

# Dormington and Mordiford Group Neighbourhood Development Plan 2025-2031

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## **Submission Version**

A Report to Herefordshire Council on the Examination of the Dormington  
and Mordiford Group Neighbourhood Development Plan

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26<sup>th</sup> August 2025

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## Executive Summary

My examination has concluded that the Dormington and Mordiford Neighbourhood Development Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the Plan meets the basic conditions. The more noteworthy include –

- Differentiate between the requirements to conserve and enhance local landscape character to cover the whole of the parish and policies which protect the scenic beauty of the National Landscapes (formerly Areas of Outstanding Natural Beauty or AONBs). Remove Views 10 and 11 as being typical views rather than specific viewpoints and elaborate reasons why Woolhope Dome is considered special.
- Set out the policy to apply to development affecting local green space.
- Clarify that biodiversity requirements are to be implemented through the statutory net biodiversity gain requirements.
- Clarify that restrictions on the size of extension / outbuildings only applies where planning permission is required.
- Sustainable design policy to “encourage” rather than “require”.
- Policy relating to the conversion of two residential units into a single unit to be caveated by “where planning permission is required”.
- The capacity of the Sufton Rise allocation site be referred to as “approximately 10 units”, remove reference to the public footpath linkages and the need for the development to include some bungalows.
- Remove the reference for the Fort House allocation to be a single storey eco-home.
- Introduce the ability for the rural exception site allocation to include market housing, if required for viability reasons.
- Removing reference to new homes providing sufficient flexible space for home working. Remove reference to link with horse riding routes and the need for an active frontage for road safety reasons.
- Regarding infrastructure, removing reference to CIL and instead refer to Core Strategy Policy ID1 and planning obligations need to demonstrate they meet the three requirements set out in Regulation 122 of the CIL Regs 2010.
- Remove reference to climate resilience and the flood policy to only apply to areas at risk of flooding and to refer to the new National Standards for Sustainable Drainage Systems.
- The ability to convert to business units to be extended to all existing buildings, not just traditional agricultural buildings. Remove reference to energy efficiency measures and set the threshold of impact on the highway network to severe.

The referendum area does not need to be extended beyond the Plan area.

## Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which offers local communities the opportunity to create the policies that will shape the places where they live and work. A neighbourhood plan does provide the community with the ability to allocate land for specific purposes and to prepare the policies that will be used in the determination of planning applications in its area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the saved policies in the Herefordshire Local Plan Core Strategy 2011- 2031. Decision makers are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Dormington and Mordiford Group Parish Council. A Neighbourhood Plan Steering Group was appointed to undertake the Plan's preparations made up of parish councillors, and local residents.
3. This report is the outcome of my examination of the Submission Version of the Dormington and Mordiford Neighbourhood Plan. My report will make recommendations, based on my findings, on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Herefordshire Council.

## The Examiner's Role

5. I was appointed by the Herefordshire Council in May 2025, with the agreement of Dormington and Mordiford Group Parish Council, to conduct this examination.
6. For me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 47 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of the Herefordshire Council and Dormington and Mordiford Group Parish Council, and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
7. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:

- That the Plan should proceed to referendum on the basis that it meets all the legal requirements.
  - That the Plan should proceed to referendum, if modified.
  - That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
8. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Dormington and Mordiford Neighbourhood Plan area.
  9. In examining the Plan, the Independent Examiner is expected to address the following questions:
    - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
    - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and that it must not cover more than one Neighbourhood Plan area.
    - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Town and Country Planning Act 1990 and been developed and submitted by a qualifying body?
  10. I can confirm that the Plan, only relates to the development and use of land, covering the area designated by Herefordshire Council, for the Dormington and Mordiford Neighbourhood Development Plan, on 13<sup>th</sup> May 2014.
  11. The cover page of the submission version of the plan states that the plan will cover the period from 2025 to 2031, with the end date coinciding with the end date of the existing adopted local plan.
  12. I can confirm that the Plan does not contain policies dealing with any “excluded development”.
  13. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
  14. I am satisfied that Dormington and Mordiford Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

## **The Examination Process**

15. Once I had reviewed the submitted documents, my first task was to conduct a site visit to the parish. That was carried out on Monday 8<sup>th</sup> June 2025.

16. 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 driving 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 exception site at Lime Kiln area, Hope Springs.
17. Upon my return from Herefordshire, I have prepared a document entitled Initial Comments of the Independent Examiner dated 23<sup>rd</sup> June 2025. In that document, I advised the parties that I would be able to deal with the examination without the need to call for a public hearing. I asked a series of questions which were mainly directed at the Parish Council but also Herefordshire Council. I received a response from the Parish Council on 18<sup>th</sup> July 2025 and from Herefordshire Council on 21<sup>st</sup> July 2025. I subsequently had an exchange of emails clarifying the location of one of the viewpoints and also enquiring whether other examinations had dealt with the issue of the proportion of affordable homes expected within the AONB.

## **The Consultation Process**

18. It is informative to note that the inaugural meeting of the initial Steering Group took place as far back as 12th December 2014 and whilst it initially discussed community consultation and engagement, it appears that progress then stalled until work on the neighbourhood plan recommenced with the relaunch held on 2nd December 2021, when a new Steering Group was established.
19. An early piece of work for the new Steering Group was the preparation of draft vision and objectives and key planning themes, which was consulted via a short questionnaire. The Steering Group used the local magazine - The Dragon to contact every householder in the parish. It also wrote to local landowners and land agents and collectively this produced 35 responses to the questionnaire.
20. In May 2022, the Parish Council advertised a call for sites to help identify land for both market and affordable housing. This identified eight sites, which were assessed by the Parish Council's consultants AECOM, who produced a Site Options and Assessment report in November 2022. This concluded that four sites were suitable for allocation but as one site had already received planning permission that reduced the number to three.
21. Following the publication of that report, two additional sites were put forward for consideration and the boundary of one of the original eight was revised.

22. In spring / summer 2023, an emerging draft plan was published for informal consultation, and this included the three preferred option sites. An updated Site Option and Assessment report was prepared by AECOM to now include the site with its revised boundary and the two new sites. These sites were considered by the local residents and stakeholders, via the parish council website and local social media.
23. In parallel, the Dormington and Mordiford Design Guide draft was the subject of its own informal consultation alongside the draft neighbourhood plan and housing sites during the early summer of 2023.
24. This activity was supplemented by a Group Parish Housing Needs Survey which was conducted between March and May 2023 and included survey forms circulated to every householder which produced 101 responses, out of the 380 questionnaires issued.
25. This consultation included a drop in event held in the Mordiford Primary School on 15th June 2023, which was attended by approximately 20 local people. That consultation produced 70 responses, a 20% response rate and included suggestions for local green spaces and the response also led to changes to the settlement boundary.
26. All this work culminated with the publication of the Pre-Submission version of the neighbourhood plan, which was a subject for its own 6-week consultation that ran from 29th January 2024 until 11th March 2024, known as the Regulation 14 consultation. This consultation included a drop in event at the primary school. The results of that pre submission consultation, including comments from the statutory stakeholders, are fully set out in Appendix 9 of the Consultation Statement which also explains how these comments have resulted in changes to submission version of the plan.
27. I am satisfied that the Parish Council actively sought the views of the local community whilst preparing this plan.

## **Regulation 16 Consultation**

28. There was a period of final consultation, which took place over a six-week period, between 6<sup>th</sup> February 2025 and 20<sup>th</sup> March 2025. This consultation was organised by Herefordshire Council, prior to the Plan being passed to me for its examination. That stage is known as the Regulation 16 consultation.
29. In total there were 9 responses received: from Historic England, The Coal Authority, Herefordshire Council, Environment Agency, Network Rail, NHS Herefordshire and Worcestershire, Natural Resources Wales and local residents who own one of the allocation sites.
30. I also received a letter from Natural England dated 20<sup>th</sup> June 2025 that specifically related to this neighbourhood plan. Whilst received well after the closure of the Reg 16 consultation I have nevertheless been



prepared to have regard to this correspondence as part of my deliberations and which I will address in the Compliance with European legislation section of this report.

31. I have read all the representations and will refer to them, where relevant, when I come to consider my recommendations.

## **The Basic Conditions**

32. The neighbourhood planning examination process is different to a local plan examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what are known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

33. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -

- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
- Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended)?

34. In December 2024, the Government released an updated version of the National Planning Policy Framework (NPPF). Paragraph 239 addresses the question of the Framework’s implementation and confirmed that only neighbourhood plans submitted after 12<sup>th</sup> March 2025 will be subject to the policies outlined in the new NPPF. This neighbourhood plan was submitted to Herefordshire Council on 3<sup>rd</sup> February 2025 and so I can confirm that I will be evaluating this neighbourhood plan based on the previous December 2023 version of the Framework. I will be referring to paragraph numbers from that version of the document for the purpose of this examination. However, there would be a benefit in updating any NPPF paragraph numbering, if used, within the Referendum Version, in the interest of clarity.

## **Conformity with the Development Plan**

35. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development

Plan, which in this case is the Herefordshire Local Plan Core Strategy 2011- 2031 adopted in October 2015. Herefordshire Council has previously confirmed that, for the basis of the basic conditions test, all the policies in the Core Strategy are strategic policies.

36. Mordiford, Priors Frome and Dormington are all identified as villages in the Hereford Housing Market Area. According to Policy RA2, Mordiford is to be the main focus in or adjacent to the village for housing development and Dormington and Priors Frome are settlements where proportionate development is to be allowed. Sites can be allocated via neighbourhood plans.
37. Overall, the Hereford Housing Market Area is required by Policy RA1 to deliver approximately 1,870 new dwellings which equates to 18% of the overall housing growth in Herefordshire which is 16,000 new dwellings for the period 2011-31. Policy RA3 deals with development policies outside settlement boundaries. Policy RA5 sets criteria for the reuse of redundant or disused rural buildings and Policy RA6 sets policy for the encouragement of the rural economy. Policy H1 sets the level of affordable housing at 35% and Policy H2 addresses the criteria for rural exception sites. Landscape policy is found in Policy LD1, and biodiversity is addressed in Policy LD2, green infrastructure requirements are set out in Policy LD3, and historic assets are protected by Policy LD4. Also of relevance is Policy SD1 which addresses Sustainable Design and Energy Efficiency and Policy SD4 covers wastewater treatment and river water quality.
38. Herefordshire Council had embarked on the preparation of the new Herefordshire Local Plan 2021- 2041 but with the publication of the latest version of the NPPF, it has abandoned that plan as it will require a new spatial strategy.
39. My overall conclusion is that the Neighbourhood Plan, apart from where I have noted in the commentary on individual policies, is in general conformity with these strategic policies in the Herefordshire Local Plan Core Strategy.

### **Compliance with European and Human Rights Legislation**

40. Herefordshire Council, in a screening report dated 4<sup>th</sup> April 2014 considered whether a full Strategic Environmental Assessment (SEA), as required by EU Directive 2001/ 42/ EC, which is enshrined in law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would be required. That concluded that the plan would be likely to have significant environmental effects and accordingly a full SEA would be required.
41. Following that screening, a Scoping Report was published, dated June 2015 which was the subject of a 5-week consultation period with the

Natural England, Historic England, Environment Agency and Natural Resources Wales. It identified relevant policies, plans and programmes and environmental protection objectives, collected baseline information about past, present and possible future conditions, highlighting key issues and problems within the plan area to establish environmental objectives for the main report.

42. Herefordshire Council has prepared an Environmental Report dated November 2024 which compared the plans objectives with the SEA objectives and looked at reasonable alternatives including assessing 10 alternative sites and the SEA informed the selection of the preferred option sites. I am satisfied that the assessment has followed the standard methodology as set out in the SEA Regulations.
43. Separately, Herefordshire Council, as the “competent authority”, in 2014 screened the plan under the Habitat Regulations. This looked at whether the neighbourhood plan had the potential to have any significant adverse impacts on any European protected site, and in particular the River Lugg catchment area which was part of the River Wye SAC. That screening again concluded that a full HRA would be required. Currently water quality targets are being exceeded particularly due to nutrients. It concluded that the mitigation measures provided for by Policy SD4 of the adopted Core Strategy would address this issue alongside improvements to wastewater treatment works.
44. Overall that report, concluded that there would be no likely significant adverse impact on the River Wye (including River Lugg) SAC.
45. During the course of this examination, I was forwarded a letter sent to the Strategic Planning Team at Herefordshire Council, dated 20th June 2025, from Natural England who sets out its position in relation to interim neighbourhood plans coming forward in advance of the new local plan, which is expected in 2028. That local plan would need to carry out evidence gathering looking at the proposed levels of housing growth on protected sites through impact pathway environmental evidence and in combination studies which would be part and parcel of the appropriate assessment. Future neighbourhood plans would have to be in general conformity with that plan, once it is made.
46. The letter sets out Natural England's position that cover neighbourhood plans which come forward in advance of the new local plan. The relevant paragraph of this letter is as follows.

*“If there are neighbourhood plans that are coming forward ahead of the new local plan (2028) that do not have any additional housing allocations above and beyond the existing local plan (Herefordshire Local Plan Core Strategy 2011 to 2031) then they would not be required to adopt the process outlined above for this was agreed at the last local plan phase. Thus, the already agreed housing allocations within the current plan would still hold and be acceptable in line with that evidence base.”*

47. Herefordshire Council has provided me with its assessment of the situation which I set out in the following paragraph and which I do not disagree with.

*As Dormington and Mordiford are preparing their Plan for the first time, their proportional growth target is aligned with the Core Strategy. Please see the Authority Monitoring Report [AMR Section 3 Neighbourhood Development Plan November 2024](#). Pg 10 sets out the level of growth for the Dormington and Mordiford parish area. The residual figure in red (-21) points to an under supply of homes in the parishes against the Core Strategy rural areas Proportional Growth targets. The parish sets out its Proportional Growth target as 57 dwellings in the NDP and this target takes into account the completions and commitments in the AMR also.*

48. I am satisfied that the basic conditions regarding compliance with European legislation, including the 2017 introduced basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

## **The Neighbourhood Plan: An Overview**

49. Dormington and Mordiford Group Parish Council is to be congratulated for grasping the opportunities of producing a locally distinct neighbourhood plan, allowing the community to prepare the planning policies which will cover the neighbourhood area, for the period up to 2031.
50. This plan area is subject to a wide range of environmental constraints which limits the development potential, including the Wye Valley AONB, flood zones, SACs, SSSIs, Ancient Woodlands and a Conservation Area. I commend the Parish Council on the way it has approached the site allocation process, setting out its clear objective and criteria-based approach to site selection. The plan also recognises the characteristics and status of the different settlements within the parish namely Mordiford, Dormington, Priors Frome and Checkley and sets out the key features of these areas as well as the landscape characteristics.
51. The Herefordshire Core Strategy sets out that the parish is expected to deliver an 18% proportionate increase over the plan period, up to 2031, which equates to 57 new dwellings. The submission version of the plan notes that there have been, up to that moment, 29 completions and 7 commitments, which had planning permissions and therefore the task facing the neighbourhood plan is to deliver 21 dwellings.
52. The policies covering site allocations will deliver approximately 16 units which includes the exception site, which I have included as part of the delivery, as my recommendations allows for the inclusion of some market housing, if required to deliver viability. The plan acknowledges that 10

units will be needed to be delivered by windfall development, but based on my reasoning, that requirement would fall to 5 units. I am confident that the housing levels are in general conformity with those requirements set out in the core strategy.

53. There are certain elements of the plan which are well supported by evidence which is a core requirement of neighbourhood plan policies as set out in the Planning Practice Guidance which states that a policy should “be concise, precise and supported by evidence.” There are a number of policies where I have concluded that these have not been supported by evidence and I have had to recommend these elements be deleted.
54. Equally I have had to recommend a number of policy changes where the expectations to the policy apply to “all development” when it would not be proportionate or even relevant to certain types of planning applications that will be submitted within the plan area.
55. I did find certain aspects of the Design Guide very aspirational and I have suggested, in certain cases, only regard should be had to its aspirations, where it is relevant to the development.
56. The Dormington and Mordiford Neighbourhood Plan has policies that cover not just the location for new housing, it includes policies which support new and existing businesses including, through the reuse of buildings and well-designed new buildings. It sets high design expectations and gives priority to the protection and enhancement of the green infrastructure of the parish in terms of its habitat and biodiversity, whilst also protecting the open spaces which are demonstrably special to local residents and promotes active transport. It places particular weight on the landscape character of the plan area. I am satisfied that the neighbourhood plan when taken as a whole, will deliver sustainable development.
57. My examination has concentrated on the wording of the policies, rather than the contents of the supporting text and the interpretation sections.
58. As a result of some of my recommendations there will need to be some consequential changes to the supporting text. It is important that the supporting text reflects the policy changes so that the plan still reads as a coherent statement of policy. It is beyond my scope as examiner to offer changes to the supporting text, as my remit is restricted to matters of the basic conditions and the other legal requirements.
59. I will leave it to the Steering Group, to work with the planners at Herefordshire Council to agree the changes to the supporting text and the mapping, when it is preparing the Referendum Version of the plan, which will have to be published alongside the Decision Statement.

## The Neighbourhood Development Plan Policies

### Policy DM1: Conserving and Enhancing Local Landscape

60. The majority of the plan area falls within the Wye Valley AONB - which is now referred to as National Landscape (but for the remainder of this report I will continue to refer to it as the AONB). The remainder of the plan area is not designated but the plan still seeks to protect and enhance its rural character. This landscape protection policy seeks to protect the rural character of the whole plan area but does also recognise the additional protection that must be applied for the national designated area due to its scenic beauty.
61. For the purpose of understanding this policy, I found it helpful to be able to differentiate between what is referred to as landscape character and scenic beauty. I have found these definitions sets it out clearly:
- **Landscape Character** refers to the unique combination of natural and human-made elements that give a landscape its distinct identity. It focuses on the overall structure, land use, historical influences, and how these features interact to create a recognisable sense of place.
  - **Scenic Beauty**, on the other hand, relates to the aesthetic appeal of a landscape. It is subjective, based on personal or cultural perceptions of what is visually pleasing. Scenic beauty often emphasises dramatic views, harmony, colour, and natural features that evoke an emotional response.
62. In essence, landscape character is about what makes a place unique, while scenic beauty is about how visually attractive that place is.
63. The policy seeks to weave into the policy, separate requirements for the AONB whilst at the same time having a separate section entitled Wye Valley AONB. I have noted that this policy has been the subject of changes introduced following the Regulation 14 consultation. However, I am not convinced that these are necessarily justified in having to introduce different general criteria, for sites within the AONB, which are different to the policy seeking to conserve the landscape character of the plan area as a whole. In coming to this conclusion, I note that Policy LD1 of the Herefordshire Core Strategy places the same obligation to conserve and enhance the natural, historic and scenic beauty of the important landscapes including AONB. If the plan is recognising the value of the local landscape character, I do not believe that this is necessary to differentiate, in policy terms, those areas within the AONB.
64. I do recognise that in policy terms there is a requirement to differentiate the AONB from the rest of the plan area in terms of recognising the “scenic beauty” obligations that relate to these nationally protected landscapes. I believe that is achieved by the inclusion of the separate section of the policy restricted to the AONB.

65. I did raise this issue in my Initial Comments document, and it was explained that the policy had evolved, and the Parish Council did recognise the issue and offered the following comment
- “However, if the examiner considers the landscape character across the whole of the parish should be given the similar status, the Parish Council would support this as a change of policy”*
66. I will be proposing the element in the first part of the policy dealing with landscape character should not make separate reference to the AONB – as the policy seeks to protect the landscape character of the whole plan area. I believe, following my site visit, that this is the correct approach. I believe it would bring the policy into closer alignment to the approach set out in the Core Strategy and Secretary of State policy by setting out the clear expectations of the policy.
67. Turning now to the consideration of the part of the policy covering key views, the wording needs adjusting as the subsections of the policy 1- 6 are the means of conserving and enhancing the local landscape character “by”, as set out in the first paragraph of the policy. The following is a technical drafting issue. The first two sentences of requirement 2 are statements as to why these views are important and, in my view, seek to justify the inclusion of these views, rather than making statements of policy capable of being used in decision making. These can be beneficially relocated into the supporting text. The start of the sentence can be brought into alignment with the other subsection of the policy, by the inclusion of the word “ensuring”.
68. The final sentence that policy refers to “Exceptional Key Views”. I have been advised by the Parish Council that this is an error and should be deleted.
69. The key views are listed in Table 1 of the plan document. The policy requires the development within the line of sight of the key views should demonstrate that effects on that view are acceptable. That means that viewpoint should be a discrete point on the ground, where the impact of development on that view can be assessed, either by future applicants or decision makers. I have clarified with the Parish Council that both VP 10 - views along the River Wye and VP 11 - the view along Upper Dormington Road, are not specific viewpoints but have been included as typical views. As such I do not consider they can be identified as discrete key viewpoints but rather any proposals affecting views the Wye or from the users of the rural lanes, can be assessed under the broader landscape considerations.
70. I have also identified a number of arrows shown either in the wrong location or pointing in the incorrect direction. This applies to viewpoints 3 and viewpoint 5.
71. The third element to the policy requires schemes to “follow the guidance” set out in the Design Guide. Some of these guidelines will not be relevant to every type of new buildings or indeed other forms of development and



hence I will be recommending that “regard” should be had to the guidelines, “where it is relevant to the development”.

72. I am also concerned that Table 17 of the Design Guide is seeking to identify what it describes as Areas of Local Significance and then lists valued and local green space and cherished views, which are not necessarily consistent with those identified in the Policies DM1 and DM2. That could lead to uncertainty as to how these should be considered, as they have not been identified in this specific policy, but are only mentioned in the design guidance code. I will recommend that this table be deleted.
73. I appreciate the desire of the policy to specifically refer to key features and special qualities of Woolhope Dome. The policy does give examples, but I believe it would be important for users of the plan to know what, specifically, the special qualities are. I have discovered that these are set out in paragraphs 3.33 and 3.34 of the supporting text and I will propose the cross referencing these paragraphs in the policy.
74. The final element of the policy deals exclusively with the AONB. Most of my conclusions regarding protecting landscape character which I have set out above, will suggest a more uniform approach. I nevertheless think it is appropriate for an element of the policy to specifically address requirements for the part of the plan area which is nationally designated landscape in terms of recognising the obligations to protect scenic beauty. I will propose a minor rewording to be clear that the requirements are in addition to the previous policy requirements.

### ***Recommendations***

***In the first paragraph delete “: and where appropriate the landscape and scenic beauty of the Wye Valley AONB”***

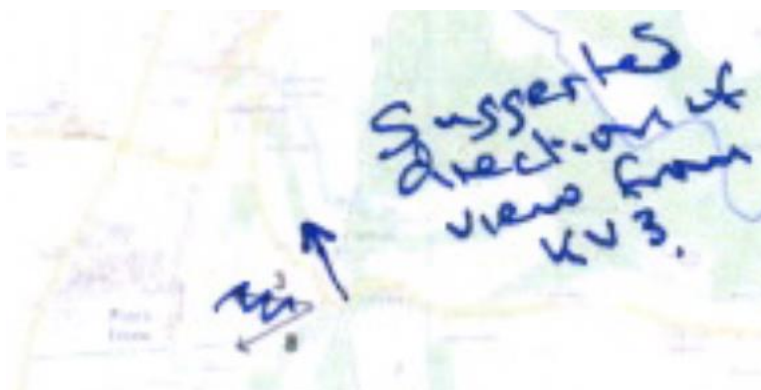
***Delete the final sentence of 1.***

***Move the first two sentences of 2. to the supporting text***

***In the third sentence of 2. after “Key View” insert “(described in Table 1 and Map 3”***

***In the final sentence of 2, delete “Exceptional”***

***On Map 3 relocate the arrow on View 3 to the correct position as shown below***





***Change the direction of arrow 5 to face the west***

***Delete views 10 and 11***

***In 3. replace “follow” with “have regard, where relevant to the development to”***

***Delete Table 17 of the Design Guide***

***In 6. after “Dome” insert “as described in paragraphs 3.33 and 3.34”***

***At the start of 7. insert “In addition to the previous requirements set out above”***

### **Policy DM2- Local Green Spaces**

75. Following my site visit, I was generally happy with the selection of the proposed local green spaces, although I did initially question the extent of the Kiln Pond area, in view of the overgrown nature of the site. I was satisfied with the Parish Council's response, which justifies the extent of the proposed local green space.
76. Whilst the policy designates the local green spaces, it does not set in policy terms, the criteria for development which affects them. I will propose a modification that mirrors the requirements for the management of development proposals which affects these spaces as set out in the NPPF (para 107).

### **Recommendation**

***Insert at the end “Proposals for managing development within the Local Green Spaces shall be consistent with the national policy for Green Belts as set out in the NPPF”***

### **Policy DM3- Biodiversity**

77. The submission version of the neighbourhood plan recognises that biodiversity net gain is now a statutory requirement. I will propose wording to stress that this policy complements what comes forward in line with the statutory net gain provisions in the legislation
78. The Planning Practice Guidance contains up-to-date advice on how plans, including neighbourhood plans, should deal with these issues. I will set down below an extract. I see that there is still a role in the neighbourhood plan having a biodiversity net gain policy, which guides how biodiversity net gain plans could be applied in the neighbourhood area.

***“Plan makers can complement the statutory framework for biodiversity net gain by, for instance including policies which support appropriate local off-site biodiversity sites including whether specific allocated sites for development should include biodiversity enhancements to support other developments meet their net biodiversity net gain objectives in line with local nature recovery strategies”.***

### **Recommendation**

***Replace the first paragraph with “In terms of meeting the statutory net biodiversity gain provisions, as set out in legislation, applicants are encouraged to have regard to the following local expectations for biodiversity enhancement”***

### **Policy DM4-River Wye Special Area of Conservation**

79. Whilst, on the face of it, this policy is requiring applicants and decision makers to have to demonstrate how they meet policies already in the Core Strategy, I am satisfied that this policy has particular value in this instance in satisfying the requirements set out in the Appropriate Assessment and also addressing the concerns raised by Natural England on the issue of nutrient neutrality. Accordingly, I do not require any modifications to the policy.

### **Policy DM5: Responding to Local Character**

80. My only concern is that some development proposals may not involve design changes e.g. change of use applications. This can be covered by an appropriate caveat.
81. Care needs to be taken in terms of restrictions on curtilage buildings, many of which can be built under permitted development rights, even in AONBs. These can cover buildings erected for purposes incidental to the enjoyment of a dwelling house. Similarly, there are buildings which are used for purposes ancillary to the main dwelling house. There is established case law, the Uttlesford case (Uttlesford District Council v Secretary of State for the Environment [1991] 2 plr 76, which allows an ancillary building to be used for living accommodation, as long as there is a connection to the main dwelling house. This can cover such accommodation as “granny annexes” which may not even need to meet the policy’s criteria of “being necessary to support the occupation of the main dwelling house”. I will propose a form of wording that refers to ancillary and incidental uses but seeks to prevent accommodation becoming a separate residential unit.
82. I understand that there is concern that small cottages can be extended into large dwellings but often these changes can be achieved through permitted development rights or by proposing extensions which would be of a similar scale to that which could be achieved without the need for planning permission.

### **Recommendations**

***Replace in the first paragraph, “All development proposals” with “Proposals for new buildings “***

***In the final paragraph, insert at the start “If planning permission is required” and after “new” insert “ancillary or incidental”***  
***Replace the final sentence with “proposals that would lead to the creation of a new independent dwelling or a new planning unit will not be supported”***

### **Policy DM6: Sustainable Design**

83. I do have concerns with the requirements of the policy, which sets out the expectation that development would “use 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”. The plan does not indicate where a decision maker would find the specifications and requirements to satisfy that policy. The policy does not therefore meet the Secretary of State's requirements that policies should be “drafted with sufficient clarity that the decision maker can apply it consistently and with confidence when determining planning applications.” The Parish Council pointed out that the Design Guide offers such guidance, but these are drafted essentially as aspirations, something to be strongly encouraged.
84. I appreciate the ambition of the Parish Council, but the policy does not provide the criteria necessary for it to be capable of effective implementation at the development management stage. I will therefore be proposing a change in the emphasis of the policy from setting expectations to being one of encouragement and support for appropriate measures.

#### **Recommendations**

***In the first paragraph, replace “expected” with “encouraged”***  
***In the second paragraph, replace “required” with “encouraged”***

### **Policy DM7: Housing**

85. There are no issues with the policy offering support for new development which is taking place within settlement boundaries. The supporting text (para 5.3.8) refers to the policy being compatible with Policy RA2 of the Herefordshire Core Strategy, but that policy also supports developments which lie adjacent to the boundary. In order to reflect general conformity with the development plan I could have recommended that development adjacent to the settlement boundary would be acceptable. However, I have been guided by the advice in Herefordshire Council's Neighbourhood Planning Guidance Note 20 Guide to Settlement boundaries which places great weight on the boundary being the dividing line between the built-up area and the open countryside. I note the care that has been taken to the drawing of the settlement boundaries within the plan, and I do not believe that it would undermine the strategic intentions of the Core Strategy for this policy not to include sites adjacent to the settlement boundary of the 3 settlements, as acceptable locations for housing.

86. I consider it appropriate for a neighbourhood plan policy to seek to ensure development helps to meet local housing needs especially with an area that falls within a protected landscape. I did question the Parish Council at Initial Comments stage, whether the drafting of the policy covering housing being provided as “suitable for older residents seeking to downsize and remain within the local community”, was seeking the imposition of occupancy requirements to ensure that they remain occupied by persons who currently live in the parish. The Parish Council clarified that the intention is only to *encourage* homes which would be attractive /available to those who live locally and wish to downsize, but it does not seek to prevent occupation by others.
87. The policy requirements relating to large residential extensions is already a matter covered by Policy DM5 - which addresses local character, and which also requires extensions to be subservient and proportional to the original dwelling. Its inclusion separately could lead to unnecessary duplication.
88. The policy also covers the conversion of two dwellings into a single dwelling. There is a legal question as to whether such works constitute “development” within the meaning of planning legislation, especially if the works are purely internal. There would not necessarily be a material change of use, as both properties will fall within Use Class C3 - residential use. I did seek to confirm this question with Herefordshire Council’s development management team, who confirmed that, ordinarily, planning permission would not be required, which accords with my experience, and I propose to caveat this part of the policy with “where planning permission is required”.
89. The element to the policy covering affordable housing on major schemes outside of the AONB merely signposts the existing local plan policy, Policy H1 which currently applies to the whole of the parish. I consider this unnecessary duplication contrary to Secretary of State policy set out in paragraph 16 F of the NPPF.
90. I note that the policy is seeking a higher proportion of affordable housing in the AONB with a lower threshold of schemes down to 2 or more dwellings. It is also, somewhat contradictory, as it requires schemes to provide 100% affordable housing on rural exception sites but then permits in exceptional circumstances a reduction to 75% as an absolute minimum. I will be proposing a modification that would allow a reduction if demonstrated by evidence that a greater percentage of market housing is necessary to deliver the affordable housing.
91. I am concerned that there is no evidence that the higher thresholds of affordable housing in the AONB proposed in this plan has been subject to viability testing to establish that the affordable housing will still be deliverable at these levels. I note that the 35% threshold set in the Core Strategy that covers the whole of the parish relates to the Hereford Housing Market Area, was subject to viability testing. As this part of the

policy has not been subject to robust evidence that it will discourage the delivery of housing, I will be recommending that this element of the policy be deleted.

92. I note that these thresholds were promoted at Regulation 14 stage by the AONB unit and it may be appropriate for that body to undertake or commission some financial viability testing across all of the AONB, if it wishes to continue to promote higher affordable housing thresholds than elsewhere in Herefordshire.

### ***Recommendations***

***In the third paragraph, delete all the text up to “dwelling and” and insert “where planning permission is required the”***

***Delete the final two paragraphs of the policy, from “In areas” to “75%”.***

## **Policy DM8: Site Allocations for Market Housing**

### **Site DM8/1: Sufton Cottage, Sufton Lane, Mordiford**

93. The Site Options and Assessment Study describe the capacity as 10, whilst the policy wording refers to “up to 10 dwellings”. However, the neighbourhood plan is encouraging small rural dwellings, so the size of proposed homes could affect the capacity of the site. For example, I am not convinced that the scheme of predominantly smaller units could not deliver say 11 units on the site or more, if it were to be specialist age exclusive accommodation or extra care housing. I will therefore be proposing that the capacity should be expressed as “approximately 10 dwellings”. Having defined the capacity of the site, I do not consider that it is then appropriate to include a provision covering density, which is set out in requirement E.
94. There has been some confusion as to the status of the public rights of way as the Public Rights of Way Map appears to show MF 26 running east west to the rear of the Sufton Rise properties, whilst I am led to believe that is currently blocked and the policy appears to require linking the site with an alleyway that runs to the cul de sac at the top of the Sufton Rise. Herefordshire Council has indicated that this may be private and cannot be relied upon to deliver pedestrian access to the allocation site. I do not consider it essential for the policy to be specifying a required route especially if it not a public footpath. This is a matter that can be addressed at the development management stage.
95. From my site visit, I observed that the tree belt along the southern boundary of the site provided sufficiently good screening of the site and the views from Dormington Road are quite distant, to the extent that a requirement for bungalows is, in my opinion, unnecessary and I will be recommending that requirement F be removed from the policy, which sets out the circumstances where development will be supported.

96. I believe that the development will read as a natural extension of the Sufton Rise estate and the final paragraph's reference to the scattered settlement pattern is not justified in this location and I will recommend that this paragraph be removed.

***Recommendations***

***In the paragraph after the map replace "up to" with "at least"***

***Delete requirement B and renumber***

***Delete the final paragraph and also E and F***

**Site DM8/2: Fort House, Upper Dormington**

97. This site falls within the proposed settlement boundary which means that there will already be a presumption in favour of residential development. It is unusual for a neighbourhood plan to allocate a single property in such a location. However, that does not prevent the allocation site to be promoted.
98. The plan is proposing a single storey eco-dwelling which is in line with the owner's expression of his intentions, submitted in response to the Call for Sites. When questioned the Parish Council stated that it only supported this allocation on that basis i.e. that it would be an eco-home. However, since the site is proposed to fall within the settlement boundary and there is no policy requirement in Policy DM 7 that new homes built within settlements should be built to such a specification. I do not consider that a two-storey building would necessarily be out of character with other properties in the vicinity. I will therefore be proposing that this requirement be removed from the policy, but clearly if that is the intention for the landowner to build a new home to Passivhaus standards, this is not prevented.

***Recommendations***

***Replace "1 single storey eco – dwelling" with "a single dwelling"***

***Delete D.***

**Policy DM9: Site Allocation for Rural Exception Housing**

99. This plan is proposing the site at Kiln Lane at Hope Springs for five affordable houses, which will be treated as a rural exception site. The site is somewhat distant from the village of Mordiford, but I am satisfied that this site meets the criteria set out in Policy H2 of the Core Strategy.
100. There have been representations submitted by the landowners to the fact that 100% affordable housing scheme, as proposed would not be financially viable. National policy, as set out in the NPPF - paragraph 73, suggests that "a proportion of market homes may be allowed on the site the local planning authority's discretion, for example, where essential to enable the delivery of the affordable units without grant funding." That approach is similarly accepted within the terms of Core Strategy Policy H2 if justified by the financial appraisal.

101. There is no value in insisting on 100% affordable housing if that housing cannot be delivered due to financial viability reasons and that is recognised elsewhere in the neighbourhood plan in what was being proposed at submission stage in Policy DM7. I will therefore be proposing the inclusion of an element of market housing if it is demonstrated by financial appraisal that it will assist the delivery of the affordable homes. I believe that the Parish Council recognises the need for further discussions on this mix, as set out in its response to the Regulation 16 representation made by the landowner.

***Recommendation***

***At the end of the first paragraph, insert “An element of market housing will be supported if it is demonstrated, by way of a financial viability appraisal, that is necessary to deliver the affordable housing on the site.”***

**Policy DMP10: New Community Hall, Mordiford School**

102. I have no comments to make apart from the reference to net zero in the fourth element should be expressed as an aspiration, rather than a policy requirement.

***Recommendation***

***In 4 after “high quality and” insert “it is encouraged to incorporate” and delete “incorporates”***

**Policy DM11: Sustainable and Active Travel**

103. This is a somewhat novel neighbourhood plan policy in that it is seeking to respond to the recent phenomena of more people working from home, by ensuring that new residential properties include flexible spaces to work from. I invited the Parish Council to elaborate on what its expectations actually are, and its response was to suggest possibly the inclusion of a spare room or an external / garden room.
104. I do not believe that this can be a legitimate planning policy requirement especially when there are policy restrictions on the number of bedrooms and outbuildings proposed in the plan. Residents’ responses to the opportunities / challenges to working from home will, to a large extent, depend on the family circumstances, such as how many bedrooms are needed or whether a property can justify say a separate unused room. This will not be something that can be necessarily determined at planning application stage, especially when the occupiers and their circumstances, will not be known. I appreciate the ambition of the Parish Council to respond to this recent phenomenon of working from home, but I do not think that this is a practical policy and is in any event inconsistent with other strands of the neighbourhood plan policy.
105. I am not satisfied that it is necessary for all developments to be accessible to horse riding routes as only a small percentage of occupiers will travel on horseback. Similarly, I do not believe that it is a reasonable requirement to



- impose on all developments to have to promote and support green connectivity, as suggested. That would be an over onerous requirement for all development such as residential extensions or changes of use.
106. However, the list of specific requirements are aspirations that could be considered for new developments. It is no longer necessary to have a planning policy to stipulate the provision of electric charging points for vehicles as this is now covered by Part S of the Building Regulations. Furthermore, I understand that all that is required for the charging of electric bikes is having access to a mains socket - it does not require a bespoke external charger to be installed, as in the case of electric vehicles.
107. The final paragraph states that developments should be required to have an active frontage. This may be a desirable factor in terms of street scene and townscape reasons or for designing out crime, I do not see it as a constituent in delivering Sustainable and Active Travel. Equally a requirement to not be screened by hedges or landscaping, has not, in terms of this policy, been justified by any evidence that it will deliver greater driver awareness or reduced traffic speeds. I will be recommending that this part of the policy be removed.

#### **Recommendations**

***In the first sentence, delete “sufficient flexible space and” and insert “the necessary infrastructure including ducting to facilitate”***

***In the second paragraph after “should” insert “as far as is practical” and delete “horse riding” and replace “promote and support green connectivity in line with” with “demonstrate it has regard to the” and at the end of the final sentence of the paragraph after “In particular development should”, insert “as far as is practical”***

***in 2. insert “and” between “pedestrian” and “cycling” and delete “and horse riding”***

***Delete 3 and 4 and the final paragraph.***

#### **Policy DM12: Local Infrastructure and Developer Contributions**

108. This policy seeks to establish priorities for infrastructure spending in the parish based on financial contributions from developers.
109. Where planning authorities have decided to adopt a Community Infrastructure Levy Schedule (CIL), it is not unusual for a neighbourhood plan to set out the parish’s priorities for infrastructure spending in the parish. However, apart from the parish council's own CIL element, the CIL payments are pooled, and it is a budgetary decision of the council to decide where those funds are spent, in line with wider infrastructure priorities. It is certainly not a factor that can be taken into account when a planning application is determined, as the payment of CIL is not discretionary and funds will be held in a centralised budget covering the whole of the councils



area rather than being capable of committing the council to spending the full amount on the specified schemes in the parish where the development is taking place.

110. An alternative interpretation of the policy is that it could be that it is setting out how the Parish Council would prioritise its spending of the 25% of element of the CIL funding, in the event Herefordshire Council took a decision to implement CIL.
111. In response to my Initial Comments question, Herefordshire Council has not given any indication that it is currently considering the introduction of CIL. It relies on Policy ID1 of the Core Strategy to secure funding for strategic infrastructure through a section 106 agreements. It is a stipulation set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010, which is also included in paragraph 57 of the NPPF, that planning obligations must meet each of the following three tests
- it is necessary to make the development acceptable in planning terms
  - should be directly related to the development and
  - be fairly and reasonably related in scale and kind to the development
112. Therefore, it would not be possible to have a policy setting out the parish's priorities unless that contribution meets the three tests.
113. I appreciate that neighbourhood plans can address the needs for infrastructure within the parish and I will propose revisions to the policy to ensure that any contributions meet the legal tests.

### **Recommendations**

- In the first paragraph, delete all text after "through" and replace with "Policy ID1 of the Herefordshire Core Strategy,*
- At the start of the second paragraph, after "improvements" insert "within the Parish" and after "for example" insert "where it is shown that*
- a planning obligation meets the tests of being directly related to the development, is necessary to make a development acceptable and is fairly and reasonably related in scale and kind to the development."*

### **Policy DM13: Flooding, Wastewater, Sewerage and Water Supply**

114. This policy deals with flood resilience and includes in addition, requirements for all developments to be climate resilient but the supporting text only refers to flood resilience, which is reflected in the title of this section of policy. The policy offers no guidance for decision makers or applicants as to what the plan's expectations are for development achieving "climate resilience". I will be recommending that this section of the policy be deleted as it is vague and imprecise. However, I accept that climate change will, in the future, affect the areas at risk of flooding, but that I believe is incorporated, in any event, within the modelling of areas at

risk of flooding.

115. The policy requires all developments in the parish to be “designed to reduce the consequences of flooding”. I have sought clarification from the Parish Council as to whether it is reasonable to apply that requirement to the whole parish and its response stated that “it should apply to development within flood zones 2 and 3” It does qualify that if localised flooding is becoming apparent consideration should also be given”. I will be recommending that refers the policy to areas which are risk of flooding including those with flood zones 2 and 3 as shown on Map 6.
116. As a matter of hydrogeological principle, it is my understanding that any land raising, to take development above flood levels, will inevitably mean that, to some extent, land which previously would not have flooded, could now be inundated as water is displaced by the new built structure. I will therefore recommend it the 4th requirement in D) is removed.
117. The need for sustainable drainage systems is now becoming the preferred matter for dealing with surface water issues. The most up-to-date guidance for establishing the specifications is now found in the National Standards for Sustainable Drainage Systems, which was published in June 2025 which I will propose should replace guidance in the parish’s Design Guide.

#### ***Recommendations***

***In the first paragraph of 1. after “neighbourhood areas”, insert “which is at risk of flooding including those within Flood Zones 2 and 3 as shown in Figure 6” and remove “and climate”.***

***In the last sentence of the second paragraph of 1. Replace “should” with “could” and delete “and” at the end of C. and delete D.***

***In the first paragraph of 2. Replace all text after “in line with “by the National Standards for Sustainable Drainage Systems”***

### **Policy DM 14: Rural Enterprise**

118. There may be some buildings which are capable of conversion to business purposes, which would not fall within the category of being “traditional agricultural buildings”. The advice in paragraph 88 of the NPPF refers to the “conversion of existing buildings”. Whilst I appreciate there may be an abundance of traditional agricultural buildings in the parish, I do not consider these are grounds to resist the conversion of other buildings in line with national policy which is one of the basic conditions.
119. Equally I do not believe it's necessary to require energy efficiency measures and on-site energy generation beyond what is required by the Building Regulations.
120. The threshold for assessing the impact of additional traffic from the development should be in line with NPPF paragraph 115 which aligns with Secretary of State aspirations namely that the “residual cumulative impacts on the road network would be severe”.

#### ***Recommendations***

*In 1. replace “traditional agricultural” with “existing”*  
*Delete 2.*  
*In 4 insert “severe” before “detrimental”*

## **Policy DM15- Community Energy Schemes**

121. I have no issues related to the basic conditions in terms of this policy.

## **The Referendum Area**

122. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Dormington and Mordiford Neighbourhood Development Plan as designated by Herefordshire Council on 13<sup>th</sup> May 2014 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

## **Summary**

123. I congratulate Dormington and Mordiford Parish Council on reaching a successful outcome to the examination of its neighbourhood plan.
124. This is a locally distinctive plan which deals with the issues that are important to the community.
125. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test, and that it is appropriate, if successful at referendum, that the Plan be made.

**126. I am therefore delighted to recommend to Herefordshire Council, that the Dormington and Mordiford Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI, FRGS  
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26<sup>th</sup> August 2025