

ROSS-ON-WYE NEIGHBOURHOOD PLAN 2019-2031

Ross-on-Wye Neighbourhood Plan Examination
A Report to Herefordshire Council

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1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Ross-on-Wye Neighbourhood Plan to meet the basic conditions, I confirm that:
 - 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 of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2 Taking the above into account, I find that the Ross-on-Wye Neighbourhood Plan meets the basic conditions¹ and I recommend to Herefordshire Council that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Ross-on-Wye Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Ross-on-Wye Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by Ross-on-Wye Town Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Herefordshire Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Ross-on-Wye Neighbourhood Area.
- 5 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“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.”

(Paragraph 29, National Planning Policy Framework)

- 6 As confirmed in Paragraph B1.1 of Section B of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Ross-on-Wye Town Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 7 Paragraph B5.1 of this Section of the Basic Conditions Statement also confirms that the Neighbourhood Plan relates only to the designated Ross-on-Wye Neighbourhood Area and that there is no other neighbourhood plan in place in the Ross-on-Wye Neighbourhood Area.
- 8 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2019²) and Planning Practice Guidance (2014).

² A replacement National Planning Policy Framework was published in July 2018 and amended in 2019. Paragraph 214 of the replacement document establishes that the policies of the previous National Planning Policy Framework apply for the purpose of examining plans, where those plans are submitted on or before the 24th January 2019. The Ross-on-Wye Neighbourhood Plan was submitted

Role of the Independent Examiner

- 9 I was appointed by Herefordshire Council, with the consent of the Qualifying Body, to conduct the examination of the Ross-on-Wye Neighbourhood Plan and to provide this Report.
- 10 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 11 I am a chartered town planner and have eight years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 12 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 13 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Ross-on-Wye Neighbourhood Area to which the Plan relates.
- 14 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

to Herefordshire Council after this date and consequently, it is appropriate to examine the policies of the Neighbourhood Plan against the most recent version of the National Planning Policy Framework.

Neighbourhood Plan Period

- 15 A neighbourhood plan must specify the period during which it is to have effect.
- 16 The title page of the Neighbourhood Plan provides clear references to the plan period, which is 2019-2031.
- 17 However, there is a mistake in Paragraph B3.1 of the Basic Conditions Statement submitted alongside the Neighbourhood Plan, which refers to the plan period covering 2019-2032 and Paragraph 1.1.5 of the Neighbourhood Plan refers to a 2011-2031 time frame. This detracts from the clarity and precision of the Neighbourhood Plan and in recommending the changes below, I also note that amendments to a made Neighbourhood Plan need to follow a statutory process:
 - **Delete Para 1.1.5 and replace with “*The Neighbourhood Plan period is 2019 to 2031. This falls within the plan period of the Herefordshire Local Plan.*” (Delete reference to amendments)**
- 18 Taking the above into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 19 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 20 However, it is also the case that *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 21 Further to consideration of the information submitted, I determined not hold a public hearing as part of the examination of the Ross-on-Wye Neighbourhood Plan.
- 22 However, in order to clarify a number of points in respect of the examination, I wrote to the Qualifying Body and to Herefordshire Council and this examination has taken the responses received into account.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 23 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions*.” These were *set out in law*³ following the Localism Act 2011. Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- 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 of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - 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.
- 24 Regulations 23 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- 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.⁴

³ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

⁴ *ibid* (same as above).

- 25 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), 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 (under Section 61G of the Town and Country Planning Act 1990 (as amended));
 - 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 in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 26 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁵
- 27 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

⁵ The Convention rights has the same meaning as in the Human Rights Act 1998.

European Convention on Human Rights (ECHR) Obligations

- 28 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 29 In the above regard, I also note that information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Various comments have been received in response to active community engagement during the plan-making process. The Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses to comments and to resulting changes to the Neighbourhood Plan.

European Union (EU) Obligations

- 30 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*
(Planning Practice Guidance⁶)
- 31 This process is often referred to as “*screening*”⁷. If likely environmental effects are identified, an environmental report must be prepared.

⁶ Planning Guidance, Paragraph 027, Ref: 11-027-20150209,.

⁷ The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 32 Herefordshire Council carried out a screening assessment of the Neighbourhood Plan and concluded that a Strategic Environmental Assessment was required.
- 33 A Strategic Environmental Assessment (SEA) was subsequently undertaken by Herefordshire Council. This was submitted alongside the Neighbourhood Plan and in conclusion, it stated that:

“On the whole, it is considered that the Ross on Wye 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.”

- 34 The statutory bodies, Historic England, Natural England and the Environment Agency have all been consulted and none have raised concerns in respect of the SEA or its findings.
- 35 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This Assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁸. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 36 There are three European sites, comprising Special Areas of Conservation (SACs). These are the River Wye SAC, Wye Valley and Forest of Dean Bat Sites SAC and the Wye Valley Woodlands SAC. Herefordshire Council's screening assessment of the Neighbourhood Plan determined that a Habitats Regulations Assessment was required and this was undertaken and submitted alongside the Neighbourhood Plan. This concluded that:
- “...the NDP will not have a likely significant effect on the River Wye SAC and the Wye Valley Woodlands SAC and Wye Valley and Forest of Dean Bat Sites SAC.”*
- 37 The statutory bodies were consulted and none disagreed with this conclusion.

⁸ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

- 38 In addition to the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)” (Planning Practice Guidance⁹).

- 39 In carrying out the work that it has and in reaching its conclusions, Herefordshire Council has not raised any concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 40 I also note that, in April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta (“People over Wind”)*, the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an *Appropriate Assessment* of those effects must be undertaken.
- 41 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 42 The changes to regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application. These changes came into force on 28th December 2018.
- 43 I am mindful that evidence has been submitted to demonstrate that Herefordshire Council has taken all of the above into account.
- 44 Taking everything into consideration and subject to the recommendations of this Report, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

⁹ *ibid*, Paragraph 031 Reference ID: 11-031-20150209.

4. Background Documents and the Ross-on-Wye Neighbourhood Area

Background Documents

- 45 In undertaking this examination, I have considered various information in addition to the Ross-on-Wye Neighbourhood Plan.
- 46 Information considered as part of this examination has included (but has not been limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2019)
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Herefordshire Local Plan Core Strategy 2011-2031 (2015) (referred to in this Report as the "*Core Strategy*")
 - Basic Conditions Statement
 - Consultation Statement
 - Representations received
 - Environmental Report (2019)
 - Habitats Regulations Assessment (2019)
- 47 In addition, I spent an unaccompanied day visiting the Ross-on-Wye Neighbourhood Area.

Ross-on-Wye Neighbourhood Area

- 48 The boundary of the Ross-on-Wye Neighbourhood Area is identified on a plan provided on page 8 of the Neighbourhood Plan.
- 49 Herefordshire Council designated the Ross-on-Wye Neighbourhood Area on 11th September 2014.
- 50 This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 51 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 52 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Ross-on-Wye Neighbourhood Plan Consultation

- 53 A Consultation Statement was submitted to Herefordshire Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*¹⁰.
- 54 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Ross-on-Wye Neighbourhood Area, having regard to Paragraph 29 of the National Planning Policy Framework ("*the Framework*").
- 55 At the end of March 2016, a public Drop-In event was held, where a questionnaire was distributed. This was followed by a number of other questionnaires, including a school questionnaire, with the results from each providing background information for plan-makers.
- 56 A Drop-In event, attended by around 200 people, was held during April and May 2016 and was followed by a library event in June 2016 and a further Drop-In event in August 2016. All raised awareness of the emerging plan and provided for comments to be raised and recorded.

¹⁰ Neighbourhood Planning (General) Regulations 2012.

- 57 During 2016 and 2017, Stakeholder and Working Group Workshops were held. Prior to the publication of and consultation on, the draft plan, meetings were held with officers from Herefordshire Council and with landowners and developers.
- 58 The draft plan was consulted on during November and December 2018. All comments received were logged and informed the submission version of the Neighbourhood Plan. I note that events around this time relating to the Chase Hotel resulted in further community engagement and changes to the emerging plan.
- 59 In addition to a dedicated website, public consultation was supported via, amongst other things, press releases, the Town Council newsletter and Ross Voice, and through social media. The Consultation Statement provides evidence to demonstrate that public consultation was central to the plan-making process, that it was well-publicised and that matters raised were duly considered.
- 60 Taking all of the above into account, I am satisfied that the consultation process was robust and that it complied with the neighbourhood planning regulations referred to above.

6. The Neighbourhood Plan – Introductory Section

61 For clarity and precision, I recommend:

- **Delete Para 1.1.4 which has been overtaken by events**

62 The “*Action Projects*” in the Neighbourhood Plan comprise actions that Ross-on-Wye Town Council would like to progress. However, whilst important, they do not have land use planning policy status and in addition, they are not supported by evidence of deliverability, for example, in respect of funding and timing of implementation. Given this, the reference to them as “*a supportive Infrastructure Delivery Plan*” is not quite reflective of their aspirational nature.

63 Also, it is the made Policies of the Neighbourhood Plan that form part of the development plan for the Neighbourhood Area. As set out, the “*tiered*” approach does not reflect this and appears unclear.

64 I recommend:

- **Para 1.6.4, delete last sentence and replace with “*Thus, in addition to the most important part of the Neighbourhood Plan – its Policies, the document also provides for the consideration of non-policy matters. As such, the Policy section of the Plan is followed by an Action Projects section.*”**
- **Page 23, change the headings of bullet points to “*Policies*” and “*Action Points*,” respectively**
- **Page 23, first bullet point, delete “It is recognised that it is only these that can be formally examined.”**
- **Page 23, change second bullet point to “*Level 2: Action Projects. These are grouped under broad themes, having regard to the land use planning policies set out in the Neighbourhood Plan. For clarity, the Action reflect locally agreed aims and do not comprise land use planning policies.*”**
- **Delete Para 1.6.5**

- 65 The introductory text to the Policy section appears complicated and confusing. It is not necessary to link each Policy to a long list of “*sub-objectives*.” Such an approach detracts from the primacy and clarity of the Policies, as well as from the precise and concise nature of the Neighbourhood Plan, and does not have regard to national planning guidance, which requires planning policies to be clear and unambiguous¹¹:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

- 66 Whilst I note that plan-makers would like to see the Neighbourhood Plan include sub-objectives, taking account of all of the above, the most appropriate place for these is within the preceding Chapter of the Neighbourhood Plan, separate from the Policies.

- 67 I recommend:

- **Para 3.2, delete last sentence**
- **Change Para 3.3 to “...are listed out below, with columns setting out their links to the Neighbourhood Plan’s Policies and Action Projects**
- **Change first line of Para 3.4 to “...listed below, do not...”**
- **Page 27, delete first three paragraphs and the final paragraph, leaving the text “The planning policies included...comments on that application.”**
- **Move the tables shown on pages 28, 29, 48, 56, 62, 63 and 71 to the end of the preceding Section 3.0**
- **Delete all “Sub-objectives:...” headings before each Policy in the Policy Section of the Neighbourhood Plan**

¹¹ Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

68 Section 4.6 of the Neighbourhood Plan sets out information and reads, in part, as though it includes Policy requirements, which it does not. Consequently, the text and supporting Figure 12 appear confusing and detract from the clarity of the Neighbourhood Plan.

69 In making the recommendation below, I note that the development plan supports the creation of and affords protection to, open space.

70 I recommend:

- **Delete section 4.6 and Figure 12**

71 Paragraph 4.10.2 sets out a Policy requirement but does not comprise a land use planning policy, I recommend:

- **Change Para 4.10.2 to *"It is noted that these natural features that are highly valued by the local community are already protected by national and local planning policy."* (Delete rest of para)**
- **Page 46, delete heading "Explanation"**
- **Page 47, delete heading "Explanation"**
- **Page 67, delete heading "Explanation"**
- **Change Para 4.24.2 to *"The Town Council would like to see and will work to encourage a fully integrated sign system, as well as some...Natural Beauty, it will be important for signs to be of a high standard. (A report...1)"***
- **Para 4.24.3, delete last sentence, which is not a Policy requirement but reads as one.**

7. The Neighbourhood Plan – Neighbourhood Plan Policies

Design and Character

Policy EN1: Ross Design Policy

- 72 Paragraph 124 of the National Planning Policy Framework (referred to in this Report as “*the Framework*”) establishes that:

“Good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities.”

- 73 Paragraph 127 of the Framework goes on to state that developments should ensure that they are:

“...sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change...”

- 74 Together, Herefordshire Local Plan Core Strategy (referred to in this Report as the “*Core Strategy*”) policies LD1 (“*Landscape and townscape*”) and LD4 (“*Historic environment and heritage assets*”) require development to respect its surroundings.

- 75 Generally, Policy EN1 seeks to ensure that all development in the Neighbourhood Area makes a positive contribution through good design and in this way, the Policy meets the basic conditions.

- 76 As set out, it is not clear how the requirement for all development to be “*clearly of its time*” might be judged, who by, or on what basis and consequently, this part of the Policy appears ambiguous, contrary to national planning guidance, as referred to on page 18 of this Report and to paragraph 16 of the Framework, which requires plans to:

“...contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.”

- 77 Also, as presented, the Policy appears to suggest that good design is less important outside the Conservation Area. Whilst it is a national policy requirement for all heritage assets to be conserved in accordance with their significance, there is no evidence to demonstrate that this equates to lower design standards elsewhere.
- 78 Part of the supporting text reads as though it comprises a policy requirement, which it does not.
- 79 Taking the above into account, I recommend:
- **Change Policy EN1 to “*All new development should be of good design and make a positive contribution to the character of Ross. Development should have regard to the Ross-on-Wye Character Assessment Portfolio (2017) and respond to its surroundings in terms of scale, materials, form, details, layout, public realm and historic character.*”**
 - **Para 4.1.2, change first sentence to “...and visitors, *not least in the town centre, where there are a large number of Listed Buildings.*” (delete rest of sentence – NB, all development requiring planning permission is subject to Policy EN1)**
 - **Delete Para 4.1.5**

Policy EN2: Shopfronts and Signage

- 80 Policy EN2 effectively repeats the requirements of Policy EN1, but in so doing, seeks to address shop fronts and signage. Whilst it is unnecessary to repeat policy requirements, as the policies of the development plan must be considered as a whole, shop fronts and signs can comprise highly visible and important features, especially within Ross-on-Wye's historically sensitive town centre environment.
- 81 I note that a sign or advertisement requiring planning permission comprises development, regardless of whether or not it comprises "*commercial signage.*"
- 82 Taking this and earlier comments in respect of Policy EN1 into account, I recommend:
- **Change Policy EN2 to "*Shopfronts, signs and advertisements requiring planning permission must respect local character and should make a positive contribution to their surroundings.*"**

Settlement Boundary and Infill Development

Policy EN3: Settlement Boundary

- 83 National and local planning policy provides for a wide range of appropriate development in the countryside. Core Strategy Policy RA3 ("*Herefordshire's countryside*") also provides support for a variety of development in rural areas.
- 84 However, as worded, Policy EN3 attempts to preclude all forms of development outside Ross-on-Wye's settlement boundary, with the exception of rural exception sites. Such an unduly restrictive approach is in direct conflict with national and local policy.
- 85 Whilst the Qualifying Body has suggested changing Policy EN3 to include reference to the Core Strategy's rural housing policies, it is unnecessary and unduly cumbersome to cross reference development plan policies in this way. Furthermore, Core Strategy housing policies refer only to housing and not to the many other forms of development appropriate to the countryside.
- 86 I recommend:
- **Change Policy EN3 to "*Development in the Neighbourhood Area will be focused within the Ross-on-Wye settlement boundary.*"**

Policy EN4: Infill and Backland Development

- 87 Policy EN4 sets out a positive policy framework for infill and backland development and in so doing, contributes to the delivery of sustainable development.
- 88 As set out, the Policy includes the vague terms “*can be supported*” and “*could be supported.*” The Qualifying Body has confirmed that the intention of the Policy is to provide support and this is taken into account in the recommendations below.
- 89 Sustainable development allows for development where the benefits arising outweigh any possible harm. In setting out a requirement that there be “*no harm*” to residential amenity and “*no adverse impact*” on local character, Policy EN4 fails to provide for the balanced consideration of a proposal. For example, it may be that some degree of harm arises in respect of local character, but that the benefits of development are so significant that a decision maker could conclude that a proposed development would be sustainable and therefore be appropriate.
- 90 I recommend:
- **Policy EN4, change third line to “...developed, *will be supported* where:”**
 - **Policy EN4 second para, change first line to “...development *will be supported* where:”**
 - **Second para, change iii. to “iii. *The proposal respects the* character...”**
 - **Second para, change iv. to “iv. *The proposal respects residential amenity.*”**

Sustainable Design and Renewable Energy

Policy EN5: Eco-building

- 91 National policy recognises that the environmental objective of sustainable development is to contribute to mitigating and adapting to climate change, including moving to a low carbon economy (Paragraph 8, the Framework).
- 92 Generally, Policy EN5 promotes development that supports this objective. However, as worded, the Policy runs the risk of supporting any form of development, so long as it includes some form of "*eco-building methods*" and this could result in support for inappropriate forms of development.
- 93 I recommend:
- **Change Policy EN5 to "*Eco-building methods, such as low carbon...sourced materials, will be supported.*"**
 - **Delete Para 4.3.2, which is unnecessary as the development plan must be considered as a whole**

Policy EN6: Solar/Photovoltaic Energy

94 Policy EN6 supports the development of solar/photovoltaic panels. This has regard to Paragraph 8 of the Framework, which promotes the move to a low carbon economy.

95 However, as set out, the Policy refers to “*unacceptable harm*” without reference to what may or may not be acceptable, who might determine this and on what basis.

96 I recommend:

- **Change Policy EN6 to: “*The use of solar/photovoltaic panels requiring planning permission will be supported where such development respects local character and residential amenity.*”**

The Setting of Ross-on-Wye and its Landscape

Policy EN7: Landscape Setting

- 97 The first part of Policy EN7 simply refers to other policies in other plans and is unnecessary.
- 98 The second part of the Policy seeks to prevent any form of development, whatsoever. This goes well beyond any national or local planning policy requirement and is not justified by substantive evidence in support of such conflict.
- 99 Further to the above, the Policy also seeks to apply to an unknown factor (in respect of Ministry of Defence land), going beyond the scope of the Neighbourhood Plan at this point in time.
- 100 In making the recommendation below, I note that the countryside, including that within the setting of the AONB, is protected from inappropriate forms of development by national and local planning policy.
- 101 I recommend:
- **Delete Policy EN7**
 - **Delete all text on pages 36, 37**
 - **Delete Figure 10**

Key Views

Policy EN8: Key Views

102 Ross-on-Wye's distinctive landscape and local character is widely recognised. Policy EN8 of the Neighbourhood Plan seeks to protect this, having regard to Paragraph 127 of the Framework, which requires development to be:

"...sympathetic to local character and history, including the surrounding built environment and landscape setting..."

103 As set out, the Policy requires a number of views to be *"maintained and protected"* but is not supported by substantive evidence to demonstrate how this might be achieved, or how sustainable development might come forward when a Policy seeks to prevent any change over large areas within a *"Key View"* containing land and buildings. I also note in this regard, that the supporting text goes on to suggest that *"no development at all should be permitted."*

104 Further to the above, the Policy includes a *"Key View"* from several miles away from the Neighbourhood Area. The Neighbourhood Plan cannot include Policies relating to land outside the Neighbourhood Area.

105 In response to a point of clarification, the Qualifying Body has reconsidered the second part of the Policy and I take this into account in the recommendations below.

106 I recommend:

- **Change Policy EN8 to *"Development proposals likely to affect the Key Views shown on Figure 11 should assess the effect of the proposals on the view(s) and demonstrate how any adverse impacts have been addressed."***
- **Delete *"Key View 1"* from Figure 11 and re-label the remaining three Key Views**
- **Change last sentence of Para 4.5.3 to *"Three Key Views have been..."***
- **Delete Para 4.5.4**

Green Infrastructure

Policy EN9: Green Infrastructure

- 107 Policy EN9 seeks to protect important areas of green infrastructure, with the aim of establishing a green infrastructure network, having regard to Paragraph 170 of the Framework, which promotes biodiversity.
- 108 As set out, the Policy refers to a “*Green Infrastructure Report*” which does not form part of the Neighbourhood Plan. Also, the Policy does not reference Figure 13, which shows where the relevant areas of green infrastructure are located.
- 109 The Policy sets out a requirement for the enhancement of green and open space provision, and the provision of good connections, without supporting evidence in respect of deliverability. This does not have regard to Paragraph 56 of the Framework, which requires planning obligations to be necessary, directly related to development, and fairly and reasonably related in scale and kind to development.
- 110 In responding to the Clarification Letter referred to earlier, the Qualifying Body has suggested changes to Policy EN9 and I have taken these into account in making the recommendations below.
- 111 I recommend:
- **Change Policy EN9 to “*Figure 13 sets out a green infrastructure network for the Neighbourhood Area. The maintenance and enhancement of the green infrastructure network will be supported. Development proposed on land within or adjoining the green infrastructure network must respect the green infrastructure network and should, where possible, provide net gains for biodiversity.*”**
 - **Delete Para 4.7.3 (which reads as, but is not a Policy)**

Permeable Surfacing of Drives and Parking Areas

Policy EN10: Hard Surfacing of Drives and Parking Areas

- 112 In general terms, Policy EN10 seeks to ensure that new areas of hard surfacing are designed in a sustainable manner and in this way, it contributes to the achievement of sustainable development.
- 113 As set out, the Policy includes a requirement to “meet” guidance, which itself does not form part of the Neighbourhood Plan and is also worded such that it would prevent development wherever walls, railings and hedges cannot be retained or enhanced, regardless of the quality, appearance or state of such boundary features.
- 114 For clarity, I recommend:
- **Policy EN10, change first para to “Where planning permission is required, the development of permeable paving to front gardens and hardstandings should be in keeping with the character of the surrounding area, including boundary treatments, having regard to relevant Character Area Appraisals in the Character Assessment Portfolio.”**
 - **Delete last sentence (“All proposals...guidance.”)**

Pre-Application Community Engagement

Policy EN11: Pre-Application Community Engagement

115 National policy recognises that:

“Early engagement has significant potential to improve the efficiency and effectiveness of the planning system...Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.”

(Paragraph 39, the Framework)

116 However, there is no statutory requirement for a developer to engage with the Local Planning Authority prior to submitting a planning application (Paragraph 40, the Framework).

117 Whilst it is the intention of Policy EN11 to promote community engagement, the Policy comprises a statement and not a land use planning policy.

118 Given this and the above, I recommend:

- **Delete Policy EN11**
- **Replace the heading “Explanation” with “Ross-on-Wye Pre-Application Community Engagement Protocol.”**

Housing Development

Policy H1: Custom and Self-Build

119 Chapter 5 of the Framework, "*Delivering a sufficient supply of homes,*" requires planning policies to reflect the types of housing needed by different groups in the community, including, but not limited to:

"...people wishing to commission or build their own homes."
(Paragraph 61, the Framework)

120 Policy H1 has regard to this.

121 As set out, the Policy seeks cross references other development plan policies and this detracts from the precise nature of the Policy and results in the vague use of the terms "*in principle*" and "*suitable*."

122 For clarity, I recommend:

- **Change Policy H1 to "*Self-build and custom-build housing will be supported, subject to it respecting local character, residential amenity and highway safety.*"**

Policy H2: Home-working

- 123 Core Strategy Policy E3 ("*Homeworking*") supports development that provides for working from home. Policy H2 is in general conformity with this.
- 124 As worded, Policy H2 would limit such development to "*alterations.*" This would fail to provide for various other forms of development, including for example, extensions and conflicts with the approach set out in Core Strategy Policy E3.
- 125 Also, Policy H2 simply refers to "*no unacceptable impact,*" without reference to what forms of development would, or would not be, acceptable. This part of the Policy appears vague and does not have regard to Paragraph 16 of the Framework, which requires policies to be clear and unambiguous, so it is evident how a decision maker should react to development proposals.
- 126 No indication is provided in the Policy of the form that "*encouragement*" might take and this part of Policy H3 appears ambiguous. The vague nature of this part of the Policy is further exacerbated by reference to "*a proportion*" without any indication of what this might be – eg 1% or 99%.
- 127 For clarity, I recommend:
- **Change Policy H2 to "*Development to provide for home working will be supported, subject to it respecting local character, residential amenity and highway safety.*"**
 - **Para 4.14.2, delete last sentence ("This is...houses.")**

Policy H3: A Ross-on-Wye Community Land Trust

128 Policy H3 refers to the Ross-on-Wye Community Land Trust. This has not yet been established and consequently, the Policy is premature.

129 However, once established, the Ross-on-Wye Community Land Trust will have an important community role to play. Given this, I recommend:

- **Delete Policy H3**
- **Replace "Explanation" with a new introductory para, *"The Town Council strongly supports the creation of the Ross-on-Wye Community Land Trust. Once established, it is anticipated that the Ross-on-Wye Community Land Trust will deliver and support the management of affordable housing in the Neighbourhood Area."***
- **Delete Para 4.15.2**

Policy H4: Town Centre Housing

- 130 Policy H4 is intended to support the delivery of new housing in the town centre in a sustainable manner. As such, the Policy makes a positive contribution to sustainable development.
- 131 As presented however, the Policy wording appears confusing and could be read as restricting any residential development in the town centre to that of flats above ground floor level.
- 132 The Policy also states that details of parking arrangements must be provided, but does not indicate any land use planning policy approach to such - for example, support for car free development, or to relate car parking spaces to bedroom numbers. A planning application would, in any case, state whether or not car parking spaces are proposed and consequently, this part of the Policy is unnecessary.
- 133 For clarity, I recommend:
- ***Change Policy H4 to “The development of new housing in the town centre that respects local character, residential amenity and highway safety, will be supported. Where residential development requiring planning permission is proposed above other ground floor uses, access should be from a separate ground level entrance.”***

Policy H5: Living and Working Over Shops

- 134 Policy H5 supports the development of space above town centre shops for business or residential use. This is in general conformity with Core Strategy Policy E5 ("*Town Centres*"), which supports the use of upper floors for residential and office use.
- 135 Some forms of development involving the use of upper floors in town centres do not require planning permission and the recommendations below take account of this.
- 136 The second paragraph of Policy H5 is a general statement and does not comprise a land use planning policy.
- 137 I recommend:
- **Change Policy H5 to "*Where planning permission is required, the development of space above town centre shops for residential or appropriate business use (use class B1), will be supported.*"**

New Employment Development

Policy E1: New Employment Development

- 138 Core Strategy policy E1 ("*Employment provision*") seeks to encourage new employment provision across a range of locations, types and sizes of buildings, land and offices and encourages larger employment proposals in market towns like Ross-on-Wye.
- 139 Policy E1 supports new employment development and is in general conformity with Core Strategy Policy E1.
- 140 The wording of Policy E1 appears ambiguous. It is not clear, in the absence of any information, how the Policy will "*encourage*" employment development, how the term "*especially*" might be treated by a decision maker, or how a "*higher grade job*" is judged, who by and on what basis.
- 141 For clarity, I recommend:
- ***Change Policy E1 to "New employment development, including but not limited to the provision of starter units and/or shared service accommodation and the development of offices will be supported. Tourism and leisure development that enhances the offer and which does not detract from the vitality and viability of the town centre will be supported. All employment development should respect local character, residential amenity and highway safety."***

Resisting Out of Centre Retail

Policy E2: Resisting Out of Centre Retail

142 Chapter 7 of the Framework, “*Ensuring the vitality of town centres,*” requires planning policies to support the role that town centres play at the heart of local communities. Amongst other things, national policy requires the application of a sequential test in respect of planning applications for main town centre uses outside an existing centre:

“Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available...should out of centre sites be considered.”

(Paragraph 86, the Framework)

143 Core Strategy Policy E5 adds local detail to national policy and sets a threshold whereby out-of-centre proposals in Ross-on-Wye of more than 400 square metres must be accompanied by a retail impact assessment.

144 Policy E2 seeks to steer retail development to the town centre and in so doing, it has regard to national policy and is in general conformity with the Core Strategy.

145 The Policy includes a non-land use planning policy statement and for clarity, I recommend:

- **Change Policy E2 to “...normally be *resisted*. If applications are...”**
- **Change second sentence of Para 4.19.1 to “...the town centre *is likely to have significant adverse impacts on the town centre. Ross-on-Wye’s town centre lies at the heart of the local community and planning for its long term success has emerged as a vital component of the Neighbourhood Plan.*”**

Town Centre Uses

Policy E3: Town Centre Uses

146 Policy E3 seeks to strengthen the town centre's role as a focus for a variety of uses at the heart of the local community and in so doing, it has regard to Chapter 7 of the Framework, referred to above.

147 It is not clear, in the absence of any detailed information, why Policy E3 would seek to prevent, for example, a change of use from a leisure to a retail use without there needing to be a 12 month vacancy period. Such an approach would seem to promote vacancy to the harm of the vibrancy and vitality of the town centre.

148 The final bullet point of the Policy is restrictive, in that it would require every town centre use to enhance the town as a tourism and cultural destination. There is no supporting information in respect of how, or whether, such a requirement would be deliverable, or why it is relevant and necessary, and as presented, this part of the Policy appears to place a significant hurdle in the way of sustainable development.

149 For clarity, I recommend:

- **Change Policy E3 to "...Ross will be supported. Development resulting in a reduction in the overall provision of retail, commercial, leisure, cultural and tourism uses in the town centre must demonstrate that it contributes to the vitality and viability of the town centre and should demonstrate that the original use is no longer viable and has sustained a...Area."**
- **Delete last bullet point of Policy ("Enhance...destination.")**
- **Delete Para 4.20.5. It is unnecessary for the Neighbourhood Plan to set out what it does not do (and detracts from its concise nature)**

Sustainable Movement and Access

Policy A1: Active Travel

- 150 Chapter 9 of the Framework, "*Promoting sustainable transport,*" encourages walking, cycling and public transport use. In general terms, Policy A1 seeks to encourage sustainable patterns of movement, having regard to national policy.
- 151 As presented, Policy A1 requires all development to provide contributions relating to sustainable movement without any evidence to demonstrate that such a requirement is necessary, directly related to all development and fairly and reasonably related in scale and kind to all development. The Policy does not have regard to Paragraph 56 of the Framework in this respect.
- 152 I recommend:
- ***Change Policy A1 to "Major development proposals should demonstrate how they will contribute to encouraging active travel - more and safer walking, cycling, disabled access and/or use of public transport. The provision and/or enhancement of safe walking and cycling routes and/or networks and cycle parking facilities will be supported."***
 - ***For accuracy, replace penultimate sentence of Para 4.21.1 with "At the same time, it is noted that the Neighbourhood Plan cannot seek to determine matters that are the responsibility of Herefordshire Council as highway authority."***
 - ***Change Para 4.21.7 to "...new development informs the design of new developments." Delete rest of paragraph which reads as a Policy requirement but is not***
 - ***Delete Para 4.21.8 which has been overtaken by events***
 - ***Para 4.22.1 reads as a vague Policy requirement. Replace with "Policy A1 seeks to encourage sustainable patterns of movement. In this regard, the Town Council is keen to see that major development proposals, as defined by national policy, place the prioritisation of pedestrians, cyclists and public transport before that of private vehicles."***

Policy A2: Walking and Cycling

153 Policy A2 reads as a somewhat general “*wish-list*” rather than as a land use planning policy. Its aspirations, whilst positive, are not supported by substantive evidence in respect of deliverability. As a consequence, the Policy, as set out, does not meet the basic conditions.

154 However, I am mindful that the supporting text, like part of the Policy, refers to the improvement of the existing footpath network. This has regard to Paragraph 98 of the Framework, which states that policies should:

“...protect and enhance public rights of way and access...”

155 Taking this into account, I recommend:

- **Change Policy A2 to “*The protection and/or enhancement of the Neighbourhood Area’s public rights of way network will be supported.*”**
- **Change Para 4.23.2 to “*The Town Council would like to see and will work to encourage, developments making a significant contribution to making walking...there.*”**

Policy A3: Changes to Car Parks

156 Chapter 11 of the Framework is all about "*Making effective use of land.*" Policy A3 recognises that changes to car parks might provide scope for sustainable development, alongside the fact that town centre car parks provide an important function.

157 Subject to addressing the vague use of the term "*prejudice,*" as per the recommendations below, the Policy contributes to the achievement of sustainable development.

158 I recommend:

- **Change Policy A3 to "*Proposals that would result in the loss of parking spaces on town centre car parks must be accompanied by a report to demonstrate the impacts on overall town centre parking and how these will be addressed.*"**
- **Change Para 4.25.4 to "*Action projects in Section 6 also seek to address related matters.*"**

Policy A4: Provision of Electric Charging Points

- 159 Further to a request for clarification, the Qualifying Body considers that Policy A4 has been overtaken by events and has suggested a differently worded approach to the provision of electric charging points.
- 160 As noted earlier, national policy encourages a move towards a low carbon future and subject to the recommendations below, Policy A4 has regard to this.
- 161 I recommend:

- **Change Policy A4 to “Provision should be made for charging of electric vehicles for all new houses where this can be achieved on-plot. The addition of charging facilities to places of work or leisure will be supported.”**
- **Replace Paras 4.26.1 to 4.26.3 with “4.26.1 In 2018, the government welcomed the Business, Energy and Industrial Strategy Committee’s report “Electric vehicles: driving the transition”, stating that it “shares the Committee’s view that electric vehicles represent exciting opportunities for the UK as a tool to address greenhouse gas emissions, reduce air pollution, and as a new economic opportunity.” This was followed up in July 2019 when the Department for Transport, Office of Low Emission Vehicles, launched a consultation on “proposing that new-build homes are fitted with an electric car charging point.”**

4.26.2 A key element of the necessary infrastructure for low emission vehicles is currently the provision of electric charging points at homes, at places of work, at places of leisure and so forth and at general public (and private) car parks. This Policy seeks to secure such provision in new housing developments and supports provision elsewhere.

4.26.3 While the emphasis of the Policy been on charging points for cars, the Town Council will encourage consideration to be given to provision for vehicle charging at non-domestic locations for e-bikes.”

Social and Cultural Assets

Policy SC1: Retaining Community Facilities

162 Chapter 8 of the Framework, "*Promoting healthy and safe communities,*" promotes healthy lifestyles and requires planning policies to:

"...plan positively for the provision and use of shared spaces, community facilities...and other local services to enhance the sustainability of communities and residential environments."

(Paragraph 92, the Framework)

163 The same Paragraph of the Framework goes on to state that planning policies should:

"...guard against the unnecessary loss of valued facilities..."

164 The first part of Policy SC1 seeks to prevent the loss of community facilities and in so doing, it has regard to national policy.

165 The second part of the Policy appears more ambiguous, as it requires all new development to contribute towards enhancing community facilities, regardless of the national policy requirements in respect of planning obligations set out in Paragraph 56 of the Framework and referred to earlier in this Report.

166 Taking all of the above into account, I recommend:

- **Delete the second para and bullet points of Policy SC1**
- **Change the numbering of the second Para 4.27.2 to "4.27.3"**
- **Para 4.27.3, change to "*...wherever possible and the Town Council would like to see new developments contributing to their retention and improvement and where possible, the provision of new facilities. The Community...*"**

- **Change Para 4.27.4 to “...September 2019. *That closure has now taken place. This is a serious loss for the town in terms of its tourism role but also in terms of its long-standing use as a local venue for community events. It is also a loss that has caused considerable local concern, even a petition about keeping the hotel open. Any opportunities to bring the hotel back into use would be greatly valued, either through the existing owners or new owners.***

Policy SC2: New Community Facilities

- 167 In general terms, Policy SC2 supports the provision of new community facilities, having regard to Paragraph 92 of the Framework, referred to earlier in this Report.
- 168 As presented, the Policy's requirement for there to be "*no negative neighbour impacts*" fails to provide for the balanced consideration of a proposal for development, allowing for harm to be weighed against benefits, and this is a matter addressed in the recommendations below.
- 169 The Policy goes on to set out ambiguous references to possible future forms of development which, in any case, are not precluded by the Policy, as well as unnecessary references to other criteria not contained within Policy SC2. This results in imprecise and unnecessarily confusing elements of the Policy.
- 170 I recommend:
- **Change Policy SC2 to "*New community facilities in the town centre will be supported, subject to respecting local character, residential amenity and highway safety.*" (Delete rest of Policy)**
 - **Para 4.28.1, delete third sentence, which is unsupported by substantive evidence ("If larger...developments.")**

Policy SC3: Allotments

171 Chapter 8 of the Framework, "*Promoting healthy and safe communities,*" requires planning policies to aim to achieve healthy places which:

"...enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of...allotments..."

(Paragraph 91, the Framework)

172 Policy SC3 supports the retention and creation of allotments and has regard to national policy.

173 The second sentence of the Policy, as worded, appears ambiguous and this is a matter addressed below.

174 I recommend:

- **Change second sentence of Policy SC3 to "*The provision of new allotments will be supported.*"**

Policy SC4: Play Areas

- 175 The first part of Policy SC4 seeks to protect existing play areas and this has regard to Paragraph 91 of the Framework, referred to above (Policy SC3).
- 176 The second part of the Policy includes an unnecessary cross-reference. It is not the purpose of Neighbourhood Plan policies to repeat the provisions of adopted development plan policies.
- 177 For clarity, I recommend:
- **Policy SC4, delete second sentence (“New...OS1.”)**
 - **Delete Para 4.32.2, which includes a confusing reference to Local Green Space, which is the subject of another Policy in the Neighbourhood Plan and replace with “*Local Plan Core Strategy Policy OS1 sets out how new development should seek to provide appropriate play provision.*”**

Policy SC5: Local Green Spaces

178 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 99 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

179 The Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts (Paragraph 101, the Framework). A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.

180 The designation of land for Local Green Space must meet the tests set out in Paragraph 100 of the Framework.

181 These are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.

182 The Neighbourhood Plan seeks to designate six areas of land as Local Green Space. Supporting evidence is provided to demonstrate that each proposed Local Green Space meets the relevant national policy tests and is therefore appropriate for designation. I also note earlier in this Report that the Neighbourhood Plan has emerged through robust public consultation.

183 In respect of Cleeve Orchard, whilst larger than the other designated areas, at around 6 acres the site does not comprise an *“extensive tract of land”* relative to the overall size of the town. I also note that, amongst other qualities, the site's appearance is one of the reasons why it is demonstrably special to the community and that designation does not alter the fact that the site comprises private land.

184 As an important designation, it is essential that the precise boundaries of each Local Green Space are clearly set out in the Neighbourhood Plan. It is difficult to identify the detailed boundaries of each Local Green Space and I make a recommendation in this regard, below.

185 The Policy designates Local Green Space but does not indicate what this actually means in land use planning policy terms and again, this is a matter addressed in the recommendations below.

186 I recommend:

- **Change Policy SC5 to “*The six areas identified on Figure 19 and supporting plans are designated as Local Green Space, which will be protected in a manner consistent with the protection of land within the Green Belt.*”**
- **Provide plans below Figure 19, preferably on an Ordnance Survey base, that clearly show the precise boundaries of each Local Green Space**

Policy SC6: Telecommunications Infrastructure

187 Paragraph 112 of the Framework recognises that:

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies...should support the expansion of electronic communications networks...”

188 As set out, the first part of Policy SC6 has regard to national policy, whilst the second part seeks to impose a requirement upon all development to include provision for connection to high speed broadband within the development site, regardless of the requirements of Paragraph 56 of the Framework, referred to earlier in this Report.

189 Further to a point of clarification, the Qualifying Body has suggested that Policy SC6 be extended such that all development must also demonstrate how it makes provision for mobile phone services. Again, there is no evidence to demonstrate that such an approach would have regard to Paragraph 56 of the Framework.

190 I recommend:

- **Policy SC6 delete second sentence (“New...network”)**

Development Strategy and Sites

Policy 5A.1: Cleeve Field Allocation

- 191 There is no requirement for a neighbourhood plan to allocate land for housing. However, neighbourhood planning provides communities with powers to shape, direct and help to deliver sustainable development, including through the allocation of land for new homes.
- 192 The Neighbourhood Plan allocates four sites for residential development and together, these sites would contribute towards the national policy of objective of:
- "...significantly boosting the supply of homes..."*
(Para 59, the Framework)
- 193 The town has already exceeded its minimum housing requirement as set out in the Core Strategy and Herefordshire Council is satisfied that the Neighbourhood Plan provides for the sustainable growth of Ross-on-Wye. In allocating land for around a further 73 dwellings, the Neighbourhood Plan makes a positive contribution to growth. Furthermore, the Neighbourhood Plan's policies provide for further windfall housing development to come forward during the plan period.
- 194 I note that representations have been submitted in support of further land being allocated for development. However, as above, there is no requirement for the Neighbourhood Plan to allocate development land. Not allocating further sites over and above those allocated does not result in the Neighbourhood Plan failing to meet the basic conditions.
- 195 Evidence has been submitted to demonstrate that the allocated sites have emerged through an appraisal process and I note earlier in this Report that the Neighbourhood Plan has itself emerged through a robust consultation process.

- 196 Part of Section 5 refers to land that is not allocated in the Neighbourhood Plan. This is confusing, not least as Section 5 goes on to present this non-allocated land in what might be described as “*pseudo-Policy*” form, setting out various requirements for the non-allocated sites. Either a site is allocated or it is not. For the Neighbourhood Plan to provide pages of non-land use planning policy criteria relating to sites that are not allocated in the Neighbourhood Plan detracts from the clarity and precision of the document and to some considerable extent, appears as a distraction.
- 197 Thus, whilst pages 91-100 are informative, they do not include any Neighbourhood Plan Policies and set out background information more suited to supporting text, as recommended below.
- 198 In respect of the Cleeve Field Allocation, a “*site and services layout*” is not explained and appears vague. Also, no justification has been presented to justify the direct conflict with Paragraph 40 of the Framework, in respect of a requirement for engagement with the Town Council. The timing reference in the Policy also appears vague and in any case, the site is identified as being sustainable without constraints to deliverability.
- 199 Taking all of the above into account, I recommend:
- **Policy 5A.1 change first sentence to “The site is allocated for custom-build housing *subject to the following:*”**
 - **Delete first and second bullet points**
 - **Delete last sentence “Timing...period”**
 - **Delete last sentence of Para 5.1.3, as it is unnecessary and confusing to refer to things that the Neighbourhood Plan does not do**
 - **Delete Para 5.1.4**
 - **Change Para 5.1.5 to “...employment land needed. *The Neighbourhood Plan seeks to allocate further land for development to ensure that the Neighbourhood Plan can influence the sustainable growth of Ross on Wye.*”**
 - **Delete Para 5.1.6**

- **Move pages 91 to 100 to a new Section of the Neighbourhood Plan, following the Policy section and before the Projects section. Replace the title "Other Sites" with "*Opportunities.*" Delete the "Policy" reference numbers from the title of each site ("5B.1" etc). Add new introductory paragraph "*The Town Council is generally supportive of the opportunities identified below. Whilst these do not form allocations in the Neighbourhood Plan itself, the Town Council has set out its ideas in how the opportunities might come forward and this information is set out over the following pages.*" I note that it is not necessary to include any additional maps or plans in this regard.**
- **Delete Para 5.1.7 and replace with a new Para "*The Neighbourhood Plan allocates four sites for development and these are shown on Figure 21. Whilst the Town Council is also generally supportive of the development of land at The Chase and at Broadmeadows/Tanyard, these do not comprise allocations in this Neighbourhood Plan. The Appendices include information setting out how the Town Council would like to see land at The Chase and at Broadmeadows/Tanyard come forward in the future.*"**
- **Delete Para 5.1.8 which reads as a Policy requirement, which it is not**
- **Delete Para 5.1.9 which reads as a Policy requirement, which it is not**
- **Delete Para 5.1.10. The development plan is considered as a whole**
- **Delete Paras 5.2.1 to 5.2.4. A development site is either allocated or is not allocated. The phrase "*fully allocated*" appears meaningless. This section includes unnecessary statements and infers that land that is not allocated by the Neighbourhood Plan comprises an allocation. Part of this section also reads as a Policy requirement, which it is not.**
- **Provide a revised Figure 21. Key should only show Allocated Sites**
- **Further to the recommendations above Delete Paras 4.12.5 to 4.12.10, which contain unnecessary information**

Policy 5A.2: Merrivale Lane Allocation

200 The timing reference in the Policy appears vague and in any case, the site is identified as being sustainable without constraints to deliverability.

201 For clarity, I recommend:

- **Policy 5A.2 change first sentence to “The site is allocated for housing *subject to the following:*”**
- **Delete last sentence “Timing...period” (which is unnecessary)**

Policy 5A.3: Stoney Stile/Hawthorne Field Allocation

- 202 Insufficient detailed evidence is provided to demonstrate that the only possible way that the site could be safely accessed for the development of 15 dwellings and open space or allotments is an access from Middleton Avenue subject to the relocation of Ashfield Park Primary School. The prospective developer has, for example, referred to there being scope for the provision of a new parking area for the school within the site. This might serve to alleviate concerns in respect of congestion and thus provide for safe access.
- 203 The second bullet point of the Policy appears vague and confusing as no detail is provided in respect of the precise residential/allotment split. However, the Policy goes on to set out the general number of dwellings the site is allocated for and sets out a requirement for the provision of open space *or* allotments.
- 204 Public rights of way are protected by law.
- 205 The timing reference in the Policy appears vague and the site is identified as being sustainable without constraints to deliverability.
- 206 The prospective developer of the site would like it to be allocated for a much higher number of dwellings than around 15. However, the evidence supporting the Neighbourhood Plan clearly references the community's concerns around the green and open nature of the site and its surroundings, taking into account its location in respect of the AONB and the setting of the Conservation Area.
- 207 Support for the development of the site is very much linked to these factors. The requirement for a relatively small number of houses and the provision of open space or allotments is therefore fully reflective of the community's views in respect of the allocation.
- 208 For clarity, I recommend:
- **Policy 5A.3 change first sentence to "The site is allocated for around 15 dwellings and open space or allotments *subject to the following:*"**
 - **Change first bullet point to "*Development proposals must demonstrate safe access can be achieved at all times.*"**

- Delete second bullet point
- Change third bullet point to *“Any public right of way must be retained or safely re-routed.”*
- Delete last sentence of the policy
- Delete the last two sentences of Para 5.3.9 and replace with *“Consequently, the Policy highlights the requirement for safe access.”*

Policy 5A.4: The Ryefield Centre Allocation

- 209 Whilst the supporting text refers to the attractive appearance of the Grammar School buildings, the Policy does not seek their retention. Rather, it includes a vague reference to the need for a study to be undertaken.
- 210 As set out, undertaking a study would simply be an academic exercise. There is no land use planning policy direction subsequent to the conclusion of the study. As a consequence, the first bullet point of the Policy appears meaningless.
- 211 For clarity, I recommend:
- **Policy 5A.4 change first sentence to “The site is allocated for housing *subject to the following:*”**
 - **Delete first bullet point**
 - **Delete last sentence “Timing...period” (which is vague)**
 - **Update paras 5.3.15 and 5.3.16 to take account of the closure of the Childrens' Centre.**

8. The Neighbourhood Plan: Other Matters

212 The recommendations made in this Report will also have a subsequent impact on Contents, including Policy, paragraph and page numbering.

213 I recommend:

- **Update the Contents and where necessary, Policy, paragraph and page numbering, to take into account the recommendations contained in this Report**

9. Referendum

214 I recommend to Herefordshire Council that, subject to the recommended modifications, **the Ross-on-Wye Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

215 I am required to consider whether the Referendum Area should be extended beyond the Ross-on-Wye Neighbourhood Area.

216 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

217 Consequently, I recommend that the Plan should proceed to a Referendum based on the Ross-on-Wye Neighbourhood Area approved by Herefordshire Council on the 11th September 2014.

Nigel McGurk, January 2020
Erimax – Land, Planning and Communities



EST. 2011