

Fownhope Neighbourhood Plan

Independent Examiner's Report

February 2016

Barbara Maksymiw
Independent Examiner
BSc (Hons), MSc, MRTPI

Executive Summary

I have been appointed by Herefordshire Council to carry out an independent examination of the Fownhope Neighbourhood Plan.

The examination was carried out in January 2016 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the area on 31 January 2016.

Fownhope is situated in the River Wye AONB, close to the River Wye so the Steering Group preparing the plan has faced many challenges in seeking to balance the need to protect the environment, provide for the community's needs and to plan positively for an appropriate level of growth.

The plan is based on very extensive community engagement and provides a distinctive set of policies, relevant to the needs of the community.

Subject to a number of modifications set out in this report, I conclude that the Fownhope Neighbourhood Plan meets the Basic Conditions and I am pleased to recommend that it should proceed to referendum.

I recommend that the referendum should be held in the Neighbourhood Plan area.

Barbara Maksymiw
Independent Examiner
25 February 2016

Contents	Page
Executive Summary	1
1. Introduction	3
2. The role of the independent examiner	3
3. Background documents	4
4. Consultation	5
5. The Neighbourhood Plan in context	7
6. Compliance with basic conditions	7
7. Neighbourhood Plan policies	12
8. Conclusions and recommendations	28

1. Introduction

- 1.1. Neighbourhood planning is a relatively new process, introduced by the Localism Act 2011, which enables local communities to develop planning policies to guide development in their area and help to shape the places where they live and work.
- 1.2. The purpose of this report is to assess whether the Fownhope Neighbourhood Plan complies with the relevant legislation and meets the Basic Conditions, which such plans are required to meet. Where necessary, the report also makes recommendations about changes or modifications to the plan to ensure that it meets the legislative requirements.
- 1.3. The report also makes a recommendation about whether the Neighbourhood Plan should proceed to the referendum stage. If there is a positive recommendation at referendum, the Neighbourhood Plan can be “made” by Herefordshire Council and so become part of the wider development plan and then used to determine planning applications in the plan area.

2. The role of the independent examiner

- 2.1. The role of the independent examiner is to ensure that the submitted neighbourhood plan meets the Basic Conditions together with a number of legal requirements.
- 2.2. I have been appointed by Herefordshire Council with the consent of Fownhope Parish Council to carry out the examination of the Fownhope Neighbourhood Plan. I am independent of the qualifying body, have no land interest in the area and I have appropriate qualifications and experience. The Neighbourhood Planning Independent Referral Service has facilitated my appointment.
- 2.3. In examining the Neighbourhood Plan I am required, under Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990, to determine whether:
 - the policies in the plan related to the development and use of land for a designated neighbourhood area; and
 - the policies in the plan meets the requirements of Section 38 of the Planning and Compulsory Purchase Act (that is, it specifies the period to which it has effect, does not include provision about excluded development and does not relate to more than one neighbourhood area); and
 - the plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body
- 2.4. On 23 January 2014 Herefordshire Council designated Fownhope Parish as a neighbourhood planning area in accordance with Neighbourhood Planning (General) Regulations 2012. The designated area covers the whole of the parish of Fownhope and does not cover any other neighbourhood area. The qualifying body is Fownhope Parish Council and the Plan has been prepared by the Fownhope Neighbourhood Plan Steering Group. The Plan covers the period 2011-2031, which is the same plan period as the recently adopted Herefordshire Local Plan Core Strategy. I am also satisfied that the Neighbourhood

Plan includes policies that relate to the development and use of land and does not include provision for any excluded development.

2.5. The Fownhope Neighbourhood Plan therefore meets the requirements set out in Para 2.3 above.

2.6. I must also consider whether the submitted Fownhope Neighbourhood Plan meets the Basic Conditions set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). To comply with the Basic Conditions the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- not breach, and be otherwise be compatible with European Union (EU) obligations and Human Rights requirements

2.7. As independent examiner, having examined the plan, I am required to make one of the following recommendations:

- that the plan as submitted can proceed to a referendum; or
- that the plan with recommended modifications can proceed to referendum; or
- that the plan does not meet the necessary legal requirements and cannot proceed to referendum

2.8. The independent examiner can only recommend modifications to ensure that the Neighbourhood Plan meets the Basic Conditions and other legislative requirements, or for the purpose of correcting errors.

2.9. The general rule¹ is that an examination is undertaken by the consideration of written representations only. Having considered all the information before me, including the representations made to the submitted plan (the Regulation 16 responses), I was satisfied that the Fownhope Neighbourhood Plan could be examined without the need for a public hearing.

2.10. During the course of the examination it was necessary to clarify a number of factual matters with Herefordshire Council and the Chair of the Steering Group. Both provided prompt and helpful responses to my requests and I am satisfied that I had all the information I required to carry out the examination.

2.11. As part of the Neighbourhood Examination process, it is important for the examiner to understand the context of the neighbourhood plan in the wider area and its overall character, as these shape the issues and policies set out in the plan. I therefore made an unaccompanied site visit to the area on 31 January 2016.

¹ NPPF para 182

3. Background documents

3.1. In undertaking this examination, I have considered the following documents:

- Fownhope Neighbourhood Area Decision Document
- Fownhope Neighbourhood Plan 2011-31 Submission version August 2015
- Fownhope Neighbourhood Plan Basic Conditions Statement August 2015
- Fownhope Neighbourhood Plan Consultation Statement
- Fownhope SEA Scoping Report October 2014
- Fownhope Neighbourhood Plan Habitats Regulations Assessment May 2015
- Fownhope Neighbourhood Plan Habitats Regulations Assessment Addendum August 2015
- Fownhope Neighbourhood Area Environmental Report August 2015
- Fownhope Parish Policies Map
- Fownhope village Policies Map
- Fownhope Local Affordable Housing Needs Study 2012
- FNP Evidence Base Annex F to the Neighbourhood Plan
- FNP Residents Survey
- The representations made to Fownhope Neighbourhood Plan (Reg16)
- The Progression to Examination Decision Document produced by Herefordshire Council September 2015
- Comments on the Fownhope Neighbourhood Plan from Herefordshire Council at draft (Reg14) stage
- Herefordshire Local Plan (Council Strategy) adopted 16 October 2015
- Inspector's report on the Examination of the Herefordshire Core Strategy September 2015
- Fownhope Neighbourhood Plan - Fownhope Housing Study July 2015
- Local Affordable Housing Needs Survey for Fownhope Parish - Herefordshire Council Research Team: March 2012
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance March 2014 and subsequent updates

4. Consultation

Consultation process

4.1. Effective community consultation and engagement with the local community is an essential component of a successful Neighbourhood Plan, bringing a sense of public ownership and helping to achieve consensus. The policies set out in the Neighbourhood Plan will be used as the basis for planning decisions – both on local planning and on planning applications – and, as such, legislation requires neighbourhood plans to be supported by public consultation.

- 4.2. In line with the Neighbourhood Planning (General) Regulations 2012², the Steering Group, prepared a Consultation Statement for the Neighbourhood Plan which sets out how the group approached public consultation, who was consulted and the outcomes.
- 4.3. The Fownhope Neighbourhood Plan builds on the work already done on the Fownhope Community Plan produced in 2013 and the Steering Group, set up in March 2014, has taken a positive approach to involving the community in preparing the neighbourhood plan, as set out in its Communications and Engagement Strategy. An initial, well-attended consultation exhibition was held in September 2014, complemented by a comprehensive residents survey in the same month. A business survey followed in October/November 2014. Open Meetings to consider renewable energy and housing in the countryside were held in November 2014.
- 4.4. The Residents Survey prompted a particularly high response rate and the analysis was used to help draft the emerging Pre Consultation Draft Plan, which was the subject of a further consultation exhibition in February 2015, again which was well attended. Almost 100 people attended the third consultation exhibition on the Submission Version of the plan on 15/16 August 2015. Although this is not referred to in the Consultation Statement, it would be helpful if this information could be added in, so as to bring the document up to date.
- 4.5. The formal events and surveys have been complemented by regular progress reports in the parish magazine - The Flag, the Fownhope Facebook page, and on the Fownhope community website. The Steering Group has also been supported by professional advice from an experienced independent planner and has had expert guidance on surveys. Other opportunities to engage with the community were taken including open meetings, providing displays at the School Fete and Flower and Vegetable Show as well as using the local press and radio to communicate key dates.
- 4.6. The Steering Group has taken a proactive approach to consultation with the community resulting in high response rates to the Resident Survey and good attendances at the three consultation exhibitions, and they are to be congratulated for their sustained efforts and achievements.
- 4.7. From the evidence in front of me, it is apparent that the Fownhope Neighbourhood Plan has been subject to extensive consultation involving a wide range of local people and interest groups. I am therefore satisfied that the consultation process which has been followed complies with the requirements of the Regulations.

Representations received

- 4.8. Preparing the Neighbourhood plan has involved two statutory six week periods of public consultation. The first, on the Pre Consultation Draft Plan, took place between 18 May and 30 June 2015. This generated 48 responses. The second on the Submission Draft plan was managed by Herefordshire Council and took place between 27 August and 8 October 2015. This generated 29 responses.

² Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

4.9. I am satisfied that these representations can be assessed without the need for a public hearing.

4.10. Occasionally in this report I refer to representations and identify the organisation making that particular comment. However, I have not referred to every representation in my report. Nonetheless, I can assure everyone that each comment made has been looked at and carefully considered.

5. The Neighbourhood Plan in context

5.1. The parish of Fownhope is located in the south of the County of Herefordshire. Fownhope is a large parish, lying between Hereford, Ross and Ledbury and lies almost entirely within the Wye Valley Area of Outstanding Natural Beauty (AONB). It has a population of around 1,000 and has a wide range of local employment and a number of local services.

5.2. The Plan seeks to ensure a supply of new homes for local people, and make up the shortfall of smaller homes. It therefore provides for some housing growth to meet countywide requirements but development will be modest in scale, and phased over the next 16 years. As Fownhope is situated within the Wye Valley AONB, it is important that any development does not detract from that natural beauty. The plan proposes that Common Hill will be designated as an 'area of special character' and includes details of views and buildings particularly valued by local residents which will need to be respected when development is under consideration. There are also detailed policies to support local business including village services, generate local energy, and protect green spaces within the village. To help implement the policies in the Plan it is intended that a Fownhope Community Trust would be set up help to ensure that local homes remain available to meet local needs.

6. Compliance with basic conditions

6.1. In my role as independent examiner I must assess whether the Plan meets the Basic Conditions³ set out in the Regulations. To reiterate, this means that the plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- not breach, and be otherwise be compatible with European Union (EU) obligations and Human Rights requirements

6.2. I have considered the very comprehensive Fownhope Neighbourhood Plan – Basic Conditions Statement (August 2015) produced by the Steering Group as part of my assessment below.

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

National Policy

6.3. National planning policy is set out in the National Planning Policy Framework (NPPF) and in the supporting Planning Practice Guidance (PPG). At the heart of the planning system is a presumption in favour of sustainable development, which applies to all levels of plan making. For neighbourhood plans this means that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to shape local development. Included in the 12 core principles of the NPPF⁴ is a requirement for neighbourhood plans which provide a practical framework within which decisions on planning applications can be made in a confident and consistent manner. Policies also should be concise, precise and supported by the relevant evidence.

6.4. I have considered all the evidence and representations made to the Fownhope Neighbourhood Plan and I am satisfied that the Plan as submitted follows the general principles a set out in national planning policy. It sets out a positive vision for the parish and sets out policies to protect its distinctive character while accommodating some development needs. At a practical level, however, a number of the policies in the Submitted Plan are not expressed as concisely and precisely as required and I have therefore suggested a number of modifications to help ensure that the Plan accords with national guidance.

Sustainable development

6.5. There are three strands to sustainable development – economic, social and environmental - and it is evident that the Fownhope Neighbourhood Plan seeks to address each of these. In terms of the economy, the plan seeks to support local businesses and services, as well as providing housing allocations to meet development needs. In social terms, it aims to provide more affordable homes and support community services. The plan also has a clear environmental dimension, setting out a range of policies to protect and enhance the natural and built environment of the parish.

Development Plan

6.6. In terms of the wider planning of Herefordshire as a whole, the Neighbourhood Plan has been prepared alongside the preparation of the Herefordshire Local Plan (Core Strategy). This has therefore provided a clear framework for the policies in the neighbourhood plan and, with the adoption of the Local Plan on 16 October 2015, there is now an up to date development plan in place.

6.7. The Basic Conditions Statement demonstrates a clear understanding of the relationship between the strategic planning policies of the Herefordshire Local Plan, explaining that the neighbourhood plan has to align with the strategic needs and priorities of the wider area. It is also evident that a number of the policies are designed to support and amplify the policies in the Local Plan so that they are relevant to the particular needs and priorities of Fownhope. The Basic Conditions Statement is very comprehensive and the Steering Group are to be congratulated on how well they have tackled this part of the plan preparation process.

⁴ NPPF para 16 and 17

- 6.8. Herefordshire Council has provided comments on the plan as it has proceeded through the preparation stages and its very helpful Progression to Examination Decision Document (September 2015) confirms the Council's decision under Reg 17 that the plan should proceed to examination.
- 6.9. In the assessment of the individual policies set out in Section 7 below, I have considered the general conformity of the Neighbourhood Plan policies with the Local Plan. Subject to the modifications I have suggested to a number of these policies, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

*European obligations and Human Rights requirements
Strategic Environmental Assessment (SEA)*

- 6.10. An initial screening report screening report⁵ was carried out in December 2013 on the Fownhope Neighbourhood Development Plan (NDP) and it concluded that due to the range of environmental designations in and around the parish, there may be significant environmental effects and consequently an SEA would be required.
- 6.11. The non-technical summary of the Environmental Report August 2015 summarises the approach to SEA and the FNP:
'The environmental appraisal of the Fownhope NDP has been undertaken in line with the Environmental Assessment of Plan and Programmes Regulations 2004. Stage A of the SEA process involved Scoping and Stage B provided a review and analysis of the NDP. Stage C involved preparing an Environmental Report and Stage D comprises a formal consultation on both this and the Draft Plan itself. The NDP was then refined by the NDP steering group to reflect feedback from consultation on the Draft Plan and Draft Environmental and Habitat Regulations Assessment (HRA) Reports. None of these refinements materially affected the outcomes of Stage B of the SEA process, as they did not involve the introduction of new policies or change the overall aims and objectives of the existing planning policies, despite the addition of new criteria in certain places.'
- 6.12. The report concludes that the Fownhope NDP is in general conformity with both national planning policies contained in the NPPF and strategic policies set out in the Herefordshire Local Plan (Core Strategy).
- 6.13. Natural England has confirmed that the Environmental Report meets the requirements of the Strategic Environmental Assessment (SEA) European Directive and national regulations and concurs with its conclusions.
- 6.14. I therefore conclude that the requirements under the SEA Directive have been met.

⁵ Attached as Appendix 1 to the Fownhope Neighbourhood Development Plan – Environmental Report August 2015

Habitat Regulations Assessment

- 6.15. The initial Screening Report carried out by Herefordshire Council in December 2013 confirms that the River Wye Special Area of Conservation (SAC) runs immediately adjacent to the western boundary of the Fownhope neighbourhood area and therefore a full screening assessment would be required.
- 6.16. The Habitats Regulations screening assessment produced in May 2015 concluded that, subject to the addition of safeguarding criteria within the housing policies of the plan, that the Fownhope NDP will not have a likely significant effect on the River Wye. When the proposed Neighbourhood Plan policies and allocations were revised in response to the comments made on the draft plan, a further HRA was carried out. The assessment is set out in the Habitats Regulations Report Addendum Report - August 2015. This confirms that *'the earlier conclusion that the Fownhope NDP will not have a likely significant effect on the River Wye SAC remains valid'*.
- 6.17. The Habitats Regulations Reports have been prepared in consultation with the statutory consultees and represent a comprehensive and thorough assessment of the potential impact of the Neighbourhood Plan on the River Wye SAC. Natural England agrees with the conclusion of the Addendum report that the Neighbourhood Plan will not have a likely significant impact on the River Wye SAC. I am therefore satisfied that the submitted Fownhope Neighbourhood Plan meets the requirements set out in the HRA Directive.

Human rights requirements

- 6.18. The Basic Conditions Statement confirms that the NP has had regard to the requirements of EU obligations in relations to human rights and no evidence has been submitted to me to suggest otherwise. I am satisfied, then, that the Plan does not breach the European Convention on Human Rights obligations.

Other Directives

- 6.19. I am not aware of any other European Directives that would apply to this Neighbourhood Plan, and in the absence of any evidence to the contrary, I am satisfied that the plan is compatible with EU obligations.

7. Neighbourhood Plan policies

General comments

- 7.1. This section of my report considers the policies set out in the Fownhope Neighbourhood Plan. It includes a series of proposed modifications to ensure that the policies are expressed concisely and precisely in order to comply with the basic conditions. Where I have suggested modifications these are identified in **bold text**. I have considered the policies in the order they appear in the Plan and comment on all of the policies, whether I have suggested modifications or not.
- 7.2. The Plan is very clearly written and presented and the Steering Group are to be congratulated on producing such a succinct plan. All of the policies relate to the development

and use of land so the requirements of Planning Practice Guidance⁶ are met. The Plan is structured in sections and the policy wording and supporting text are distinguished by the use of different fonts.

7.3. However, in some policies an alphabetic system is used to denote sub clauses of policies, while in others a bullet point notation is used (see for example the sub clauses of FW7 and FW8). A consistent approach would improve clarity. There are a number of maps and tables referred to in the plan and future users of the plan need to be sure which map or table to refer to. This is important, as some of the policies are site specific. To improve clarity for future decision - makers I suggest the following changes:

- **devise a consistent approach to numbering the sub clauses of policies**
- **add reference numbers to each table and diagram, amending the contents page accordingly**

7.4. The Neighbourhood Plan makes many references to the Herefordshire Core Strategy as both plans have been advancing in parallel. In the interests of precision, all references should now be changed to the adopted Herefordshire Local Plan (Core Strategy.)

- **modify relevant text throughout the plan to reflect the current development plan situation**

7.5. The recommended modifications set out in the rest of this report relate mainly to issues of clarity and precision, and are designed to ensure that the plan fully accords with national policy.

Sections 1 – 4

7.6. The first section provides a useful context to the neighbourhood plan making process and sections 2-4 describe Fownhope Parish and how it has evolved to the present day. The links between the earlier Community-led Plan and the Neighbourhood Plan are also set out, along with a summary of the findings of the Residents Survey. These all combine to provide a succinct setting and evidence base for the planning policies in the chapters that follow.

7.7. The Fownhope Map on page 3 seems to be based on Inset Map 18 (Fownhope) of the Adopted Herefordshire Unitary Development Plan (UDP) March 2007, although I note that the AONB annotation is missing. For clarity, I suggest that the UDP Map Inset 18 is inserted in its entirety in the Neighbourhood Plan. Its status as a map from an inherited plan is then clear and there is no potential confusion with the new Fownhope Policies Map on Page 25. I also suggest that the AONB designation is added.

- **Add a full title to the Fownhope Map on Page 3, including its date and source, and add a suitable notation for the area designated as AONB**

⁶ Planning Practice Guidance PPG Para 004

Section 5: Vision and Objectives

7.8. The Vision and Objectives for the plan are commendably succinct and clear.

Sections 5- 30 : Policies

FW1 Sustainable development

7.9. Policy FW1 generally accords with the presumption on favour of sustainable development set out in the NPPF⁷; however some minor rewording is needed to ensure the policy is clear and does not overlap with guidance which is set out elsewhere in the plan.

7.10. In clause a) which deals with new homes there is a potential conflict with later policies, as it states that meeting the needs of people who are unable to compete on the open market is a priority for a sustainable community. Later policies, including FW9, indicate that a proportion of the allocated sites will be for open market housing. Policy FW13 refers to 'a substantial proportion of homes on allocated sites' being for affordable housing. To ensure there is no conflict between the policies, I recommend modifying clause a) so that it aligns with policy FW13.

- **Add 'A substantial proportion of' to the beginning of clause FW1a)**

7.11. In clause c), the wording is rather ambiguous and could be strengthened to relate more clearly to land use planning matters, by referring to development being of a scale appropriate to the needs of the community.

- **Add 'be appropriate to the needs of the community and ' after 'should' in clause FW1c)**

7.12. In clause FW1f) the sense of the policy could be improved by deleting the reference to site measures and minor reordering of words.

- **Delete 'Site measures will encourage' from clause FW1f) and reword remainder of policy to read 'Good practice such astravel by car will be encouraged'**

7.13. Clause h) overlaps with Policy FW3 Flooding and should be deleted

- **Delete FW1h)**

7.14. With these modifications I conclude that the policy meets the basic conditions.

⁷ NPPG para14

FW2 Safeguarding the Wye Valley AONB

7.15. Fownhope sits entirely within the Wye Valley Area of Outstanding Natural Beauty, so this policy adds a local dimension to national guidance on AONB's and policy LD1 of the Herefordshire Local Plan. It is important then that the policy wording is clear and there is no potential contradiction with the higher tiers of planning guidance.

7.16. In the interests of clarity, the final sentence of the first paragraph of the policy needs to be linked to the seven sub clauses, which follow.

- **Add 'should' after 'rural character' in the sixth line of FW2 and amend clause a) to add 'Give' before 'highest priority to....'**

7.17. Clause f) duplicates the guidance on protecting views and vistas in FW7 so I suggest it is deleted.

- **Delete FW2f)**

7.18. I agree with representations that suggest there should be a reference to the AONB Management Plan in the supporting text, for clarity.

- **Add at the end of the first sentence of para 7.3 'and is currently preparing the Wye Valley AONB Management Plan 2015-20.'**

7.19. With these modifications I conclude that the policy meets the basic conditions.

FW3 Flooding

7.20. This policy deals with flooding issues, a particular concern for the parish of Fownhope, which has experienced a number of recent flood events. Both Herefordshire Council and the Environment Agency have commented that the reference to only permitting development in Flood Zone 1 is contrary to national policy. A change is therefore needed and I suggest that bullet points 1 and 2 are merged.

- **Delete bullet points 1 and 2 from FW3 and replace with:
'Development should be located in Flood Zone 1 and only permitted in Flood Zones 2 and 3 if there are no other options and the proposal is in accordance with national policy and guidance. Proposals for any such small-scale development should demonstrate that they are safe with flood-risk betterment provided where possible. Any development that would result in increased flood risk to properties elsewhere will not be permitted'**

7.21. With these modifications I conclude that the policy meets the basic conditions.

FW4 Sewage Treatment Works

7.22. Sewerage capacity in Fownhope is an important issue for the village and this policy deals with the Fownhope Sewage Treatment Works. There are several bullet points in FW4 which makes its meaning imprecise. Reordering the policy and removing the initial bullet points would ensure it is clear and unambiguous. Where development impacts on the sewerage system, there could be scope for both funding upgrades and providing alternative arrangements for the discharge and treatment of foul water so I suggest removing the word 'or' from between the second set of bullet points. To be consistent with the rest of the policy I suggest referring to the 'contributory pipe network' in the last sentence of the policy. With these changes, the policy aligns with Herefordshire Local Plan Core Strategy Policy SD4 and its supporting text.

- **Reword FW4 as follows:**

Developers should demonstrate that their proposals will not overload the sewerage system and development which would result in the capacity of the Fownhope Waste Water Treatment Works and its contributory pipe network being exceeded will not be permitted. The potential impacts of development on the sewerage system may involve developers:

- **working with Welsh Water to fund appropriate upgrades to the sewerage system**
- **providing alternative arrangements for the discharge and treatment of foul water**

Works to upgrade the quality and capacity of the Waste Water Treatment Works and its contributory pipe network will be supported where they are required by DCWW and are on a scale to meet the level of development set out in this Plan.

7.23. Dwr Cymru Welsh Water (DCWW) has suggested some rewording of para 8.2 to reflect the current and likely future situation with regard to the Waste Water Treatment Works. This information could be useful to future decision makers so I suggest that some amendments are made:

- **Add as a new sentence after '...to 2031.' to read 'Any required future improvement will be subject to approval by Ofwat as part of future programmes. DCWW will continue to undertake operational work on the Fownhope Waste Water Treatment Works and/or public sewerage network as and when required.'**

7.24. With these modifications I conclude that the policy meets the basic conditions.

FW5 Biodiversity

7.25. A number of people, including Herefordshire Council, have commented on the clause in the policy about no development being permitted within 100 metres of the River Wye Special Area of Conservation. I have checked the source of this advice and, while no direct

presentations were made by Natural England they have raised it in relation to other Neighbourhood Plans, which cover the River Wye SAC. There is also a direct reference in the Fownhope HRA to restricting development within 100m of the SAC. For reasons of consistency, I conclude no change to policy FW5 is required.

7.26. Natural England has suggested reference is made to the need to protect priority habitat such as traditional orchards and deciduous woodland and a minor amendment to make clear that the third sentence of the policy applies to designated sites. I agree that this would help the clarity of the policy.

- **Add 'and priority habitat such as traditional orchards and woodland' after 'SSSI's' in line 2 of FW5 and add 'on designated sites' after 'adverse effects',**

FW6 Countryside Access

7.27. There are several bullet points in this policy which makes its meaning imprecise. Reordering the policy and removing the bullet points would ensure it is unambiguous and aligns with Herefordshire Local Plan Policy MT1. A clearer distinction is needed in the policy between the guidance that applies to new rights of way and existing rights of way. The term 'views and enjoyment' are not very precise so I suggest re-wording so that the policy is more concise. The final bullet point repeats the second sub bullet point in the opening sentence so I suggest that it is deleted.

- **Reword FW6 as follows:**

Developments which diminish the value of the rights of way network and open views from it will be resisted. Where existing rights of way may be affected by proposals for development, any proposed alternative route should be at least of equal utility value and be as satisfactory as the existing right of way. Any new route should be dedicated as a public right of way and provide improvements to existing routes or provide new sustainable walking routes to village facilities

Proposals to enhance the public right of way network will be supported, particularly where they lead to increased access for cyclists and horse-riders, without harming the quiet enjoyment of other users

A proposal to provide an additional crossing of the River Wye for walkers, pedal cyclists and horse-riders will be supported

7.28. With these modifications I conclude that the policy meets the basic conditions.

FW7 Conservation of Fownhope's Historic Character

7.29. Fownhope is a historic settlement and its central core is a designated Conservation Area and, by and large, new development has been successfully integrated. The quality of the setting of the village and the views from it, are highly valued. FW7a seeks to protect the

views and vistas valued by residents and while these are listed in the six bullet points in the supporting text in para 11.5, they are not mapped on the Policies Map. There is also a longer list of Fownhope Views and Vistas in Annex D. As drafted, then, this policy is not capable of clear and consistent application by decision-makers. I suggest that the list of views and vistas in para 11.5 is incorporated into the policy and that each of the views and vistas is clearly mapped on a separate map, possibly using an arrow type notation.

- **Add ‘the following’ between ‘affect’ and ‘views’ and delete ‘including but not limited to views above’ to FW7a. Add the list of views and vistas listed under para 11.5 to the policy as bullet points under FW7a**
- **Add a separate map of the views and vistas listed in para 11.5, showing the views and vistas with arrows, or other suitable notation**

7.30. FW7d could be expressed more clearly and I suggest some minor reordering of the text.

- **Delete ‘with regard to’ from FW7d and substitute ‘where’ and add ‘is proposed, developments’ after ‘innovative design’**

7.31. FW7g refers to work that the Parish will be doing to prepare and maintain a local list; this should be supporting text and not policy. I note that this is already covered in para 11.1, so I recommend deleting FW7g.

- **Delete FW7g from policy FW7**

7.32. With these modifications I conclude that the policy meets the basic conditions.

FW8 Common Hill ‘Area of Special Character’

7.33. Preparing a neighbourhood plan gives communities the opportunity to define and develop specific local policies to ensure they get the right types of development for their community.⁸ Historic England⁹ also sees a role for Areas of Special Local Character, which ‘*generally take the form of areas of special local character, designed to capture historically important areas that fail to meet the criteria for designating conservation areas*’. On this basis, Policy FW7 defines and sets out guidance for development in the Common Hill Area of Special Character (ASC), an area of distinct character and heritage, which is unique to Fownhope. I have checked the basis on which the boundary of the ASC was drawn up and it relies on research by Fownhope Local History Group, which used the 1843 Tithe Map to identify the ‘crofts’, enclosed from common land.

⁸ NPPF para 184

⁹ historicengland.org.uk

7.34. In order to meet the basic conditions, the policy should be aligned with policies in the Herefordshire Local Plan, particularly policies RA3 (Herefordshire's Countryside) and RA5 (Re use of Rural Buildings). Bullet point 1, which deals with replacement dwellings, is not as precise as the wording of RA3 (3). There is the same issue with bullet point 2, which deals with extensions to dwellings and ancillary dwellings and how it fits with Policy RA5 (2). Similarly, bullet point 4 contains elements of, but is more restrictive, than Policy RA5 (2). I have seen no evidence to justify this different approach in the Area of Special Character. This leaves bullet point 3, which is a high level statement about retaining and enhancing the unique landscape character of the site and its surroundings.

7.35. There is also guidance about development outside the Fownhope Development Boundary in Policy FW11 that seeks the same objectives as the Area of Special Character, so again there is a risk of policy duplication and overlap.

7.36. If the objective of the Neighbourhood Plan is to protect and enhance the Common Hill area of Special Character, then the policies in the Herefordshire Local Plan would give more precise and firmer guidance than the policies in the submitted Neighbourhood Plan. I therefore suggest deleting bullet points 1, 2 and 4. The policy would then simply designate the area and make a high level statement about maintaining and enhancing its character as expressed in bullet point 3, with some minor rewording.

- **In the area designated as the Common Hill 'Area of Special Character' all development should retain or enhance the unique landscape and historic character of the area and its surroundings**

7.37. Comments have been made about the boundary of the Area of Special Character suggesting extending it to the rear of Medical Centre to protect views from Common Hill. However the purpose of the Area of Special Character is to protect the built-up area of the historic community, rather than the landscape between it and the village. The settlement boundary policy and the AONB policies are designed to perform this role.

7.38. Although there is a detailed map showing the boundary of the Common Hill ASC on page 21 of the Neighbourhood Plan, it is not identified on any of the A4 plans, thus making it difficult for a decision-maker to be clear where the ASC is located in relation to the rest of Fownhope. I suggest that the ASC boundary should be added to the Fownhope Policies Map on page 12.

- **Add boundary of Common Hill Area of Special Character to Fownhope Policies Map**

7.39. With these modifications I conclude that the policy meets the basic conditions.

FW9 Housing Numbers

- 7.40. This policy proposes that a minimum of 70 houses should be provided in the plan area over the period 2011-31, coming from a number of sources including existing commitments, windfalls and new allocations. The supporting text explains how the community's views about the scale of growth were established and the approach used to assess potential housing sites, demonstrating that a positive approach has been taken by the Parish to accommodate housing needs.
- 7.41. The strategic planning context is up to date and set out in the Herefordshire Local adopted in October 2015. There are three relevant policies - policy SS3 (Ensuring sufficient housing land delivery); Policy RA1 (Rural housing distribution) and Policy RA2 (Housing in settlements outside Hereford and the market towns). Policy RA2 identifies Fownhope as one of a number of settlements in the Hereford Housing Market area where the indicative housing growth target is 18%. This results in a target of 85 new homes in Fownhope Parish over the period 2011 – 31; the strategic policy also recognises that local evidence and environmental factors will determine the appropriate scale of development. The approach is reiterated in the Inspector's report on the Herefordshire Local Plan (September 2015) para 106, where she confirms that the 'indicative targets relate to the HMA's as a whole leaving flexibility for NPs to identify the most suitable housing sites.'
- 7.42. The housing numbers in FW9 do represent a lower target; set against this, the potential development sites are limited by environmental constraints of acknowledged importance, the main one being the settlement's location within the AONB. The policy is expressed as 'a minimum of 70 dwellings', which provides flexibility. Para 13.4 (as proposed to be amended-see para 7.51 below) states that windfall sites could contribute between 16 and 25 new homes over the twenty year plan period. This seems a conservative estimate, given that para 13.1 refers to windfalls amounting to 20 new homes between 2001 and 2011. I therefore consider the plan provides for flexibility.
- 7.43. I also note that Herefordshire Council, in its Progression to Examination Decision Document (October 2015) has not raised any concerns about the level of housing allocations in the plan. In general terms, then, this policy complies with the strategic context. I therefore consider that the approach to housing allocations set out in the Neighbourhood Plan accords with the NPPF and thus meets the Basic Conditions.
- 7.44. It is evident that there has been much deliberation in the Parish about the amount of new housing development to be proposed in the Neighbourhood Plan and the Steering Group have made great efforts to carry out a thorough assessment of the possible sites and then narrow the options down to the four sites which are now included in the plan. Inevitably, there are still outstanding concerns and these have been articulated through the representations made on the Reg 16 plan.
- 7.45. The site at Mill Field, which was subject to a recent planning appeal, has drawn particular comment. It is a prominent site on the western approach to the village, and a planning

appeal¹⁰ was dismissed in July 2015 on the grounds of the potential impact on the AONB and harm to the setting of the Conservation Area. The area now proposed in the Neighbourhood Plan as Site A Mill Field is considerably smaller than the site which was the subject of the appeal – reduced from 4.6 ha (33 dwellings) to 1.5 ha (12 dwellings) and I consider that this smaller site affords greater scope to address and minimise any potential impacts of development on the AONB and the Conservation Area.

7.46. As the Neighbourhood Plan reflects, in para 14.1, none of the sites is ideal. I have considered all the points raised, but conclude that the principle of allocating these four sites is in line with the Herefordshire Local Plan.

7.47. The naming of each site as site A, Site B/C, Site D and Site H reflects the site referencing system which was used when the site selection and sifting process was being done, but may appear rather odd to users of the plan in future. It may be worth considering renaming the allocated sites as A, B, C and D or using a numbering system to avoid any possible confusion. I leave this to the Council and the Steering Group to consider.

- **Consider updating the referencing system used for identifying the allocated housing sites**

7.48. To assist decision makers, the policy should be expressed more precisely. The guidance currently set out in para 14.2 in bold type about the four sites to be allocated should be incorporated into the policy itself. The detailed criteria that will be taken into account in deciding planning applications for each site should be expressed in a way that will assist future decision makers so should also be policy. It should also ensure that the particular constraints affecting each site are properly addressed. In respect of Site A, given the prominence of the site, I suggest that a reference is made to the need to minimise potential impacts on the landscape character of this part of the village, or similar wording. Reference to policy FW5 should be removed from policy FW9 to avoid stating the same policy twice.

- **Delete ‘allows for’ before ‘windfalls’ and add ‘and outside’ after ‘within’ in the second bullet point of FW9.**
- **Delete the last paragraph of the policy and substitute:
‘The plan allocates four housing sites as follows:
Site A - Mill Field is allocated for approximately 12 dwellings subject to the proposed development meeting the following requirements;**
 - **addressing the significant environmental effects on the AONB and the Conservation Area**
 - **minimising potential impacts on the landscape character of the north west part of the village**
 - **achieving a safe highway access closer to the village**
 - **achieving a safe pedestrian access to the village facilities, other than by the main road**

¹⁰ Appeal Ref APP/W1850/W/15/3005138 Mill Field, Fownhope, Hereford

- contributing to meeting local housing needs

Site B/C – Land at Potato Barn/Mill Farm is allocated for approximately 10 dwellings subject to the proposed development meeting the following requirements:

- addressing the potential impacts on the AONB and the Conservation Area
- achieving highway access either by the existing farm access (which will need to be retained) or by shared access with Lowerhouse Gardens. Access from the drive to Mill Farm is not considered acceptable
- contributing to meeting local housing needs

Site D – Adjacent to Lowerhouse Gardens is allocated for approximately 10 dwellings subject to the proposed development meeting the following requirements:

- addressing potential impacts on the AONB and Conservation Area
- achieving highway access by way of Lowerhouse Gardens, subject to a satisfactory highways visibility and safety assessment that the access will cope with additional traffic
- achieving a safe pedestrian access to the village facilities, other than by the main road
- contributing to meeting local housing needs
- providing a detailed assessment of flood risk

Site H - Adjacent to Medical Centre is allocated for approximately 7 dwellings subject to the proposed development meeting the following requirements:

- addressing potential impacts on the AONB
- a highway assessment of the capacity of Common Hill Lane
- achieving a new access off Common Hill Lane whilst respecting the character of the lane
- the provision of a footpath to the north to link Green Lane to improve access to the bus stop
- seeking the provision of allotments and/or a play area on part of the field
- contributing primarily to local housing needs, with an element of market housing to provide any necessary cross-subsidy. There may be scope for some of the social housing to be supported housing for young and old, to be provided in collaboration with the Surgery
- reinforcing tree planting to protect views from public footpaths between village and Common Hill'

7.49. Several representations have mentioned that the sites to be allocated are not precisely annotated on the Policies Map on page 25. Although they are all shown using a brown shading, it is not clear which site is which nor where the boundary lies between the Land at Potato Barn/Mill Farm site and the Adjacent to Lowerhouse Gardens site. This is important as there are different criteria applying to each site and the decision maker needs to know which site is being referred to. The plan is presented at A4 scale, which makes some of the

street names and the key difficult to read and it would be worth considering presenting the plan at a larger A3 scale and to bind this in to the final published document. Showing the allocated site areas at a larger scale would also have the advantage of decision-makers being able to identify the constraints relevant to each site more easily, notably the Cherry Hill SSSI boundary for Site A and the flood risk zone on Site B/C.

- **Add site names and boundaries for each of the four allocated housing sites to the Fownhope Village Policies Map and make appropriate adjustments to the plan key**
- **Consider presenting the Fownhope Village Policies Map at an A3 scale**

7.50. In several places, the supporting text to Policy FW9 should be amended to tie in with the suggested modifications to the policy. Other changes are required to ensure that the supporting text to FW9 ties in with supporting text on page 15 relating to windfalls and infilling. On a point of detail, the last sentence of para 13.8 is personal commentary and should be removed. I recommend changes for precision.

- **In the Table below para 14.2, change ‘rear of Lowerhouse Gardens’ to ‘adjacent to Lowerhouse Gardens’. The list of sites in the table should be reordered to follow the policy order in modified policy FW9**
- **Delete last sentence of para 13.8**

7.51. Further recommended changes to policy FW9 as a result of suggested changes to the affordable housing policy FW13 are set out in para 7.64 below

7.52. I therefore conclude that, with modifications, this policy meets the basic conditions.

FW10 Housing infill

7.53. This policy meets the basic conditions. Minor rewording is proposed to ensure that each bullet point is in the same format.

- **Add ‘If it’ at the beginning of the third bullet point of FW10**

FW11 Housing in the Countryside

7.54. This is wide ranging policy that deals with housing outside the development boundary of Fownhope and aligns with Policy RA3 (Herefordshire’s Countryside). It meets the basic conditions and no modifications are recommended.

FW12 Extensions to dwellings

7.55. Extensions to existing properties have been a feature of the plan area for some years and this policy provides locally specific guidance. It meets the basic conditions and no modifications are recommended.

FW13 Affordable Housing

7.56. This policy sets out guidance for the provision of affordable housing, an important priority for the local community which has recognised, through its work the Housing Market Study and the Housing Needs survey that finding ways of providing more affordable homes for those in housing need is an important issue for the village.

7.57. Fownhope is in the Hereford Northern and Southern Hinterland Housing Value Area where a target of 35% affordable housing is specified in policy H1 of the adopted Herefordshire Local Plan. The proportion of affordable housing being sought by the Neighbourhood Plan - at 40% - is therefore a slightly higher percentage than is set out in the Local Plan. Nonetheless, the policy needs to accord with the Local Plan so an amendment is required.

- **Delete ‘a minimum of 40%’ from fifth line of FW13 and substitute ‘a target of 35%’**

7.58. I also note that Para18.2 refers to the affordable housing quota for the surrounding parishes, which is 40%, rather than the target figure for the Hereford Northern and Southern Hinterlands Housing Value Area, in which Fownhope lies, which is 35%.

- **Delete ‘at least 40%’ from the first line of para 18.2 and substitute ‘a target of 35%’**

7.59. Site thresholds for affordable housing were considered at the examination of the Herefordshire Local Plan Examination. The new Local Plan policy is based on a Written Ministerial Statement in November 2014¹¹, which also suggested a lower threshold for sites in AONB's.

7.60. The policy in the newly adopted policy in the Local Plan specifies that only larger housing sites with a size threshold of more than ten dwellings and a combined floorspace of more than 1,000 square metres should provide a proportion of affordable homes. However no distinction is made in the Local Plan policy between sites inside or outside the AONB.

7.61. The Inspector's Report into the Hereford Local Plan recognises that the Written Ministerial Statement can no longer be treated as a material consideration for various reasons, but

¹¹ Written Statement made by The Minister of State for Housing and Planning (Brandon Lewis) on 28 Nov 2014.

nonetheless confirmed the policy threshold while recognising that the modified policy would be less effective than the originally submitted policy in bringing forward affordable in the rural areas.

7.62. To ensure conformity with the strategic context I have to recommend amendments to FW13 so that it aligns with LP Policy H1. The information that it is in the Table below Para 14.2 is no longer aligned with the policies in the adopted Herefordshire Local Plan and should be deleted.

7.63. The reference to the local connection criteria in the second bullet point of Policy FW13 is unclear and to tie it down I suggest making an explicit reference in the policy to the second version of para 18.2 on page 30 which sets out the local connection criteria. I note, however, that there are two paragraphs numbered 18.2 in the plan document – I suggest renumbering the second one on page 30 as 18.4.

- **Amend first bullet point of FW13 to delete ‘taking six or more homes’ and substitute ‘ of more than 10 dwellings which have a combined gross floor space of more than 1000 square metres’ and delete ‘a minimum of’ and substitute ‘up to’**
- **Renumber second para 18.2 on page 30 as Para 18.4**
- **Delete ‘here’ in second sentence of third bullet point of FW13 and substitute ‘in para 18.4’**
- **Delete the Table below para 14.2**
- **Make consequential changes to the third and fourth columns of the Table under para 20.1 to remove the distinction between the numbers of open market and social homes, so that the allocated sites total is a single figure**

7.64. With these modifications I conclude that the policy meets the basic conditions.

FW14 Rural Exception Sites

7.65. This policy provides guidance for rural exceptions sites and, as such, needs to conform with strategic policy H2 of the Herefordshire Local Plan. To ensure the policy provides unambiguous guidance, I suggest that the opening paragraph makes it clear that rural exceptions sites are solely for affordable housing. The supporting text is clear that such schemes can be of mixed tenure - meaning affordable homes for sale or rent. The wording of several clauses needs to be strengthened so that it aligns more clearly with LP Policy H2. Overlapping references to local connections criteria also need to be tidied up.

- **In the first paragraph of FW14 add ‘for affordable housing’ after ‘rural exception schemes’ and after ‘AONB’ add ‘, provided that’**

- **In the first bullet point, delete ‘Local connections criteria are set out above’**
- **In the fourth bullet point add after ‘Community Trust’, ‘to ensure the affordable housing is retained in perpetuity for local people in need of affordable housing’**
- **In the fifth bullet point add ‘via a financial appraisal’ after ‘demonstrated’**

7.66. With these modifications I conclude that the policy meets the basic conditions.

FW15 Phasing of development

7.67. The references to monitoring work in the last sentence of paragraph 20.2 are a little unclear so I suggest some rewording:

- **Delete final sentence of Para 20.2 and replace with ‘Fownhope Parish Council will monitor housing permissions and completions in the annual monitoring report on the Neighbourhood Plan’**

7.68. The provision of infrastructure to support new development is often an important consideration when looking at the rate at which new development might be built out. In Fownhope’s case this is most likely to be around sewerage upgrading and improvements to the Fownhope Waste Treatment works so I suggest that reference to the potential need for this infrastructure is made in the supporting text in para 20.2.

- **Add a new sentence to the end of para 20.2 ‘Works to upgrade the quality and capacity of the Waste Water Treatment Works and/or public sewerage network may be required to meet the level of development set out in the plan and may influence the phasing of development’**

FW16 Design Criteria for Housing

7.69. This is a comprehensive policy, which addresses local design issues and ways of securing a reduction in the carbon footprint of new development.

7.70. The title of the policy is ‘Design Criteria for New Housing’, but the guidance is not specific to housing (apart for the last bullet point) and could equally apply to other forms of development. Consideration could be given to making a minor change to the title of the policy.

- **Consider deleting ‘for housing’ from the title of FW16**

7.71. With these modifications I conclude that the policy meets the basic conditions.

FW17 Settlement Boundary

7.72. One of the tasks of the Neighbourhood Plan is to amplify the policies in the Local Plan, including making decisions about settlement boundaries¹². So, in para 22, a more positive statement needs to be made – making clear that the NP has now defined a new settlement boundary.

- **Change ‘will’ to ‘has been’ in para 22**

7.73. In the policy itself, the Fownhope Policies Map defines the settlement boundary and this should be referred to, not to an inset Map

- **Delete ‘Fownhope Inset Map’ from policy FW17 and substitute ‘Fownhope Village Policies Map’**

7.74. With these modifications I conclude that the policy meets the basic conditions.

FW18 Supporting Local Businesses

7.75. Some tidying up of the policy is suggested to ensure that it can be applied precisely and consistently.

- **Add ‘should ensure that’ after ‘and’ in the sixth line of FW18. Delete the bullet points at the beginning of each of the last two paragraphs of the policy**

7.76. With these modifications I conclude that the policy meets the basic conditions.

FW19 Working from Home

7.77. This policy recognises the increasing trend for people to work from home and sets out criteria to be used when a planning application is required to enable home working. It meets the basic conditions and no modifications are recommended.

FW20 Redundant Rural Buildings

7.78. To assist decision makers it is important that policies are expressed clearly and concisely and do not rely on supporting documents, which may become out of date or are superseded by more up to date guidance. I have looked at the West Midlands Farmsteads and Landscapes Project - County Summary Report for Herefordshire and can see why the Steering Group would like to refer to it in Policy FW20. However, the reference would be better made in the supporting text, with a more generic reference in the policy.

¹² Herefordshire Local Plan - Core Strategy Adopted October 2015. Policy RA2 and paragraph 4.8.22

- **Add ‘of farmsteads’ after ‘conversion’ in the third paragraph of FW20 and delete ‘Herefordshire farmsteads characterisation project and substitute ‘relevant local and countywide guidance’**
- **Add details about the Herefordshire Farmsteads Characterisation Project as a new fourth sentence to the supporting text above FW20 in para 25.**

7.79. With these modifications I conclude that the policy meets the basic conditions.

FW21 Retail Services

7.80. Fownhope is fortunate in having a range of services and this policy and policy FW22 seeks to protect these. The title of FW21 is ‘Retail Services’, yet the second sentence of the policy refers to recreational facilities. In the interests of clarity, the policy title should also refer to recreational facilities.

- **Add ‘and recreational facilities’ to the policy title of FW21**

7.81. With these modifications I conclude that the policy meets the basic conditions.

FW22 Retaining Community Assets

7.82. This policy complements FW21 and lists the particular community assets in accordance with guidance in the Localism Act. The approach proposed to protecting community assets is supported by national guidance and Herefordshire Local Plan policy CS1.

7.83. As drafted, however, the list of facilities is limited to those that are in the village at the moment and it is possible that more facilities might be provided during the lifetime of the neighbourhood plan, so I suggest that wording is amended to future proof the policy. Planning consent has recently been granted for change of use of the hairdressers from business to residential so references to the hairdressers should be deleted from the policy and supporting text.

- **Add, as a new sentence, after ‘solutions’, ‘These include, but are not limited to:’**
- **Delete ‘hairdressers’ from Policy FW22 and ‘and hairdressers’ from para 26.1 and add ‘and’ after ‘two pubs’**

7.84. With these modifications I conclude that the policy meets the basic conditions.

FW23 Medical Services

7.85. The medical centre in Fownhope is an important community asset and I understand the desire to support and if possible extend the range of services offered. However the policy needs a site specific element to it so that it can be used for land use planning decisions, so I

suggest a reference to the Medical Centre at Common Hill Lane is added to the policy. The superfluous 'The' at the beginning of the policy should be deleted.

- **Delete 'The' at the start of FW23. Add at 'the Medical Centre at Common Hill Lane' after 'services'**

7.86. With these modifications I conclude that the policy meets the basic conditions.

FW24 Community Buildings

7.87. This policy aligns with Herefordshire Local Plan Policy SC1 (Social and Community Facilities). It meets the basic conditions and no modifications are recommended.

FW25 Telecommunications

7.88. My only comment on this policy is that the presentation, and particularly the use of bullet points, ought to be reviewed to ensure consistency with the rest of the plan.

- **Review use of bullet points in FW25 and change to ensure consistency with other policies in the Neighbourhood Plan**

7.89. With these modifications I conclude that the policy meets the basic conditions.

FW26 Renewable Energy

7.90. This policy aligns with and Herefordshire Local Plan Policy SD2 (Renewable and low carbon energy generation). It meets the basic conditions and no modifications are recommended.

FW27 Highways and Infrastructure

7.91. This policy deals with highways and related matters. I note that the reference to the 'dark skies' policy, whereby street lighting is limited, is in the supporting text rather than in the policy. This is appropriate as such an approach does not involve the development or use of land.

7.92. During the course of the examination I sought clarification from Herefordshire Council about the reference to 20mph speed limits in para 29. This derives from the Highways Design Guidance and a minor amendment to para 29 would be helpful.

- **Delete '20mph speed limits' from para 29 and add 'a design speed of 20mph and 15mph on shared space, in line with the Herefordshire Highways Design Guide'**

7.93. With these modifications I conclude that the policy meets the basic conditions.

FW28 Green Spaces

7.94. There are a number of important green spaces in the village and the neighbourhood plan seeks to protect these.

7.95. The NPPF¹³ makes clear that local and neighbourhood plans can designate areas of Local Green Space (LGS), which rules out development other than in very special circumstances. Such designations should be consistent with the local planning of sustainable development and be capable of enduring beyond the plan period.

7.96. Evidence of community support for designating the five sites is shown in the Residents Survey. The policy as drafted aligns with Herefordshire Local Plan policy OS3.

7.97. To ensure any future decision-maker is clear which green space is which, the Village Policies Map needs to clearly identify each site. The notation used for the green spaces is vertical green hatching, which is almost indistinguishable from the vertical green hatching used for the SSSI designation. This needs to be addressed – simply changing to a horizontal hatching would help.

- **Add site names and boundaries for each of the five designated local green spaces to the Fownhope Village Policies Map and make appropriate adjustments to the plan key. Ensure the symbols used for the SSSI and local green space designations can be easily distinguished**

7.98. The reference to requests for allotments in the last paragraph of the policy is confusing and, as drafted, does not seem to have a land use dimension. This could be addressed by referring to proposals which would provide more allotments or improve existing provision. I suggest a change along the following lines:

- **Delete ‘to meet requests for ‘ and substitute ‘which increase or improve the provision of’**

Section 31 : Implementation and Monitoring

7.99. This section of the plan sets out a very helpful statement about how the Plan, once adopted, will be monitored and implemented. This is an admirable approach and it is good to see the Steering Group already thinking ahead to the next stage. I have no comments to make on this part of the Plan.

¹³ NPPF Paras 76-78

8. Conclusions and Recommendations

- 8.1. The Fownhope Neighbourhood Plan sets out a wide range of planning policies to guide development up to 2031. It plans positively for development, while taking account of its very sensitive landscape setting in the Wye Valley AONB.
- 8.2. I have examined the Plan and I have concluded that, subject to the modifications set out in my report it meets the basic conditions and other statutory requirements.
- 8.3. I am therefore pleased to recommend to Herefordshire Council that, subject to the modifications set out in my report, the Fownhope Neighbourhood Plan should proceed to referendum.
- 8.4. I am also required to consider whether the referendum area should be extended beyond the Fownhope Neighbourhood Plan area. I see no reason why it would be necessary to alter or extend the plan area for the purposes of holding a referendum, nor have I received any representations to that effect. I therefore conclude that the plan should proceed to referendum based on the neighbourhood area as approved by Herefordshire Council on 23 January 2014.
- 8.5. Finally, I would like to echo Historic England's sentiments when they commented that they 'consider the plan to be a well considered, concise and fit for purpose document that effectively embraces the ethos of "constructive conservation" and is a very good example of community led planning'.