

Herefordshire Council

**Bredenbury, Wacton and  
Grendon Bishop  
Neighbourhood Development  
Plan 2011 - 2031**

**Independent Examiner's Report**

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21 February 2020

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## Summary

I have been appointed as the independent examiner of the Bredenbury, Wacton and Grendon Bishop Neighbourhood Development Plan.

The Plan covers a large rural Parish in northeast Herefordshire, just a few miles west of Bromyard. Its topography is key with a number of expansive, long distance views across the countryside which is famed for its hedgerows and trees amongst other things. Bredenbury is the largest settlement in this Group Parish and has a Village Hall, Church, Primary School, Garage and Public House. The A44 runs through the heart of the village. Elsewhere the Parish has scattered farmsteads and hamlets often accessed by narrow rural lanes.

With little development and a declining total population with relatively few young people, the Plan seeks to support new growth which will support existing residents whilst attracting new residents and to protect and enhance the key features of this locally distinctive area.

The Plan contains 20 policies covering a range of topics including four site allocations and the definition of a settlement boundary for the village of Bredenbury.

Relatively few modifications have been recommended for a Plan of this length and complexity; it has been written very well and is presented to a high standard. There are very few modifications to the supporting text which is worthy of mention for its high standard of clarity. In addition a Characterisation Study has been prepared and used to inform the Plan which is to be commended.

However, it has been necessary to recommend some modifications including to the settlement boundary and the deletion of some elements of policies. In the main the modifications have been made to ensure that the Plan can achieve sustainable development and in the interests of accuracy and clarity. My reasoning is set out in detail in this report. In my view, these do not significantly or substantially alter the intention or overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore delighted to recommend to Herefordshire Council that the Bredenbury, Wacton and Grendon Bishop Neighbourhood Development Plan can go forward to a referendum.

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

Ann Skippers MRTPI  
Ann Skippers Planning  
21 February 2020



## 1.0 Introduction

This is the report of the independent examiner into the Bredenbury, Wacton and Grendon Bishop Neighbourhood Development Plan (the Plan).

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

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

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

## 2.0 The role of the independent examiner

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

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

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

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

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

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

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

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

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

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

The examiner must then make one of the following recommendations:

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

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

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

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

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

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

### 3.0 The examination process

I have set out my remit earlier in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>5</sup>

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>6</sup> Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG<sup>7</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>8</sup>

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

In 2018, NPIERS published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Group Parish Council made comments and I have taken these into account.

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

I made an unaccompanied site visit to familiarise myself with the Plan area on 16 January 2020.

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

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering

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<sup>5</sup> PPG para 055 ref id 41-055-20180222

<sup>6</sup> Ibid

<sup>7</sup> Ibid para 056 ref id 41-056-20180222

<sup>8</sup> Ibid

paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

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

## 4.0 Neighbourhood plan preparation

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

Although the Plan area was approved some time ago in 2013, work begun on the Plan in earnest in April 2018. A Steering Group was formed and the Plan 'relaunched'.

A Residents Survey was produced and had a commendable response rate of 70%. Its findings were fed back to the community by leaflet to all households. A Community Forum was held in June 2018 which was an open day. This further developed the main issues and scope of the Plan as well as continuing to raise awareness about it.

A Community Survey was then developed for households and businesses to refine the issues alongside a 'Call for Sites'. Again a very good response rate of 70% was achieved.

Results were presented at a second Community Forum in November 2018 which also presented the draft vision and objectives as well as the draft Characterisation Study. The draft Characterisation Study was itself consulted upon. The initial assessment of the sites was also presented to the Forum alongside the proposed settlement boundary for Bredenburg village. Both the site assessment and draft settlement boundary were put on the website for consultation.

Pre-submission consultation was held between 10 May – 21 June 2019. This stage was publicised through a leaflet distributed to all households and businesses, a notice on local noticeboards, posters around the Group Parish and the website. As well as being available on the website, hard copies of the Plan were placed at various location in the Plan area and at Bromyard Library. An Open Meeting was held during the period of consultation.

A dedicated part of the Group Parish Council website was established and alongside the Parish magazine and a series of newsletters delivered to households in the Plan area at various stages of the evolution of the Plan, this has been the main way of publicising the Plan.

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

Submission (regulation 16) consultation was held between 19 September – 31 October 2019.

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

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

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

### **Qualifying body**

Bredenbury and District Group Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. The Group Parish Council covers the three Parishes of Bredenbury, Wacton and Grendon Bishop. This requirement is satisfactorily met.

### **Plan area**

The Plan area is the whole of the Group Parish area which is shown on Map 1 on page 5 of the Plan. HC approved the designation of the area, known as Bredenbury and District, on 5 November 2013. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements.

### **Plan period**

The Basic Conditions Statement confirms the Plan period is 2011 – 2031. These dates align with the time period for the Core Strategy. I consider it would be prudent to include the time period of the front cover of the Plan and insert a paragraph in the Plan to explicitly refer to the Plan period.

- **Include “2011 – 2031” on the front cover of the Plan**
- **Insert a new paragraph in the Plan in a suitable location to state that the Plan covers a time period from 2011 to 2031**

### **Excluded development**

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

## Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>9</sup> I have made recommendations in this regard later in this report. Subject to those modifications, this requirement can be satisfactorily met.

## 6.0 The basic conditions

### Regard to national policy and advice

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

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.<sup>10</sup>

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.<sup>11</sup> They 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 as well as set out other development management policies.<sup>12</sup>

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>13</sup>

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.<sup>14</sup>

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<sup>9</sup> PPG para 004 ref id 41-004-20170728

<sup>10</sup> NPPF para 13

<sup>11</sup> Ibid para 28

<sup>12</sup> Ibid

<sup>13</sup> Ibid para 29

<sup>14</sup> Ibid para 31

Policies should also be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>15</sup>

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

PPG indicates that a policy should be clear and unambiguous<sup>16</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>17</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>18</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>19</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan aligns with the NPPF.

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

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>20</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>21</sup> The objectives are economic, social and environmental.<sup>22</sup>

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.<sup>23</sup>

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<sup>15</sup> NPPF para 16

<sup>16</sup> PPG para 041 ref id 41-041-20140306

<sup>17</sup> Ibid para 041 ref id 41-041-20140306

<sup>18</sup> Ibid para 040 ref id 41-040-20160211

<sup>19</sup> Ibid

<sup>20</sup> NPPF para 7

<sup>21</sup> Ibid para 8

<sup>22</sup> Ibid

<sup>23</sup> Ibid para 9

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

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

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

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

### **European Union Obligations**

A neighbourhood plan must be compatible with European Union (EU) obligations. A number of EU obligations may be of relevance for these purposes including in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

PPG<sup>24</sup> confirms that it is the responsibility of the local planning authority, in this case HC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is HC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

### ***Strategic Environmental Assessment***

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

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

The ER confirms that a Scoping Report dated April 2018 was prepared and sent to the statutory consultees from 23 April – 29 May 2018. Responses were received from Natural England and Historic England.

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<sup>24</sup> PPG para 031 ref id 11-031-20150209

A draft ER underwent a period of consultation alongside the pre-submission version of the Plan. No specific responses on the ER were received.

Following the Regulation 14 stage, a change was made to the settlement boundary. The ER of September 2019 explains that it was considered unnecessary to rescreen the Plan as the change was of a minor nature.

The ER concludes that the Plan "...is in general conformity with both national planning policy...and strategic policies...".<sup>25</sup> It was published for consultation alongside the submission version of the Plan.

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

The ER is a comprehensive document that has dealt with the issues appropriately for the content and level of detail in the Plan. This in line with PPG advice which confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan.<sup>26</sup> In my view, it has been prepared in accordance with Regulation 12 of the Regulations.

Therefore EU obligations in respect of SEA have been satisfied.

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

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>27</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A HRA dated September 2019 has been submitted. This explains that an initial screening undertaken in October 2013 concluded that a full HRA screening would be needed. This was because although the Plan area falls outside the River Wye (including the River Lugg) Special Area of Conservation (SAC), it falls in the hydrological catchment of the River Frome and therefore the catchment of the River Wye (including the River Lugg) SAC.

The HRA concludes that the Plan "will not have a likely significant effect"<sup>28</sup> on the European site. This related both to alone and in combination effects.

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

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<sup>25</sup> Environmental Report Non-technical summary

<sup>26</sup> PPG para 030 ref id 11-030-20150209

<sup>27</sup> Ibid para 047 ref id 11-047-20150209

<sup>28</sup> HRA Report September 2019 para 10.1

and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

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

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.<sup>29</sup> In undertaking work on HRA, HC has considered the compatibility of the Plan in regard to EU obligations, including with the Water Framework Directive, and does not raise any concerns in this regard.

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

The Basic Conditions Statement contains a statement in relation to human rights. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

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

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

The Plan is presented very well. There are 20 policies and a Traffic Management and Road Safety Action Plan in a later section of the Plan. It starts with a useful contents page and list of policies.

### **1.0 Introduction and background**

This is a well written and helpful introduction to the Plan that sets out key characteristics of the Plan area and the aims of the Plan. It includes a map of the Plan area.

### **2.0 The story so far**

This is an informative and well-written section that explains the evolution of the Plan and signposts other documents for further, more detailed information.

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<sup>29</sup> PPG para 031 ref id 11-031-20150209

It refers to the preparation of a Character Assessment which is to be welcomed. However, the document concerned is titled “Characterisation Study”. To avoid any confusion, I suggest the document is referred to consistently throughout the Plan. A modification is made to address this and includes references throughout the Plan. The modification is not repeated at those junctures in this report.

- **Change “Character Assessment” to “*Characterisation Study*” in paragraph 2.0.8 on page 10, in criterion 1.i. of Policy BW&GB 10 on page 29, in criterion 3. Of Policy BW&GW 10 on page 30, in the last paragraph of Policy BW&GB 10 on page 30 and in the monitoring indicator column on page 47 of the Plan in relation to Policy BW&GB 10**

### 3.0 Vision and objectives

The clearly articulated vision for the area is:

“By 2031, the parishes of Bredenbury, Wacton & Grendon Bishop will have retained their tranquil rural character and be a great place to live, work and prosper.

Our community will be thriving and have a shared sense of pride and belonging, benefitting from well-designed development which gives a stronger heart to the settlement of Bredenbury and respects and enhances the environment, heritage and natural habitats of the whole area.

Key assets will have been protected and enhanced and road safety improved through the delivery of a comprehensive package of measures.”

The vision is supported by seven objectives. All are articulated well and will help to deliver the vision.

### 4.0 The Plan policies

The preamble to this section explains that seven policy areas have been developed. It also usefully links these to the CS. It includes a simple, but effective table on page 14 of the Plan which demonstrates how the policies relate to the seven objectives of the Plan. This approach is to be commended.

#### **4.1 A strategy for Bredenbury, Wacton and Grendon Bishop**

##### **Policy BW&GB 1 – Promoting a Sustainable Community**

This is a well written policy that sets out the overarching principles of what sustainable development means for this community. In so doing, it reflects the key areas of the NPPF in relation to the natural environment, housing needs, infrastructure provision, sustainable transport, adaption and mitigation of climate change and the rural economy including its facilities and services. It reflects the principles in the CS, including CS Policy SS1, and helps to achieve sustainable development.

It meets the basic conditions and no modifications are recommended.

##### **Policy BW&GB 2 – Development Strategy**

This policy directs most development in the Group Parish to Bredenbury, the largest settlement within the Plan area, defining a settlement boundary. The settlement boundary is shown on Map 2 on page 17 of the Plan.

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

The strategy for the rural areas in the CS<sup>30</sup> is positive growth. CS Policies SS2 and RA1 Indicate that 5,300 dwellings will be delivered throughout the rural housing market areas (HMA).

The strategy is based on seven HMAs. This Plan area falls within the Bromyard HMA. This HMA has an indicative housing growth target of 15% according to CS Policy RA1. This equates to 24 dwellings in the Plan area over the Plan period.

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

The main focus for development is within or adjacent to existing settlements listed in two figures, 4.14 and 4.15. CS Policy RA2 translates this into policy. Bredenbury is identified in Figure 4.14 as a settlement which will be the main focus of proportionate housing development. There are no other settlements in the Plan area identified in Figure 4.15 as settlements where proportionate housing is appropriate.

Based on an answer to my query, there have been two completions and two commitments up to April 2019. This leaves a residual housing growth target of 20 dwellings.

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<sup>30</sup> Core Strategy Section 4.8

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

CS Policy RA3 applies to rural areas and restricts housing development to certain categories including agricultural or other rural workers, replacement dwellings, reuse of existing buildings, rural exception housing, design of exceptional quality or gypsy and traveller sites.

I consider that the settlement boundary is properly defined in four parts, but I could not see a reason for including woodland east of St Andrews Close.

I note that this area (Area B) has been subject to a specific community consultation and is regarded as a “rounding off opportunity”<sup>31</sup> whilst recognising the land is also identified as a Priority Habitat. I raised some concern about its inclusion with the Group Parish Council, but no further comments were offered.

Taking account of the NPPF which specifically states that plans should “promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”,<sup>32</sup> I consider it would be unwise to include this land within the settlement boundary.

I am also mindful of the guidance in HC’s Guide to settlement boundaries April 2013 – Revised June 2015 which encourages boundaries to follow physical features, but makes the point that large gardens, orchards and other areas can be excluded to conserve character and limit expansion. It recognises that this may mean boundaries do not relate fully to physical features.

There is inevitably a degree of judgement as to where boundaries should be drawn. I can see the inclusion of this land would make a coherent rounded boundary, but I am more concerned that this could have the unintended consequence of establishing a principle in favour of development on land which may be unsuitable for development. As a result I consider it should be removed from the boundary. It may well be that this is reviewed at some point in the future.

I turn now to the policy. It supports limited small-scale development outside of Bredenbury where any effects on amenity, the environment and landscape are acceptable.

There is a wording issue with the first paragraph which reads as if development might only be supported if it has limited negative impact. The intention is clear, but development may also have a positive impact. A modification is made to address this in the interests of clarity.

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<sup>31</sup> Consultation Statement page 43

<sup>32</sup> NPPF para 174

The first paragraph also cross refers to other policies in the Plan. This is unnecessary as the development plan, including the CS, will be read as a whole.

The second paragraph refers to the CS and the Plan. Again as above this is unnecessary and potentially confusing as it highlights one CS policy, but not others that might be of relevance.

In addition these modifications which remove cross referencing to the Plan and references to the CS will mean that the Plan has more 'shelf life' if the CS is reviewed.

With these modifications, the definition of the settlement boundary and the policy will meet the basic conditions by reflecting the NPPF's stance on rural areas and adding a local layer of detail to CS Policies SS2, RA1, RA2, RA3 and RA6 in particular. It will help to achieve sustainable development.

- **Remove the 'triangle' area of woodland east of St Andrews Close from the settlement boundary and amend Map 2**
- **Change the second sentence of the first paragraph of the policy to read: "Limited small-scale development opportunities will be supported outside of the settlement *provided that any effects on amenity and the environment, especially the landscape and local road network are acceptable.*"**
- **Delete the last sentence in criterion 1. of the policy**
- **Delete criterion 2. of the policy**

#### ***4.2 Providing new housing***

##### **Policy BW&GB 3 – The Scale of New Housing**

This policy provides for a minimum of 30 dwellings to meet local needs and the wider housing market. This exceeds the proportional growth target for the Plan area which is 20 as explained above.

The policy goes through how this figure will be achieved. This is unnecessary in the policy itself. Again unnecessary cross references to other policies in the Plan are included. Therefore a modification is made to delete this part of the policy.

Paragraph 4.2.6 on page 21 of the Plan should also refer to CS Policy H2.

In addition, it would seem the paragraph numbering is out of sequence in this section.

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

- **Remove the second paragraph and the four numbered points from the policy to the supporting text**
- **Add a reference to CS Policy H2 in paragraph 4.2.6 on page 20 of the Plan**
- **Consequential amendments may be required**

#### **Policy BW&GB 4 – Housing Allocations**

Four sites are allocated by this policy. They are shown on a map embedded within the policy.

Taking each in turn; **Site 1 North of Brockington House** is allocated for around ten houses of a range of sizes. The tree belt around the site is to be retained. A community car park is also required.

This is the largest of the four allocations. I saw a number of important trees as well as a cluster of trees in the southeastern corner which should, in my view, be retained as well as the hedgerow along the A44 dependent on their condition. It is not clear to me how or where the car parking would be provided. It seems parking would be provided for amenities such as the Church and School which would necessitate crossing an A road. Nevertheless despite my concerns, in answer to a query on these points, I am informed a range of technical studies have been carried out including Tree and Access Studies and that pre-application discussions with HC did not reveal any 'in principle' concerns.

**Site 2, South of Brockington House** is allocated for around six houses laid out in linear form fronting onto the A44. An existing tree belt is to be retained.

This site is in the heart of the village. I found the site to add to the character and appearance of the village. The land falls away to the rear of the site steeply. There is an open aspect to the rear with views across. I saw the site has a number of mature trees on it which may well be likely to be lost as a result of development. In the Characterisation Study the site is identified as important woodland and I have some trouble reconciling development of this site. Nevertheless, in answer my query on this, I have been informed a number of Studies have been carried out and pre-application discussions with HC did not result in any 'in principle' concerns.

Additionally, a representation from HC explains that this land was a former quarry and therefore the site may be contaminated. This will need consideration before any development. A modification is made to address this point.

**Site 3 Garage Field (identified as Site 5)** is for around five houses laid out in a linear form along the A44. An existing hedgerow on the southern boundary is to be retained or replaced by a new roadside hedgerow to the A44. The northern and western boundaries are to have new landscaping.

This site is to the northern edge of the village adjacent to the Garage. Development of it would not be contrary to the form of the settlement. However, there may be some ambiguity in the phrase “broadly linear” and a modification is made to remove this.

However, two views are identified across the site in the Characterisation Study. In response to a query I raised on this potential area of conflict, the Group Parish Council has indicated that the size of development, the layout and design of any scheme alongside a replacement hedgerow and landscaping would mitigate any adverse impacts. With the exception of the design, these matters are covered in the policy. A modification is made to include this further point to avoid any potential conflict between this policy and other policies of the Plan.

**Site 4 Horsnett (identified as Site 7)** is for two dwellings. I consider this site is appropriately allocated. It is just sufficient in size, given its configuration, to accommodate two dwellings and so in this circumstance the cap on numbers is self evident and therefore appropriate as it will not hamper growth or the achievement of sustainable development.

A ‘Call for Sites’ was carried out and resulted in nine sites coming forward. All but one are located within or on the edge of Bredenbury village. An initial assessment carried out by a planning consultant identified five sites as potentially suitable. The four sites identified in the Plan are those preferred by the community. Given the responses to my queries, I consider all four sites are appropriate with some modifications to the policy and will help to plan positively for the growth sought by the community.

- **Add to Site 2 South of Brockington House a sentence that reads: “*The site’s historic potentially contaminative use will require consideration prior to any development scheme coming forward.*”**
- **Delete the word “broadly” from Site 5 Garage Field**
- **Add a new sentence at the end of Site 5 Garage Field which reads: “*Attention should also be paid in any detailed design to providing visual gaps to retain views through the site identified in the Characterisation Study.*”**

## **Policy BW&GB 5 – Housing in the Countryside**

Policy BW&GB 5 is a criteria based policy that sets out the types of development which will be acceptable outside the settlement boundary.

Six of the criteria either cross reference CS policies or reflect the NPPF<sup>33</sup> closely and do not add anything to either. Usually, I would recommend deletion of these points,

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<sup>33</sup> NPPF para 79

however so that the policy can be retained and is complete, in this case, it is important to retain them.

The sixth criterion refers to the amenity of new residents not being compromised by existing agricultural or commercial activity. This to be welcomed in line with the agent of change principle, outlined in the NPPF.<sup>34</sup> The agent of change principle is important because it means existing agricultural or commercial uses should not be adversely affected by new residential development or have undue restrictions placed upon them. Rather it is the new development which should make sure it can be satisfactorily located with the existing uses.

The last element of the policy refers to the potential removal of permitted development rights. This is appropriate and clear as it relates to new dwellings in the countryside and given the landscape in the Plan area this is acceptable in that it will help to achieve sustainable development.

The policy therefore meet the basic conditions by taking account of the NPPF, the relevant CS Policies including Policies RA3 and RA4 and will help to achieve sustainable development. No modifications are therefore put forward.

### **Policy BW&GB 6 – Extensions to Dwellings**

This policy sets out the community's expectations for extensions to dwellings. The policy is clearly worded and covers the salient points.

The NPPF is clear that good design is a key aspect of sustainable development.<sup>35</sup> The policy is a local expression of CS Policies LD1 in particular.

The supporting text refers to "original" dwelling, but the policy refers to "main". In answer to a query on this point, the Group Parish Council consider the policy should be changed to original and I agree this is preferable and has more clarity.

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

- **Substitute the word "main" in the policy with "*original*"**

### **Policy BW&GB 7 – Design of New Housing**

The NPPF states that good design is a key aspect of sustainable development.<sup>36</sup> It explains that neighbourhood plans play an important role in explaining how the

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<sup>34</sup> NPPF para 182

<sup>35</sup> Ibid Section 12 and para 124

<sup>36</sup> Ibid para 124

special qualities of an area should be reflected in development.<sup>37</sup> This criteria based policy seeks to achieve that adding a local level of detail to CS policies.

Local distinctiveness is important. However the first point supports innovative design or features, but only if they then incorporate locally distinctive features to maintain the area's character. This has the potential to stifle innovative design. A modification is therefore made to ensure this does not occur.

The remaining criteria are all worded well and seek to add an extra layer of detail to CS policies at the local level without being overly prescriptive.

With this modification, the policy will take account of the NPPF's stance on achieving well designed places, will be in general conformity with the CS and Policies SS6, LD1 and SD1 in particular and will help to achieve sustainable development.

- **Reword criterion 1. to read: "Incorporating locally distinctive features and materials – although new innovative design or features will *be supported* where they fit sensitively within their immediate surroundings."**

### **Policy BW&GB 8 – Ensuring an Appropriate Range of Tenures, Types and Sizes of Houses**

New housing development must provide for a mix of sizes, types and tenures to meet local needs. Smaller dwellings of two and three bedrooms are required in line with the engagement with the community and County level housing assessments. However, the policy also, rightly in my view, incorporates flexibility depending on the characteristics of the site itself. I consider another scenario should be included in this open list in the policy.

With this modification, the policy will take account of the NPPF's support for housing of different sizes, types and tenures to meet the needs of different groups,<sup>38</sup> be a local expression of CS Policy H3 in particular and will help to achieve sustainable development.

I note HC's concern about the policy applying to developments of all sizes, but given the background evidence and the enhanced flexibility the modification gives, I consider this will help to achieve sustainable development in the Plan area whilst recognising this may affect the viability of some sites.

- **Delete the word "or" between "...impractical..." and "...where it would be inconsistent..." and add the words "*or if up to date housing needs information demonstrates a different mix is required*" to the end of the last sentence of the policy**

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<sup>37</sup> NPPF para 125

<sup>38</sup> Ibid para 61

## Policy BW&GB 9 – Affordable Housing

The Plan positively seeks to provide affordable housing through rural exception sites and on windfall sites of 10 or more units. It seeks to ensure that local needs are met and that this remains the case in perpetuity.

The policy is clearly worded, has regard to the NPPF,<sup>39</sup> is in general conformity with the CS and in particular CS Policies RA3 and H1 and helps to achieve sustainable development. However, in line with previous recommendations, a cross reference to another policy in the Plan is both unnecessary and confusing. Subject to this modification, the policy will meet the basic conditions.

- **Delete “consistent with Neighbourhood Plan Policy BW&GB 5” from the first numbered point in the policy**

### *4.3 Protecting and enhancing local character*

## Policy BW&GB 10 – Protecting and Enhancing Local Character

This policy seeks to ensure that any proposals respect, reinforce and promote the special qualities and the character of the area, both historic and landscape. The reference to cultural identity and the sense of place is to be commended.

The NPPF is clear that the planning system should contribute to and enhance the natural and local environment<sup>40</sup> and the conservation and enhancement of the historic environment.<sup>41</sup>

It has a number of criteria; all are clearly worded. These establish principles against which proposals will be assessed. It builds on and refers to the Characterisation Study undertaken as part of the supporting evidential work for the Plan. It requires a statement to demonstrate how these principles have been assessed.

Criterion 3. Refers to the protection of “key views”. These are identified in the Characterisation Study. It is not clear to me what this might mean or be achieved in practice and so I recommend a modification so that the policy provides a more practical framework for decision making.

With this modification, the policy will take account of national policy and guidance. It will generally conform to CS Policies SS6, LD1, LD2 and LD3 and will help to achieve sustainable development.

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<sup>39</sup> NPPF para 77

<sup>40</sup> Ibid para 170, 171, 174

<sup>41</sup> Ibid Section 16

- Delete the word “Protect” and replace with “*Not significantly adversely affect*” in criterion 3. of the policy

### Policy BW&GB 11 – Heritage Assets

There are a number of designated heritage assets in the Plan area including various listed buildings and scheduled ancient monuments. The Plan explains that historic farmsteads are a notable feature. In addition, a number of non-designated heritage assets have been identified as part of the work on the Plan. The policy also requires consideration of surface and sub-surface archaeology.

This policy seeks to ensure that development proposals take account of the heritage assets and their settings in the Plan area. The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.<sup>42</sup> CS Policy LD4 addresses the historic environment and makes a reference to their significance which aligns with the stance taken by the NPPF. The policy reflects the stance taken in the NPPF.

The policy is clearly worded. With a modification to make it clear that the policy applies to new development proposals in relation to non-designated heritage assets and one to bring it in line with the statutory duty, it will take account of national policy and guidance, reflect CS Policies SS6 and LD4 in particular and will help to achieve sustainable development.

- Change the third paragraph of the policy to read: “*A balanced judgement will be required about the effects of any development proposal on or affecting any non-designated heritage asset, including those identified in Appendix 1, having regard to the scale of any harm or loss and the significance of the heritage asset.*”

#### 4.4 Providing new infrastructure

### Policy BW&GB 12 – Broadband and Mobile Telephone Infrastructure

Telecommunications infrastructure for both home and business use is supported. The NPPF indicates that advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing.<sup>43</sup>

This policy is in line with the NPPF, is a local expression of CS Policy SS5 and will help to achieve sustainable development.

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<sup>42</sup> NPPF para 184

<sup>43</sup> Ibid para 112

The policy is clearly worded and meets the basic conditions. No modifications to it are recommended.

### **Policy BW&GB 13 – Renewable Energy**

This policy supports renewable energy schemes subject to various safeguards that relate to their effect on residential amenity and impact on rural and landscape character.

The policy is clearly worded and is a local expression that takes account of the NPPF's drive to meet the challenge of climate change and can be viewed as a positive strategy promoting such energy whilst ensuring that adverse impacts are satisfactorily addressed.<sup>44</sup> It generally conforms to CS Policy SD2 adding detail to it at the local level and will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

#### ***4.5 Accommodating traffic and improving accessibility***

### **Policy BW&GB 14 – Transport and Connectivity**

This policy seeks to ensure that new development is acceptable in relation to the local road network, provides adequate parking, takes opportunities to improve connectivity in relation to pedestrians and cyclists and deals with street lighting and transport related flooding issues.

It is clearly worded. It takes account of the NPPF's stance on ensuring that transport issues should be considered from the earliest possible stages of development and that opportunities are taken to enhance sustainable transport modes.<sup>45</sup>

The policy refers to CS Policy MT1 and the Local Transport Plan. The policy adds a local layer of detail to these policies as well as CS Policy SS4.

It will help to achieve sustainable development.

It therefore meets the basic conditions and no modifications to it are recommended apart from a full stop at the end of the policy and a correction to the supporting text.

- **Add a full stop at the end of the policy**
- **Change “Policy BW&GB 16” in paragraph 4.5.8 to “Policy BW&GB 14”**

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<sup>44</sup> NPPF paras 148, 151, 152

<sup>45</sup> Ibid paras 102, 103, 104, 108

## **4.6 Supporting employment and business**

### **Policy BW&GB 15 – Business Development**

Employment in the Group Parish is in a variety of sectors, but the Plan explains that the key sectors are wholesale and retail trade and agriculture. There are high levels of self-employment and working from home.

This policy supports proposals which generate employment where they are of an appropriate type, scale and nature in relation to their location and setting. It firstly sets out the type of development which may be acceptable and then lists the criteria against which should proposals will be judged.

It is clearly worded. Although it refers to CS Policy E4 in relation to tourism proposals, this helps to ensure the policy is complete. It chimes with the NPPF's stance on building a strong, competitive economy and takes account of the need to grow and expand businesses in rural areas<sup>46</sup> subject to acceptable effects.

The policy is a local expression of, and is in line with, the general thrust of CS Policies SS5, RA6, E1, E3 and E4.

The policy will help to achieve sustainable development.

It therefore meets the basic conditions and it is not necessary for me to recommend any modifications.

### **Policy BW&GB 16 – Protection of Existing Commercial Business Premises**

Existing businesses are protected from redevelopment or change of use by this policy except in three specified circumstances.

It is a local expression of the NPPF's desire to build a strong and competitive economy and support a prosperous rural economy. It reflects CS Policies SS5, RA6 and E1 in particular. It will help to achieve sustainable development.

The policy is clearly worded. It meets the basic conditions and no modifications are recommended.

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<sup>46</sup> NPPF paras 80, 81, 83, 84

## **Policy BW&GB 17 – Agriculture and Forestry Enterprises**

Agriculture is an important sector for the Group Parish. Policy BW&GB 17 is a criteria based policy that offers conditional support for agricultural, forestry or other enterprise in the rural area.

The NPPF supports the sustainable growth and expansion of all types of business in rural areas including through new buildings, and the development and diversification of rural businesses.<sup>47</sup>

All of the criteria are well worded and clear. They add a local layer of detail to the NPPF and CS Policies SS5 and RA6 in particular. The policy will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are suggested.

### ***4.7 Enhancing facilities for the community***

## **Policy BW&GB 18 – Enhanced Services and Facilities for the Community**

This policy seeks the enhancement of services and facilities. This is in line with the NPPF's encouragement to the provision of social, recreational and cultural facilities and services which the community needs and their protection.<sup>48</sup>

The policy sets out three projects which take priority. The first is the refurbishment of the Village Hall which is non controversial. The second and third priorities relate to the provision of parking spaces to serve the Village Hall, the School and St Andrews Church.

The first additional parking facility is within the proposed site allocation for Site 1, North of Brockington House. I have already commented upon this in my discussion of Policy BW&GB 4.

The second parking area is to be provided on land next to St Andrews Church as shown on a map on page 42 of the Plan alongside the policy. At my visit, I had a number of concerns about this land being used for parking. These included the access onto the A44, the effect on trees and the effect on the setting of the Church.

I therefore raised a query on this proposal in the Plan. Planning permission was granted for this proposal on 1 May 2019 (application reference P184612/F). Any concerns I hold about this development are therefore overtaken by events. There is therefore a need to update paragraph 4.7.4 in the Plan to reflect the up to date position.

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<sup>47</sup> NPPF para 83

<sup>48</sup> Ibid para 92

There is also a difference between the land shown on the map on page 42 of the Plan and on the Policies Map. The Group Parish Council confirm the map on page 42 is correct and it reflects the planning application site. This then should be corrected.

- **Update paragraph 4.7.4 on page 42 of the Plan by changing the fifth sentence to read: “*Planning permission was granted on 1 May 2019 (reference P184612/F) for a vehicle access and parking area.*”**
- **Amend the Policies Map to show the area land next to St Andrews Church correctly (as per the map on page 42 of the Plan)**

### **Policy BW&GB 19 – Protection and Enhancement of Community Facilities**

Guarding against the loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day to day needs is an important element of the promotion of healthy and safe communities found in the NPPF.<sup>49</sup>

This policy seeks to protect named facilities of the School, the Village Hall, the Barneby Inn and any other assets during the lifetime of the Plan. Redevelopment or change of use will only be supported in two scenarios; if equivalent or enhanced alternative facilities are provided or when there is no longer a demonstrated need for the facility.

The supporting text explains that the Village Hall has already been listed as an Asset of Community Value (ACV). The Primary School is exempt. The Barneby Inn is also not currently an ACV.

In reading the policy and its supporting text, I was unsure whether this would only apply to ACVs in the future as well as the named facilities in the existing policy. The Group Parish Council has helpfully clarified that the word “asset” used in the policy is used generally to indicate those community facilities highly valued by the local community. I therefore recommend modifications in the interests of clarity.

With these modifications, the policy will take account of take account of the NPPF<sup>50</sup> which promotes the retention, and development, of local services and community facilities, be a local expression of CS Policy SC1 in particular which protects, retains and enhances existing social and community infrastructure and will help to achieve sustainable development.

- **Change the word “assets” in the policy to “*facilities valued by the local community*”**
- **Add a new paragraph after paragraph 4.7.6 that reads: “*The Community Survey highlighted the importance of the protection and enhancement of key*”**

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<sup>49</sup> NPPF para 92

<sup>50</sup> Ibid

*community facilities, in particular the Village Hall, the Barneby Inn and the Primary School. This policy addresses the requirements of the NPPF in relation to planning positively for the provision and use of those community facilities and other local services which enhance the sustainability of communities. This policy is in addition to protection provided through the Assets of Community Value legislation discussed further below.”*

## **Policy BW&GB 20 – Open Spaces**

This policy sets out requirements relating to the provision of open space and recreational facilities for new development as well as seeking to provide for active and sustainable travel.

The NPPF states that access to high quality open spaces and opportunity for recreation is important for the health and wellbeing of communities.<sup>51</sup> In addition, the NPPF indicates that public rights of way and access should be protected and enhanced.<sup>52</sup>

CS Policies OS1 and OS2 refer to open space provision in new development and both policies are cross referenced in this policy. This is appropriate given the nature of this particular policy.

This policy is a local expression of the NPPF and the relevant CS policies and will help to achieve sustainable development. This clearly worded policy therefore meets the basic conditions and no modifications to it are recommended.

## **5.0 Implementation and monitoring**

### ***5.1 Implementation and monitoring framework***

This section explains that regular monitoring of the Plan will take place. A framework is included within this section with monitoring indicates for each policy. Monitoring is not presently a requirement for neighbourhood plans. Therefore this approach is to be welcomed and commended.

### ***5.2 Traffic Management and Road Safety Plan***

It is clear that concerns about the volume and speed of traffic on the A44 through Bredenbury and the impact on residents and other users such as pedestrians and cyclists have been paramount through the plan making process.

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<sup>51</sup> NPPF para 96

<sup>52</sup> Ibid para 98

I highlighted in an earlier section of this report that policies in neighbourhood plans must relate to the development and use of land. Any aspirational policies or projects which are not related to the development or use of land must be clearly identifiable.<sup>53</sup>

The Plan recognises that most of the actions which could potentially help to resolve some of the community's concerns about the A44 are not development and use of land related. This is presumably why a separate Traffic Management and Road Safety Plan has been produced and included. Although it is included as a separate element of the Plan it is not sufficiently clear that this does not form part of the statutory Plan.

I am also concerned that the Action Plan then includes a paragraph referring to developer contributions which adds to the potential confusion as this could have been subject of a planning policy.

Modifications are therefore made to ensure the status of the Action Plan is clear and to remove any doubt.

- **Add a new paragraph at the start of subsection 5.2 that reads:**

***“Policies in neighbourhood plans must relate to the development and use of land. Sometimes as a result of the engagement carried out as part of the work on the neighbourhood plan, aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land emerge. Any such policies or projects must be clearly identifiable within the neighbourhood plan. This section and the Action Plan do not form part of the statutory plan.”***

- **Delete the words “...as proposed in Policy BW&GB 18” from point 3. of the Action Plan**
- **Delete the last paragraph which begins “Developer contributions...” from the Action Plan**

## Glossary

A helpful glossary is included. The following modifications should be made in the interests of clarity and/or accuracy.

- **Change the definition of Brownfield Land to that in the NPPF which reads:**  
***“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or***

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<sup>53</sup> PPG para 004 ref id 41-004-20170728

*forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

- Change the “character and appearance” in the definition of Conservation Areas to “character or appearance”
- Change the definition of Floodplain to “A nearly flat plain along the course of a stream or river that is naturally subject to flooding”
- Delete “Greenfield land that has not been previously developed, often in agricultural use.” from the definition of Geodiversity
- Insert the words “...forms part of the development plan and...” after “Adopted on 23<sup>rd</sup> March 2007” and delete the word “emerging” from the definition of Unitary Development Plan
- Change the definition of Windfalls to that in the NPPF which reads: “Sites not specifically identified in the development plan.”

## Appendix 1 Local Heritage List

This contains a list of non-designated heritage assets referred to in Policy BW&GB 11.

## 8.0 Conclusions and recommendations

I am satisfied that the Bredenbury, Wacton and Grendon Bishop Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Herefordshire Council that, subject to the modifications proposed in this report, the Bredenbury, Wacton and Grendon Bishop Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Bredenbury, Wacton and

Grendon Bishop Neighbourhood Plan area as approved by Herefordshire Council on 5 November 2013.

*Ann Skippers* MRTPI

Ann Skippers Planning

21 February 2020

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

Neighbourhood Development Plan Submission Draft September 2019

Statement of Basic Conditions September 2019

Consultation Statement September 2019

Environmental Report September 2019

Habitats Regulations Assessment Report September 2019

Bredenbury settlement Policies Map

Herefordshire Core Strategy 2011-2031 October 2015 and Appendices

Saved Policies of the Unitary Development Plan 2007

Documents on the Group Parish Council website [www.bredenburygroup-pc-gov-uk](http://www.bredenburygroup-pc-gov-uk) including the Characterisation Study May 2019, the Settlement Boundary and Call for Sites Assessment Report January 2019 and the Executive Summary Settlement Boundary and Call for Sites Assessment Report January 2019

Group Parish Council comments on Regulation 16 representations

**List ends**

## Appendix 2 Questions from the examiner

### **Brendenbury, Wacton and Grendon Bishop Neighbourhood Plan Examination Questions of clarification from the Examiner to the Group Parish Council and HC**

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

1. Please confirm the dates of the consultation with statutory consultees on the Strategic Environmental Assessment Scoping Report of April 2018.
2. Please could HC confirm that the proportional housing growth target of 24 homes is correct? Have any other dwellings been permitted or constructed? What is the figure now?
3. The area of woodland to the east of St Andrews Close (known as Area B in consultation stages) has been included in the settlement boundary. Given it is woodland and a priority habitat, I consider this might be unwise and may consider its removal from the boundary as part of my recommended modifications. Do you have any comments on this?
4. Proposed site allocations Sites 1 and 2, North and South of Brockington House respectively, have tree preservation orders on them according to the Settlement Boundary and Call for Sites Report. What work has been carried out to ascertain whether the sites can be developed (delivered) in the manner envisaged in relation to housing capacity, the provision of a car park and with regard to the trees and also the access onto the A44? Please do not send or direct me to evidence which is not already publicly available.
5. Site 5 the Garage Field site is proposed for development. Yet the Characterisation Study identifies two key views over this site which Policy BW&GB 10 seeks to protect. Is there a conflict and if so, how might this be reconciled?
6. Policy BW&GB 6 refers to the “main dwelling”; should this be “original dwelling” to tie in with paragraph 4.2.18 of the supporting text or does the text need to be amended in some way and if so, how?
7. How might Policy BW&GB 11 be revised in relation to non-designated heritage assets given the representation from HC?
8. Policy BW&GB 18 refers to parking facilities on land next to St Andrews Church.
  - a. The area of land is shown on a map on page 42 of the Plan. However, the area shown on the Brendenbury settlement Policies Map seems to differ. Please confirm the correct area and/or provide a map at a larger scale which shows the area in question.
  - b. Please point me to the justification or background information that shows that the car park can be delivered; for instance has any technical work being done on the access, trees or effect on the Church? Please ensure that any evidence sent is already within the public domain.
  - c. The Characterisation Study identifies a key view from this area. Is there any conflict between Policies BW&GB 10 and 18? If so, how might this be resolved?

9. Please provide me with further information about, and update me on the status of, the planning application referred to on page 43 of the Plan. It would be helpful to know the application number, proposal and any decision as well as a site plan etc.
10. Policy BW&GB 19 refers to "assets".
  - a. Is it the intention that this policy refers to Assets of Community Value which are discussed in the supporting text or is the word used in general terms? If it is the latter, does the supporting text need to be amended and if so, how?
  - b. Please point me to the justification or evidence regarding the inclusion of the Primary School and the Barneby Inn in this policy. Have the owners and relevant authorities being consulted on this policy?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses.

These queries are raised without prejudice to the outcome of the examination.

Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.  
Ann Skippers  
22 January 2020