

Weobley Neighbourhood Development Plan

Submission Version 2011 – 2031

Report of Examination

May-June 2019

**Undertaken for Herefordshire Council with the support of
Weobley Parish Council on the submission version of the plan.**



Independent Examiner:

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Acknowledgements: Thanks to Local Authority staff and qualifying body volunteers for their assistance with this examination. My compliments to the local community volunteers and Weobley Parish Council, who have produced a Plan that details the local distinctiveness of the Parish well.

Summary

- I have undertaken the examination of the Weobley Neighbourhood Plan during May and June 2019 and detail the results of that examination in this report.
- The Qualifying Body have undertaken extensive consultation on this Plan, and it complies with legislative requirements. The Plan is protecting local heritage assets and local distinctiveness, while introducing new development opportunities. The Herefordshire Local Plan Core Strategy provides a comprehensive strategic policy framework.
- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have to an extent informed some of the recommended modifications.
- Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

Abbreviations used in the text of this report:

The Weobley Neighbourhood Development Plan is referred to as 'the Plan' or 'W NDP'.

Weobley Parish Council is abbreviated to 'Weobley PC', and sometimes 'Qualifying Body' is used.

The National Planning Policy Framework is abbreviated to 'NPPF'.

The National Planning Practice Guidance is abbreviated to 'NPPG'.

The Herefordshire Local Plan Core Strategy adopted 2015 is abbreviated to 'HCS'.

The Herefordshire Unitary Development Plan 2007 is abbreviated to 'Herefordshire UDP'.

Local Planning Authority is abbreviated to 'LPA'.

Regulations 14 and 16 are abbreviated to 'Reg14' and 'Reg16' respectively.

1. Introduction and Background

1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowered local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF) states that:

“neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Weobley that is the Weobley Parish Council. Drawing up the Neighbourhood Plan was undertaken by a steering group, working to the Parish Council.

1.2 Independent Examination

1.2.1 Once Weobley PC had prepared their neighbourhood plan and consulted on it, they submitted it to Herefordshire Council, the local planning authority (LPA). After publicising the plan with a further opportunity for comment, the LPA were required to appoint an Independent Examiner, with the agreement of Weobley PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am independent of any local connections to Weobley and Herefordshire Council, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the Plan meets the 'Basic Conditions', which I consider in sections 3 and 4 below. The Plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The Weobley Neighbourhood Development Plan (WNDP) complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on the 8th August 2013 by Herefordshire Council. With minor changes, detailed in section 4 below, the plan will not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2011 – 2031 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Weobley to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

1.3 Planning Policy Context

1.3.1 The Development Plan for Weobley is the Herefordshire Local Plan Core Strategy (HCS), adopted in 2015, and some saved policies from the Herefordshire Unitary Development Plan 2007. The latter are not relevant for the WNDP however, being mainly concerned with minerals and waste issues, development that is excluded from consideration by neighbourhood plans. The policies in the HCS are all considered 'strategic' for the purposes of the Basic Conditions.

1.3.2 The National Planning Policy Framework (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented. Although the NPPF has been revised recently, that document makes clear (para 214 of Appendix 1 and footnote 69) that neighbourhood plans submitted to the LPA before 24th January 2019 will need to have regard to the previous 2012 version of the NPPF. As the WNDP was submitted on the 18th January 2019, it is the 2012 version that will apply.

1.3.3 During my examination of the WNDP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning Regulations 2012 (as amended)
- Written Ministerial Statement June 2015
- Submission version of the Weobley Neighbourhood Development Plan (WNDP)
- The Basic Conditions Statement submitted with the WNDP
- The Consultation Statement submitted with the WNDP
- The SEA Environmental Report Oct 2018 for the WNDP
- The HRA Report Oct 2018 for the WNDP
- Neighbourhood Area Designation (map)
- Hereford Local Plan Core Strategy 2011 – 2031: Adopted Oct 2015
- Herefordshire Unitary Development Plan 2007
- Representations received during the publicity period (reg16 consultation)

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 The Parish of Weobley in Herefordshire is about 11 miles to the north west of Hereford and predominantly rural in character. The Weobley Conservation Area includes an unusually large area of the surrounding farmland and setting of the village of Weobley, and the village includes an extensive ring and bailey ancient monument. A secondary school serves a wide rural hinterland, and the village is reasonably well provided with local services proportionate to its size.

2.1.2 A Steering Group, comprised of parish councillors and local community members took responsibility for drawing up the Plan, overseen by the Parish Council. Steering Group meetings were open to the public, and the Parish Council website (NDP page), Parish Council Newsletter and Parish Magazine gave regular updates on progress.

2.1.3 A Planning for Real event was held in 2015, advertised by leaflets delivered to homes, and attracted 170 people over the three days it ran for. Comment could also be made via the website. Feedback was analysed and summarised, and then working groups formed to progress on key issues. Groups developed questionnaires aimed at adults and young people, and a call for sites via a “Land for Development survey was also drawn up and distributed. The questionnaires were distributed and collected by volunteers who had been trained beforehand.

2.1.4 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. Visioning work was done after the questionnaire results had been analysed with another drop in event in May 2017 considering a draft vision and policy options. Policy development and site assessment work was undertaken between the summer of 2017 and May 2018.

2.1.5 As required by regulation 14 (Reg14) of the Neighbourhood Planning Regulations 2012, the formal consultation on the pre-submission WNDP ran from the 18th June 2018 to the 6th August 2018, seven weeks rather than the regulation minimum of six. The Reg14 Plan and response sheet together with SEA and HRA reports could be downloaded from the Neighbourhood Plan website. Hard copies were made available at various locations locally.

2.1.6 Representations were received from six residents and eight statutory bodies and stakeholders during the Reg14 consultation period. Several amendments have been made to the Plan as a result of constructive suggestions for changes. I am satisfied that due process has been followed during

the consultation undertaken on the Plan. The Consultation Statement details all consultation activities, and the record of comments and objections received during the Reg14 consultation shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.7 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Screening Opinion and a plan showing the neighbourhood area was submitted to Herefordshire Council on the 18th January 2019.

2.2 Regulation 16 Consultation Responses

2.2.1 The LPA undertook the Reg16 consultation and publicity on the submission version of the WNDP for six weeks, from the 23rd January 2019 to the 6th March 2019. Thirteen Representations were received during this consultation. Five statutory bodies had no specific comments to make on this Plan and the Environment Agency offered general guidance. Historic England praised the Plan. Four departments of Herefordshire Council offered comment or confirmed that they had no further comments to make. Two objections were received from local landowners, and the issues they raise that are pertinent to my consideration of whether the Plan meets the basic conditions are considered in sections 3 and 4 of this report below.

2.2.2 During the course of this examination, I was advised that the LPA had recently received another submission intended for the Reg16 consultation. This response had been sent to the Parish Council in error, who thought it was just a copy for their information. Council instructions were clear that responses were to be sent to Herefordshire Council, and I accept their decision that the submission was not duly made, and cannot be taken into account in my examination.

3. Compliance with the Basic Conditions Part 1

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the WNDP has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with and not breach European Union (EU) obligations including the habitats basic condition (2017 as amended) and comply with human rights law.

3.2 The Basic Conditions Statement discusses how the Plan promotes sustainable development in Section 2, and Policy WE01 requires development to promote environmental, social and economic sustainability. I accept that the Plan does contribute to sustainable development in line with the requirements of the Basic Conditions.

3.3 An Environmental Report and Habitat Regulations Assessment (HRA) Report have been submitted with the WNDP as both Strategic Environmental Assessment (SEA) and HRA were required for the Plan. Development in the Parish could impact upon the River Wye Special Area of Conservation (SAC) catchment area. The Environmental Report states that the Plan will have an overall positive impact on environmental assets, and does not propose growth above that prescribed by strategic policy (non-technical summary - page 1).

3.4 The HRA Report has considered the site allocations and policies for likely significant effect on the River Wye SAC, and found there were none. Thus EU obligations have been complied with, as required by the Basic Conditions.

3.5 The WNDP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the consultation statement showed that the need to consult with a wide cross-section of the community was appreciated.

4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the WNDP meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is the NPPF (2012) and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The phrase 'general conformity' allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended.

Modifications are boxed in this report, with text to remain *in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

4.3 The Plan is generally well written and organised. The 23 policies deal with a range of issues that are locally responsive and generally dovetail well with the Core Strategy strategic policies. The plan-making process is explained and evidenced well with one exception. The site selection work detailed in Appendix 3 of the Pre-Submission WNDP is important evidence and shows how policies in the Plan were arrived at. It does not have to be an Appendix to the final plan, but does need to be more accessible than it currently is, in order that government guidance on the need for appropriate evidence is clearly demonstrated (NPPG 41-041-20140306). I recommend, in order that the Basic Conditions are met and due regard is paid to government guidance, that this evidence is made more easily available as set out in Modification 1.

Modification 1: Site selection work detailed in Appendix 3 of the Pre-Submission version of the WNDP to be offered as a separate evidence document to accompany the final version of the WNDP. Reference to this evidence to be made at the end of the justification for Policy WE016 (para 7.6).

4.4 **Policy WE01: Promoting Sustainable Development** Complies with the Basic Conditions.

4.5 Policy WE02: Protection and Enhancement of Community Facilities and Services The Policy is basically sound, but needs a few changes in order that it complies with the NPPF (para 154) with regard to policy clarity of intent. I recommend that Policy WE02 be amended as shown in Modification 2 in order that it meets the Basic Conditions and has due regard to government guidance on policy clarity for decision makers.

Modification 2: The first sentence of Policy WE02 to be amended as follows:

“Existing community facilities shall be retained and protected from development that ~~would~~ ~~might~~ restrict unnecessarily their current use unless alternative provision is made in accordance with this policy.” ...

The last sentence of Policy WE02 to be amended as follows:

*...“The loss of key services or facilities through the change of use of premises to an alternative will be opposed unless it is clearly **evidenced** that the service or facility concerned is no longer viable.”*

4.6 Policy WE03: Protection of Local Green Space The designation of the Field west of St Peter and St Paul Church is the subject of an objection by the landowner, the Hereford Diocesan Board of Finance. While I am not convinced by all the arguments put forward for removing the requested small section of this designation, I do accept that the site is differently situated with regard to visual impact and planning history to the rest of the proposed designation. Weobley PC in their response to the objection consider that the site is important in that it brings rural character into the village and forms part of the setting of the church. They accept that it is narrow and set between existing properties. It was included within the settlement boundary in the previous development plan (the Herefordshire UDP), unlike the rest of site d).

4.6.1 While the rest of the proposed designation is important for the setting of the church and brings rural character into the village, I do not accept that the small site in dispute is important for this. The statement of reasons given for designating the field in the Plan is as follows:

“This area is important for its beauty and historical significance, offering a range of views across meadows to the church from Meadow Street.”

However this is not an accurate description of the small part of the site within the Settlement Boundary, and I do not consider that this section of the proposed designation meets the requirements for designation of Local Green Space as set out in the NPPF (paras 76-77). I recommend that the boundary of designation d) in Policy WE03 is amended as described in Modification 3 in order that the Policy and its designations comply with the Basic Conditions. Any use of the site for infill development will be decided in the usual way, and subject to considerations such as impact on the Conservation Area and adjacent listed buildings. Removal from the designation as Local Green Space should not be taken as support for any proposed development of the site.

4.6.2 Policy WE03 also needs to clearly designate the proposed Local Green Space sites with reference to the more detailed plan provided to me on request for clearer site plans. The clarity of policy required by the NPPF needs the boundaries of site designations to be shown clearly on a plan. For reasons of complying with Government policy and guidance with regard to the designation of Local Green Space and policy clarity therefore, and in order that Policy WE03 meets the Basic Conditions, I recommend that it is amended as shown in Modification 3.

Modification 3: The first sentence of Policy WE03 to be amended as follows:

"The following areas as shown on Map are designated Local Green Space."... The Map to be provided to show clearly the boundary of each designation with respect to surrounding residential, agricultural and road boundaries.

The boundary of designation d) 'Field west of St Peter and St Paul Church – Glebeland' to be amended to exclude that part of it included within the Settlement Boundary on all relevant maps within the WNDP.

4.7 Policy WE04: Protection of Amenity Open Space, Sports and Recreation Facilities

This policy also needs to clearly mark the areas of open space on a map so that the boundaries and locations of each designation can clearly be understood. A Map doing this has been provided for me, and is particularly relevant for the collective sites of d) and the Rose Garden e). Sites a), b), and c) could be identified on the existing Village Policies Map. In order that the Plan clearly identifies

the extent of designated Open Space sites, and complies with the Basic Conditions and government guidance with regard to policy clarity, I recommend that it is amended in line with Modification 4.

Modification 4: The first sentence of Policy WE04 to be amended as follows:

“The following areas of amenity open space, sports and recreation facilities as shown on the Village Policies Map and Map.... should be protected from development unless the requirements of Herefordshire Local Plan Core Strategy Policy OS3 are met:”

A map to be provided that clearly shows the boundaries of each designated space.

4.8 Policy WE05: Sewerage and Sewage Treatment Infrastructure Complies with the Basic Conditions.

4.9 Policy WE06: Contributions to Community Facilities Complies with the Basic Conditions.

4.10 Policy WE07: Protecting Heritage Assets The policy is protecting Foxley Registered Park and Garden without specifying that it is that part of the Park within the Parish boundary, and thus within the designated Neighbourhood Area. Foxley Park actually covers 4 parishes. As neighbourhood plans cannot deal with development outside of their designated area this distinction needs to be made clear in the policy in order that the legislation concerning the legitimate scope of a neighbourhood plan is complied with [Town and Country Planning Act 1990 Schedule 4B 8(1)]. I recommend therefore that in order to comply with legislative requirements Policy WE07 is amended as shown in Modification 5.

Modification 5: Policy WE07 bullet f) to be altered as follows:

... f) *Resisting development that would adversely affect that part of Foxley ~~Historic England~~ Registered Park and Garden within the Parish of Weobley.*

4.11 Policy WE08: Development within Weobley Conservation Area This is one of the longest policies I have come across in a neighbourhood plan. That is not necessarily a problem, but some of the text within Policy WE08 is not a policy requirement, but explanation for the reasons for the policy. It is therefore more properly justification, and should be removed from the defined policy to the justification for the clarity required by the NPPF (para 154).

4.11.1 As the Weobley Conservation Area covers more than one parish, the first sentence should make clear the Policy applies to land within the Parish of Weobley, as explained in para 4.10 of this report above. Bullet 7 refers to ‘unattractive areas’ which is too vague. For the clarity required by government guidance and policy this needs to be clearer to decision-makers using the policy.

4.11.2 Bullet 3 deals with important views within the Conservation Area. I needed to obtain further information on some of the views listed, as they were not mapped or illustrated in any way. This was provided in a comprehensive and timely fashion, for which I am grateful. Modification 6 includes reference to new location maps and photographs of views provided as a result of my request. The policy and maps will now not deal with views taken from outside of the neighbourhood area, and View 1 will need to be re-located to accommodate this. Additionally I have visited and considered evidence for the proposed sequential view along Wellingtonia Avenue being included as an ‘important view’ in this policy, but do not consider it is of a quality that justifies its inclusion.

4.11.3 In order that the WNDP relates to aspects of development within the neighbourhood area (the Parish), and has the clarity required by the NPPF, I recommend that it is amended as set out in Modification 6.

Modification 6: Policy WE08 and its justification to be amended as follows:

First Paragraph to read: *“To preserve or enhance the character and appearance of Weobley Conservation Area development within or bordering it **within the Parish of Weobley** should comply with the following detailed requirements”..*

Section 1: First sentence only to remain in the policy. Paragraph beginning “Buildings within the village....particular character areas” to be part of a new para 6.3.

Section 2: The first sentence to remain. Text below this to be edited as follows, discarded text may also be added to the new para 6.3 with editing in order that the sense flows:

~~Again, the broad character assessment below should inform design decisions. In addition, choice of materials that should respect those in the vicinity, especially in the historic core streets of Broad Street, Portland Street, High Street, Hereford Road, Mill Bank, Back Lane, Bell Square and Meadow Street. (see paragraph 2.13). A large number of houses in the village of Weobley date from the 14th to 17th Century. They are timber framed structures, most of which are of box frame construction although there are several cruck trussed buildings, set on a plinth of coursed rubble. Early timber framed houses were infilled with wattle (or lathes) and daub, later replaced with brick, painted brick or render. Original thatched roofs were replaced with clay plain tiles. Many timber framed houses were later re-fronted in brick or painted brick. There are few houses of Classical/Georgian style. Buildings of 19th Century date are of brick or stone construction with tiled roofs. Most 20th Century houses are brick built, some are rendered, painted or finished with shingles. Roofs are covered with cement tiles or slate. Agricultural buildings dating to the 18th Century, including barns and cow houses, are generally timber framed with weatherboarding on a coursed rubble plinth. In terms of ground treatment within the public realm there are examples of cobbled areas that contribute to the character of the village which may be improved or added to where this will not adversely affect pedestrian safety.~~

Section 3 (first sentence and first paragraph): To be amended as follows:

The Conservation Area setting and views into and from the village as shown on map... [or two maps if desired] ~~should be preserved~~ **protected from inappropriate forms of development that would significantly adversely impact on the setting and important views.**

~~The third main quality is provided by the quality of the setting of the Village, with a variety of views and vistas reinforcing the feeling of space and tranquillity along the rural lanes approaching the village. Proposals for development should preserve important views within, into and from the conservation area. These should remain protected from inappropriate forms of development. The most important views and settings are:~~

- 1. Looking south towards the village from public footpath 28**
- 2. Looking north from the churchyard across the meadowland of the Newbridge Brook*
- 3. Looking east from **Public Footpath 33** on the west side of the conservation area across the Weobley townscape*
- 4. Looking south from Weobley castle earthworks across Garnstone parkland*
- 5. Looking east from the Ley towards the Castle site*
- 6. A sequential view north from the Castle earthworks into Broad Street and Church Road**

7. Looking south from Broad Street towards Market Pitch
8. Looking east from Meadow Street along Bell Square
9. Looking west along High Street towards Market Pitch
10. Sequential view looking and travelling north along Hereford Road to the High Street.
11. Deflected view looking east then north along Mill Bank
12. Sequential view east and then south along Meadow Street
13. View of the Church from Meadow Street
14. Looking south-west from the Hereford Road near the East Lodge across Garnstone parkland
15. Looking North from Footpath 67 near Garnstone Castle site across the parkland to the village.

Additional text in the policy describing these views may be added to the justification if desired but is to be deleted from Policy WE08.

Section 4: To remain as shown

Section 5: First sentence to be deleted (may be added to the justification if required). Bullet to include the rest of the text shown:

Section 6: First sentence to remain. Additional text to be amended as follows in order that the Plan is not providing instruction to the highway authority in the undertaking of its highway duties:

*“The general absence of such clutter, in particular in the form of street furniture, is a unifying factor that should be retained, and the Highway Authority is **encouraged to** ~~should~~ minimise signage, markings and other traffic management elements.”*

Section 7: To be amended as follows:

*“Measures to ~~address unattractive areas~~ **improve the visual appearance of the village and conservation area will be supported and where possible promoted.** ~~Weobley has a few unattractive areas. In addition, areas can deteriorate over time. Measures may include, as a minimum, enhancements to soften and improve the visual appearance of unattractive areas.~~”*

Section 8: To remain as shown.

Map 2 to be amended to show view 1 taken from Footpath 28 and view 3 from Footpath 33. This map to also include views 14 and 15, or an additional map to be added to the Plan.

4.12 **Policy WEO9: Conserving the Landscape and Scenic Beauty of the Parish** Complies with the Basic Conditions.

4.13 **Policy WEO10: Enhancement of the Natural Environment** Complies with the Basic Conditions.

4.14 **Policy WEO11: Storm Water Drainage** Complies with the Basic Conditions.

4.15 **Policy WEO12: Sustainable Design** The Policy has been criticised as adding nothing to strategic policy. However I am satisfied that there are criteria of particular relevance, and some repetition of more generally applied strategic policy is useful in this instance so that sustainable design criteria can be found in one place. The policy Complies with the Basic Conditions.

4.16 **Policy WEO13 Design and Appearance - Buildings outside Weobley Conservation Area** Complies with the Basic Conditions.

4.17 **Policy WEO14: Renewable and Low Carbon Energy** The Policy is requiring any potential wind energy developer to have 'gained the support of the local community'. This is presumably a reference to the Written Ministerial Statement (WMS) on Wind Energy in June 2015, which made community support for a proposed *development* (not developer) a stipulation. Support for a developer is not a land-use issue. The WMS of June 2015 also required that a development plan should have allocated areas suitable for wind if any application for onshore wind energy was to be acceptable. This has not been done in the WNDP, and even if community support had been stated correctly as being for the development, Policy WE014 has not had due regard to government policy.

4.17.1 An Appeal Court Decision on a community turbine permission in the Forest of Dean confirmed the High Court decision that community benefits not directly linked to the development were not a legitimate ‘material consideration’ on a planning decision. The current wording is too vague, does not deal with a landuse issue and may well fall foul of this legal decision as well. In order that the Policy meets the requirements of the Basic Conditions and has due regard to Government Policy, I recommend that it is amended as detailed in Modification 7.

Modification 7: The last sentence of Policy WE014 to be deleted.

4.18 Policy WE015: Housing Development in Weobley Village The Policy is defining a Settlement Boundary, but this has not been clearly stated, and needs to be, for the clarity required by the NPPF and NPPG. The Settlement Boundary is based on the former boundary in the Herefordshire UDP, and has been amended to include proposed and committed sites as explained in the justification.

4.18.1 An objection at Reg16 asked for a small adjustment to the Settlement Boundary in the vicinity of Camberwell Cottage (also known as Chamberwell Cottage) so that outbuildings associated with the property could be properly developed with curtilages. However there is no intrinsic need for a garden area, or part of it, to be within a settlement boundary. Indeed large gardens on the edge of a settlement are often excluded from being included within the settlement boundary. The outbuildings may well be suitable for conversion, although they are, as the comment notes, in a sensitive location. I consider the Settlement Boundary has rightly been left as it was in the Herefordshire UDP, drawn tightly around Camberwell Cottage and its outbuildings. This will ensure that any future development proposals on the site are properly controlled with regard to the adjacent monument and its Conservation Area setting on the edge of the settlement.

4.18.2 In order that Policy WE015 complies with government guidance and policy with regard to clarity I recommend that it is amended as shown in Modification 8.

Modification 8: The first paragraph of Policy WE015 to be altered as follows:

“New housing within Weobley Village will be provided through sensitive infilling within ~~the~~ the settlement boundary defined on the Weobley Village Policies Map and on allocated sites identified for development shown on Weobley Village Policies Map.”

4.19 **Policy WEO16: Housing Sites in Weobley Village** The policy as drafted complies with the Basic Conditions, but the evidence it is based on is not currently visible enough. Modification 1 has dealt with this issue and requires the last sentence of paragraph 7.6, the justification for this policy, to refer to this evidence base.

4.20 **Policy WEO17: Meeting Housing Needs** The policy adds extra detail and scope to Policy H2 in the HCS, and has regard to the NPPF 2012. Complies with the Basic Conditions.

4.21 **Policy WEO18: Affordable and Intermediate Homes** Complies with the Basic Conditions.

4.22 **Policy WEO19: Whitehill Park Industrial Estate** Complies with the Basic Conditions.

4.23 **Policy WEO20: Weobley Village Centre** Complies with the Basic Conditions.

4.24 **Policy WEO21: Working from Home** Complies with the Basic Conditions.

4.25 **Policy WEO22: Traffic Measures within the Parish** Complies with the Basic Conditions.

4.26 **Policy WEO23: Highway Design Requirements** The policy sets out landuse highway design issues generally in an acceptable way, but criteria e) is attempting to get developments to address

current on-street parking problems that have not been worsened by the development proposal in question. This is contrary to policy on planning conditions and obligations in the NPPF (para 204) and so also contrary to the requirement that policy does not impose unreasonable burdens on development (para 173). In order that Policy WE023 meets the Basic Conditions and has regard to national policy therefore, I recommend that it is amended as shown in Modification 9.

Modification 9: Criteria e) of Policy WE023 to be altered as follows:

e) Proposals will not result in indiscriminate or on-street parking but should provide adequate off-street parking in accordance with Herefordshire Council's parking standards. and preferably address the reduction of any on-street parking problems that may exist within the vicinity.

5. The Referendum Boundary

5.1 The Weobley Neighbourhood Development Plan has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Weobley Neighbourhood Development Plan 2011 – 2031 shall be the boundary of the designated Neighbourhood Area for the Plan.