

Dormington and Mordiford Group Neighbourhood Development Plan 2025-2031

Initial Comments of the Independent Examiner

Prepared by

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Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Dormington and Mordiford Group Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents. I visited the parish on Monday 9th June 2025.
2. I approached the village of Mordiford from the south and orientated myself by crossing the bridge over the River Lugg. I then travelled north to Dormington and visited a number of the sites including Upper Dormington before then drove around Priors Frome and then I climbed up to the hamlet of Checkley. During what proved to be over two and half hours spent in the parish I was able to visit most of the local green spaces and the key viewpoints. I saw the 3 allocation sites including the Lime Kiln area at Hope Springs.
3. I can confirm that I will be able to deal with the examination based on the written material and it will not be necessary for me to call for a public hearing.
4. As I set out in my Introductory Note, the Government issued a new version of the National Planning Policy Framework just before Christmas. Paragraph 239 of this latest version deals with Implementation and confirms that only those neighbourhood plans which are submitted after 12th March 2025, will be assessed, at examination, against the policies in this new version of the NPPF. I can therefore confirm that I will be examining this neighbourhood plan in the context of the previous version of the Framework, which was issued on 19th December 2023. All subsequent reference to the NPPF in this document relates to the December 2023 version of the Framework.

Regulation 16 Comments

5. I appreciate that the Parish Council has already been invited to comment on the representations that were submitted to the latest submission version of this neighbourhood plan, during the Regulation 16 consultation. I would request the Parish Council to offer any comments that it wishes to respond to, in its response to this note.
6. I would specifically highlight the recent letter from Natural England dated 20th June 2025 which was forwarded to me and which I am accepting as a late Regulation 16 representation. If the Parish Council wishes to comment on that letter, then that would be appropriate. I would ask both the Parish Council and

Herefordshire Council to publish the letter from Natural England on the respective websites.

Neighbourhood Plan Policies

Policy DM1: Conserving and Enhancing Local Landscape Character

7. Is it necessary for the policy to differentiate between the need “to conserve and enhance local landscape character” across the plan area and separately “to conserve and enhance the landscape and scenic beauty of the Wye Valley AONB” as the requirements for the AONB are set out in the last sentence of the first element of the policy?
8. I know the seventh part relates specifically to the AONB, does that duplicate the requirements set out in paragraph one of the policy?
9. In the second element of the policy, references is made to “Exceptional Key Views”. Are these different to the identified Key Views?
10. Can Herefordshire Council clarify what its requirements are for the submission of a Landscape and Visual Impact Assessment as set out in its local validation list?
11. I would ask the Parish Council to check the orientation of the arrow in respect of viewpoint 3 which I believe should be in the direction NNW, across the road from the parking area and also viewpoint 5 which is shown as looking to the east when the view is towards the sunset to the west?
12. Can I also check the viewpoint 10 with reference to the position of the arrow as the photo shows a view down the river -Is that a specific vista and can it be shown in greater detail for the purpose of a future landscape assessment or is it intended to be a typical river view in which case it is not covered by the AONB landscape protection. Similarly is viewpoint 11 a specific viewpoint or is it intended to be a more typical view of a country lane in this part of the parish?
13. Can Herefordshire Council clarify the status of the Position Statements referred to in the last part of the policy? Are they part of the development plan or the evidence base for the Local Plan and have they been subject to public consultation? Please send me a link to the statements.

Policy DM2: Local Green Space

14. On my site visit, I noted that much of the pond area identified as Lime Kiln Pond area is heavily overgrown and I would question

what its recreational value is or indeed, in what respect it is important to the richness of wildlife to warrant protection as local green space. I would welcome the Parish Council's views about whether the area of that particular local green space should be restricted to the area around the fenced off kilns, which I accept is of historical and cultural value.

Policy DM3: Biodiversity

15. I would welcome the views of Herefordshire Council as to how it believes this policy sits along the new statutory biodiversity net gain requirements which have now been implemented which envisages that these matters are to be dealt with as a post permission matter.

Policy DM4: River Wye Special Area of Conservation (SAC)

16. I would question whether this policy adds any local dimensions to the existing policy which is set out in the Core Strategy, and which already covers the parish. Essentially, it is a policy requiring an applicant comply with existing policy and it could be argued is unnecessary duplication contrary to the requirements of paragraph 16 f) of the NPPF. Can the Parish Council elaborate on what extra value the policy delivers.

Policy DM6: Sustainable Design

17. The Planning Practise Guidance states that a policy “should be drafted with sufficient clarity that a decision maker can apply consistently and with confidence when determining planning applications”. I am concerned that a decision maker would not necessarily know whether development proposal was using “the most up-to-date, effective and efficient design and technologies to ensure principles of sustainability are incorporated at all stages of a building's lifetime”. Is the Parish Council expectation that planning applications should seek to go beyond the requirements of the building regulations and what aspects of the design is the policy seeking information on ?
18. I have reviewed the Design Guidelines 13-16 and the aspirations are expressed as new development “should aim to ...” Is the expectation that these matters are ones that the neighbourhood plan is *encouraging*, rather than *requiring* schemes to incorporate as part of the decision-making process?

Policy DM7: Housing

19. Does the Parish Council support the conversion of existing buildings which lie outside of settlement boundaries to housing as advocated by paragraph 84 of the NPPF?
20. Is the expectation that the requirement to meeting local needs only relates to the part of the parish falling within the AONB?
21. Is the intention that the expectation to deliver premises suitable for older residents to downsize to, should be subject to restrictions on occupation to these age groups, or is there in need to evidence a connection to the local community or is the intention merely to promote the supply of housing that meets these local housing needs?
22. Can Herefordshire Council confirm whether the amalgamation of two properties into a single property actually constitutes development which requires planning permission?
23. Is the figure of a maximum of 25% of market houses to be accommodated on rural exception sites, fixed or should it be subject to financial appraisal as suggested in paragraph 5.3.42.
24. Can the Parish Council clarify whether the requirement set out in the final requirement does or does not apply to rural exception sites outside the AONB?

Policy DM8: Site Allocations

25. What is the justification for advocating a lower density on the Site DM8/1 Sufton Cottage than on the adjoining Sufton Rise site. Why is that site not considered suitable for affordable housing as per Policy DM7.
26. In terms of the Fort house site, I assume that the principle of its development is already established by policy DM 7 as it is a site within the settlement boundary. In that case, why is it only acceptable for a new house if it meets Passihaus standards?

Policy DM9: Site Allocation for Rural Exception Housing

27. I was some somewhat surprised the Lime Kiln site is allocated for affordable housing in view the distance from the village amenities such as the local primary school, without access to footpaths. Would the Parish Council comment on whether this would be a suitable location for properties which may not have access to a private car during the day?

Policy DM11: Sustainable and Active Travel

- 28. Can the Parish Council elaborate on what its expectations are in terms of new homes providing sufficient flexible space to enable occupiers to work from home. Is it a spare bedroom that is envisaged could be used as a workspace or some other solution?
- 29. Can the Parish Council confirm whether the three allocation sites are located close to bus stops and do they meet the requirements of the policy
- 30. Can Herefordshire Council confirm whether electric car charging points are now covered by Part S of the Building Regulations?

Policy DM 12: Local Infrastructure and Developer Contributions

- 31. Can Herefordshire Council outline what its current position is regarding CIL or on what basis does it seek Section 106 payments?
- 32. Is the Parish Council suggesting in the policy's priorities will be met from the 25% of the parish component of any future CIL payments? Decisions on what CIL receipts are spent on is a budgetary matter rather than a matter that is considered when a planning application is determined.

Policy DM13: Flooding, Waste Water, Sewerage and Water Supply

- 33. Is it the Parish Council's intention that properties which do not lie in areas liable to flood should still be required incorporate flood resilience measures or does it only apply to development falling within flood zones 2 and 3?
- 34. It does occur to me that a policy that assesses proposals on a case by case basis, is not actually a planning policy.

Policy DM 14: Local Enterprise

- 35. The NPPF (para 88) encourages the expansion of establishment of all types of business in rural areas. Can the Parish Council provide a justification for restricting the policy to only small scale flexible business accommodation?

Concluding Remarks

- 36. I am sending this note direct to Dormington and Mordiford Group Parish Council and Herefordshire Council. I would request that responses to my questions should be sent to me by 5 pm on **14th July 2025** and be copied to the other party.

37. I would also request that copies of this note and the respective responses are placed on the Parish Council's and Herefordshire Council's websites.

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