increased traffic.*

d) *The conversion of rural buildings should retain the character, external*

appearance and form of the original building and external storage and paraphernalia should be avoided.

e) Proposals for home working, where this requires the erection of an extension or a new building, should have no adverse effect on residential amenity, including traffic generation, noise and light pollution.

f) Limited additional buildings may be permitted to support the enterprise and to reduce external storage. Such buildings must be in scale with the surrounding buildings.

g) The development of historic farmsteads should include an analysis of the historic form of the Complex.

COMMENT

I have no comment on this policy.

Policy LGPC 7: Broadband and Mobile Telephone Infrastructure

Proposals to provide broadband infrastructure and mobile telephone equipment will be supported provided that:

a) Equipment is well-designed, unobtrusive and located to ensure all residents and businesses have access to super-fast broadband and reliable mobile telephone reception.

b) New development schemes include plans to provide suitable ducting to link to super-fast broadband

COMMENT

I have no comment on this policy.

Policy LGPC 8: Highway Design Requirements

Development proposals should ensure:

- a) *There is safe access on to adjacent roads.*
- b) *The proposal is capable of being accommodated in the capacity of the local road network with consideration of the need for adequate passing places.*
- c) *Proposals do not result in on-street parking. Adequate off-street parking should be provided and, ideally, would also address on-street parking problems existing in the vicinity.*
- d) *Appropriate provision is made for service vehicles to turn safely.*
- e) *The nature of the development does not lead to pressure for street lighting or large-scale lighting for business purposes.*
- f) *Where possible developments should be linked to the existing pedestrian network with, if necessary, the creation of new footpaths.*

COMMENT

I have no comment on this policy.

Policy LGPC 9: Protection and Development of Public Rights of Way

Development proposals should not detract from the public rights of way network and where possible should include measures to improve and add to the network.

COMMENT

The control of Public Rights of way falls outside the planning system. Support for the improvement of Public Rights of Way could be included within the community aspiration/ community projects section of the Plan. To meet the Basic Conditions the policy should be deleted from this section of the Plan.

Policy LGPC 10: Protection and Enhancement of Community Facilities and Services

Existing community facilities shall be retained and protected from development that would restrict their current use unless adequate alternative provision is made.

These facilities include:

Longtown Primary School

Longtown Village Hall and Library

Craswall Village Hall

Walterstone Village Hall

The Crown Inn, Longtown

Hopes of Longtown, Longtown Village Stores Carpenter's Arms, Walterstone

Cornwall Arms, Clodock

St Clydog's Church, Clodock

St Mary's Church, Walterstone

The Church of St Mary, Craswall

St Beuno's Church, Llanveynoe

Where possible development that will enhance the viability of key services will be encouraged.

Proposals to enhance existing facilities and services or to create new services will be supported where:

a) Access and off-street parking can be provided where required without

harming existing residential use.

b) They include measures to encourage active travel (walking and cycling) to and from the facility.

c) They would not adversely affect the natural environment or heritage sites.

COMMENT

Policy SC1 of the Herefordshire Local Plan sets out how community facilities will be protected and for clarity the introduction to policy should be modified as follows:

Proposals affecting community facilities shall be determined in accordance with policy SC1 of the Herefordshire Local Plan. These include:

Policy LGPC 11: Contributions to Community Services, Youth Provision and Recreational Facilities

Where appropriate, new development should contribute to necessary community infrastructure to address the demands such development places on the area and to support the social element of sustainable development. Contributions could be made through Section 106 Agreements, Community Infrastructure Levy (CIL) or other developer-contribution mechanisms that may be available during the period of the Plan.

COMMENT

This is a statement rather than a land use policy and should be deleted from the policy section. The plan could include a list of the CIL priorities for the Neighbourhood Plan Area, but these should be included in the supporting text or a separate section of the plan.

Policy LGPC 12: Protecting and Enhancing the Landscape and its Features

To ensure development will contribute positively to the area's rural character proposals will:

- a) Protect the views to and from Offa's Dyke Path and the Brecon Beacons National Park.*
- b) Conserve, restore or enhance the landscape character.*
- c) Maintain and, where appropriate, extend tree cover.*
- d) Use Tree Preservation Orders to protect important trees.*
- e) Maintain and enhance ecological corridors formed by watercourses, hedges and small woodland.*
- f) Protect and, when appropriate, enhance the biodiversity and conservation status of the Sites of Special Scientific Interest and preserve the value of Local Wildlife Sites. Surveys will be undertaken should these sites be affected by development.*
- g) Retain important natural habitats and landscape features such as ponds, orchards and hedgerows.*

COMMENT

This policy paraphrases Herefordshire Local Plan policy LD1 and LD2 and it is not necessary to repeat elements of these policies. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy LGPC 12: Protecting and Enhancing the Landscape and its Features

To ensure development will contribute positively to the area's rural character proposals will comply with policies LD1 and LD2 of the Herefordshire Local Plan and:

- a) Protect the views to and from Offa's Dyke Path and the Brecon Beacons National Park.**
- b) Where appropriate, use Tree Preservation Orders to protect important trees.**
- c) Preserve the character, appearance and biodiversity of the Commons**

Policy LGPC 13: Protecting Heritage Assets

Heritage sites and their settings will be conserved and enhanced by:

- a) Resisting development that would adversely affect Scheduled Ancient Monuments and their settings.*
- b) Development proposals to be accompanied by full archaeological investigations where appropriate. If significant or extensive remains are found, they should be preserved in situ whenever possible.*
- c) Resisting developments that adversely affect features and settings of listed buildings and other similar heritage assets.*
- d) Ensuring every effort is made to retain and conserve buildings and heritage assets of local importance including traditional rural buildings.*
- e) Promoting development to conserve the character of historic farmsteads by allowing sensitive conversions.*
- f) Preserving the character, appearance and biodiversity of the Commons*

COMMENT

The policies protecting designated and non-designated heritage assets is set at national level and this Plan does not need to repeat that policy nor can it seek to introduce additional protections not included in national policy. Point f) does not seem relevant to this policy referring to the natural environment, it should be deleted from this policy and

included in policy LGPC12. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy LGPC 13: Protecting Heritage Assets

The Longtown Group Parish Neighbourhood Plan Area is historically important, and the many designated and non-designated heritage assets are highly valued by the community. Their sites and settings should be conserved and enhanced and proposals affecting designated and non-designated heritage assets and their settings including those with archaeological interest must comply fully with the requirements of National Planning Policy and the development plan.

Development proposals which conserve and enhance the character of historic farmsteads through sensitive conversions will be supported.

Policy LGPC 14: Foul and Storm Water Drainage

Developers must show, through appropriate evidence, that foul and storm water drainage can be accommodated without causing pollution or flooding to other properties or land. Developers must ensure that drainage schemes are fully implemented before the development is brought into use. Developers should utilise or contribute to sustainable drainage systems and wet systems where this is practicable. They must include measures to support biodiversity.

COMMENT

The requirement for drainage schemes to be fully implemented would be dealt with as a condition of any planning permission. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Proposals, where required, should include details of how foul and storm water drainage can be accommodated without causing pollution or flooding to other properties or land and how biodiversity will be supported. Developers should utilise Sustainable Drainage Systems and wet systems where this is practicable.

Policy LGPC 15: Proposals for Renewable Energy

Renewable energy proposals that will benefit individuals or the community will be encouraged where:

- a) They will respect the rural and settlement character.*
- b) They will not adversely affect important heritage sites including archaeological sites and historic buildings and their settings.*
- c) They will not adversely affect biodiversity and in particular designated sites and features that contribute to important networks of habitats.*
- d) They will not adversely affect landscape character or important features.*
- e) Local and residential amenity will be protected.*
- f) Any traffic that will be generated can be accommodated safely on the local roads.*
- g) The scale will reflect the area concerned and the community's needs.*
- h) Wind energy schemes will be supported if they meet the above criteria and the developer has obtained the support of the local community.*

COMMENT

Development proposals for wind turbines can only be considered where specific sites have been identified in a Neighbourhood Plan. The Longtown Group Parish Neighbourhood Development Plan has not sought the allocation of any specific sites for wind turbines therefore in order to meet the Basic Conditions paragraph h) should be deleted.

SECTION 5

Conclusion and Recommendations

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

5.2 The Longtown Group Parish Neighbourhood Development Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

5.3 The Longtown Group Parish Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.

5.4 I am satisfied that the Longtown Group Parish Neighbourhood Development Plan has adequately addressed the issue of sustainability.

5.5 I am satisfied that the SEA and HRA requirements have been adequately addressed and, in this respect, the Longtown Group Parish Neighbourhood Development Plan subject to modification does meet the Basic Conditions.

5.6 The policies and plans in the Longtown Group Parish Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Herefordshire Local Plan Core Strategy 2015 adopted 16th October 2015.

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

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21st November 2019