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# **Report on Holwell Neighbourhood Plan 2017 - 2031**

**An Examination undertaken for West Dorset District Council with the support of the Holwell Parish Council on the Submission Draft version of the Plan.**

Independent Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

Date of Report: 28 November 2018

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## **Main Findings** - Executive Summary

From my examination of the Holwell Neighbourhood Plan (the Plan/HNP) and its supporting documentation, including the representations made, I have concluded that, subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Holwell Parish Council;
- The Plan has been prepared for an area properly designated – the whole of the Parish of Holwell as shown on page 8 of the submitted Plan;
- The Plan specifies the period in which it is to take effect: 2017 – 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Holwell Neighbourhood Plan 2017 - 2031*

- 1.1 Holwell, with a parish population of 370<sup>1</sup>, is a small rural parish located south of the A3030 between Sherborne, 11km to the north west and Sturminster Newton, 12km to the east. The majority of the built up area is based on an intersection of minor roads at Holwell village. The parish church of St Laurence is located in open countryside at The Borough, about a kilometre from the village centre.
- 1.2 The intention to produce the HNP was established in 2012 by the Parish Council, followed by the first meeting of the HNP Working Group in 2013. The preparation of the Plan gathered momentum from October 2015, through 2016 and 2017 to its submission in 2018. Consultations and engagement took place throughout the process, including with West Dorset District Council (WDDC). The HNP now represents over five years' work by those involved.

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<sup>1</sup> 2011 Census.

- 1.3 The vision for the area, which was prepared by the Working Group envisages maintaining Holwell Parish as a thriving rural community and ensuring its long term future by working towards meeting the needs of those who wish to live and work in this community.
- 1.4 Five strategic objectives for the HNP were developed from the vision which concerned local housing; businesses; local services and infrastructure; design; and vulnerability to severe weather. The objectives constitute the sub headings for the groups of policies.

#### *The Independent Examiner*

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Holwell Neighbourhood Plan by WDDC, with the agreement of the Holwell Parish Council (the Parish Council).
- 1.6 I am a chartered town planner and former government Planning Inspector with previous experience of examining neighbourhood plans. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

#### *The Scope of the Examination*

- 1.7 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.
- 1.8 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
  - Whether the Plan meets the Basic Conditions;
  - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;

- it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development';
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
  - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.9 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

#### *The Basic Conditions*

1.10 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the HNP 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;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.11 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

## 2. Approach to the Examination

### *Planning Policy Context*

- 2.1 The development plan for this part of WDDC, not including documents relating to excluded minerals and waste development, is the West Dorset, Weymouth and Portland Local Plan (WDW&PLP) adopted in December 2015. The Local Plan was produced jointly by West Dorset District Council and Weymouth and Portland Borough Council. The Local Plan is being reviewed and consultation closed on 15<sup>th</sup> October 2018 on the Preferred Options.
- 2.2 The adopted Local Plan establishes the overall development strategy for the two Councils which, within the period 2011 – 2031, is to deliver projected needs of about 60ha of employment land and 15,500 new homes across the Local Plan area. Strategic allocations provide the main opportunities for development which are located at Beaminster, Bridport, Chickerell, Crossways, Dorchester, Lyme Regis, Portland, Sherborne and Weymouth. The main towns and smaller settlements with defined development boundaries also provide a considerable supply of smaller sites through redevelopment and infill opportunities that will contribute towards meeting the requirements.
- 2.3 The Local Plan indicates that development opportunities in the more rural areas will be focused primarily at the larger villages, and should take place at an appropriate scale to the size of the village (unless identified as a strategic allocation). It is expected that neighbourhood development plans and other appropriate planning tools will be used to help bring forward new development, and may allocate additional sites, or extend an existing (or add a new) development boundary to help deliver this growth.
- 2.4 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 24 July 2018, replacing the previous 2012 NPPF. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 NPPF, which provides 'The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019'. A footnote clarifies that for neighbourhood plans, 'submission' in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The HNP was submitted to WDDC in August 2018. Thus, it is the policies in the previous NPPF that are applied to this examination and all references in this report are to the March 2012 NPPF and its accompanying PPG.

### *Submitted Documents*

- 2.5 I have considered all policy, guidance and other reference documents which I consider relevant to the examination, including those submitted which comprise:
- the Holwell Neighbourhood Plan 2017 – 2031;
  - the map on page 8 of the Plan which identifies the area to which the proposed HNP relates;
  - the Consultation Statement submitted with the draft Plan dated 1 August 2018;
  - the Basic Conditions Statement July 2018;
  - all the representations that have been made in accordance with the Regulation 16 consultation; and
  - the Strategic Environmental Assessment (SEA) Screening Opinion: July 2017.

### *Site Visit*

- 2.6 I made an unaccompanied site visit to the HNP area on 2 November 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

- 2.7 This examination has been dealt with by written representations. I considered hearing sessions or an accompanied site inspection to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing were received.

### *Modifications*

- 2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Holwell Neighbourhood Plan has been prepared and submitted for examination by Holwell Parish Council, which is a qualifying body. It extends over the whole of the Holwell Parish which constitutes the area of the Plan designated by WDDC in June 2014.

- 3.2 It is the only neighbourhood plan for Holwell Parish and does not relate to land outside the designated HNP Area.

#### *Plan Period*

- 3.3 The Plan specifies clearly the period during which it takes effect, which is from 2017 to 2031. The period aligns with the end date of the WDW&PLP, which is also 2031.

#### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The comprehensive Consultation Statement submitted with the draft Plan, especially the Journal of Events, indicates that the Parish Council first considered producing a neighbourhood plan in February 2013<sup>2</sup>. A Working Group was formed and met three times in that year. The Working Group liaised with WDDC officers and circulated a letter to all residents.
- 3.5 Following the designation of the HNP area in 2014 and three further meetings of the Working Group in 2014 and 2015, preparation of the HNP accelerated in 2016, when fourteen Working Group meetings were held. In the same year, a flyer and a letter to all households were distributed and liaison meetings took place with WDDC officers. Village Open Meetings were held in April, June and December 2016. A call for sites for housing development was made in late summer and a household questionnaire was also circulated in September 2016 from which there was a 74% return. Progress on the Plan was regularly reported to the Parish Council.
- 3.6 The results of the housing site assessments were discussed at Village Open Meetings in July, August and September 2017 and also with WDDC officers in November 2017. A Neighbourhood Plan web site was re-launched in April 2018. Consultation with WDDC officers has continued throughout the Plan preparation process as have progress reports to the Parish Council. The Journal of Events chronicles 42 meetings of the Working Group from the first meeting on 6 February 2013 to the last on 19 July 2018, albeit one was cancelled on 1 March 2018 due to heavy snow.
- 3.7 The draft HNP was published for consultation under Regulation 14 of the 2012 Regulations for seven weeks from 21 May 2018 to 9 July 2018. Consultation in accordance with Regulation 16, when the Plan was submitted to WDDC, was carried out for a period of just over six weeks from 6 September to 19 October 2018. Nine responses were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the HNP, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

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<sup>2</sup> The Consultation Statement included Appendices C1 – C18 detailing such items as the terms of reference, letters to the public, the questionnaire, etc.

### *Development and Use of Land*

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

### *Excluded Development*

- 3.9 The Plan does not include provisions and policies for 'excluded development'.

### *Human Rights*

- 3.10 The Basic Conditions Statement comments that no issues have been raised in relation to the possible contravention of the human rights in consultations undertaken in preparation of the Plan. Furthermore, given the conclusions on the Plan's general conformity with the strategic policies of the Local Plan and regard to national planning policy, it is reasonable to conclude that the making of the Plan should not breach human rights. No objections have been made by WDDC on the basis that the policies might infringe, or be incompatible with, any human rights under the EU Obligations and Convention rights (within the meaning of the Human Rights Act 1998). I have considered the matter independently and I have found no reason to disagree with those conclusions.

## **4. Compliance with the Basic Conditions**

### *EU Obligations*

- 4.1 The HNP was screened for SEA, the report of which was submitted with the Plan in accordance with the legal requirement under Regulation 15(e)(i) of the 2012 Regulations. In its Regulation 16 Consultation response, WDDC concluded that due to the scale of development being considered in the HNP, in combination with that already having planning permission, there is unlikely to be any significant effects on the environment and therefore a full SEA is not required. Historic England (HE) did not respond to the consultation about the Screening Report. However, both Natural England (NE) and the Environment Agency (EA) agreed with the conclusion that the HNP is unlikely to have any significant effects on the environment. Having read the SEA Screening Opinion, and considered the matter independently, I agree with that conclusion.
- 4.2 The HNP was further screened by WDDC for Habitats Regulations Assessment (HRA). The Assessment considered the potential impacts of the proposals upon European Sites within 20km of the Plan area. It concluded that the HNP is unlikely to result in an adverse effect upon the integrity of a European Site. Therefore, there is no requirement to

undertake any further stages of HRA, such as Appropriate Assessment. On the basis of the information provided and my independent consideration development, I support the conclusions of WDDC.

### *Main Issues*

4.3 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the Basic Conditions; particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance with all the Plan's policies.

4.4 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. The HNP should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence<sup>3</sup>.

4.5 Having regard to the HNP, the consultation responses, written evidence and the site visit, I consider that there are three main issues for this examination. These are:

*Issue 1: Whether the Plan policies for future housing growth and supporting the local economy are in general conformity with the adopted strategic planning policies, whether they would contribute to the achievement of sustainable development and whether they have regard to national policy and guidance?*

*Issue 2: Whether the Plan policies for community facilities and infrastructure for Holwell have regard to national guidance, contribute to sustainable development and generally conform with strategic statutory planning policies?*

*Issue 3: Whether the Plan policies for landscape, environment and design have regard to national guidance, contribute to sustainable development and generally conform with strategic statutory planning policies?*

4.6 Before considering the policies, I need to draw attention to the three Maps which illustrate and define the HNP policies. The Map at Appendix P5 shows the policies for the majority of the Plan area, including the dispersed parts of the settlement. Appendix P6 shows the detailed policies for Fosters Hill, which many would describe as the central part of Holwell village. Appendix P7 shows the detailed policies for The Borough. Each

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<sup>3</sup> PPG Reference ID: 41-041-20140306.

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map is at a different scale, but that is not an issue. They are appropriate for their particular function.

- 4.7 However, the details on the Holwell Policies Map (Appendix P5) for the areas covered by the Maps at Appendices P6 and P7 are too small scale to be effective for development management purposes and risk causing confusion given the presence of the two larger scale Policy Maps. Therefore, I recommend that Appendix P5 is modified by (i) the use of a border to delineate the outline of the Maps at Appendices P6 and P7, (ii) the description of the two larger scale Maps in Appendix P5 as Insets and (iii) the deletion of the policy details from Appendix P5 within the Insets. **(PM1)**
- 4.8 In addition, the Appendices form a mixture of general Policy Maps, maps or lists giving details necessary for implementing a policy, and information which was used in support of producing the Plan. In order to make the Plan effective for development management, the Policy Appendices should be part of the Plan, and either bound into it within a printed version or seen together with the Plan if a web version. Accordingly, I recommend that Appendices P5, P6, P7, P9 and P13, which all relate to policies should be included within the Plan. **(PM2)** The remaining Appendices should be classified separately as supporting information.

#### Issue 1: Housing Growth and the Local Economy

- 4.9 Local Plan Policy SUS2 states that development in rural areas will be directed to the settlements with a defined development boundary, and will take place at an appropriate scale to the size of the settlement. Nevertheless, the policy adds that settlements with no defined development boundary may also have some growth to meet their local needs. Holwell has no defined development boundary, nor is one proposed in the HNP but, as indicated in Local Plan Policy SUS5, specific sites for new development may be identified in neighbourhood plans, provided they do not undermine the strategic objectives and approach of the Local Plan.
- 4.10 HNP Policy H1 proposes up to three open market dwellings in the village during the Plan period and lists three allocated sites, together with a reserve site. There is no evidence to suggest why the reserve site should have lower priority for development than the three allocated sites. The reserve site adjacent to Gunville House scored just as well against the initial selection criteria and, based on my site inspection, all four sites appeared to be within frontages which were otherwise built up<sup>4</sup>. Moreover, using the failure of granting planning permission at an allocated site as the proposed trigger for releasing the reserve site seems to me to be

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<sup>4</sup> HNP Appendices P3 and P4.

unreasonable considering the small numbers involved. The effects on infrastructure or environmental constraints are frequently used as reasons for phasing such housing development in development plans, but the allocation of four dwellings in the Plan period as opposed to three would be insignificant. Therefore, based on the evidence before me, there is no technical reason to differentiate the reserve site from the three allocated sites and I consider the "site adjacent to Gunville House" should be converted to the list of allocated sites.

- 4.11 The Plan notes that, if the projected housing needs of the wider market area were distributed on a pro rata basis, the target for the parish would have been about 26 dwellings, albeit without taking into account the lower sustainability of Holwell compared to other tiers of settlements. The HNP states that the formula for calculating the housing target proposed in the emerging Local Plan Review (Preferred Options) would indicate a minimum target of 3 dwellings in the period 2016 to 2031. I note that with 20 dwellings already in the supply chain, the minimum target has been exceeded and, therefore, I am content with the phrasing in Policy H1 as "... up to ...".
- 4.12 Accordingly, I shall recommend that Policy H1 is further modified by the inclusion of the phrase "... up to four new build, open market houses ..." and convert the "... site adjacent to Gunville House ..." to the list of allocated sites. **(PM3)**
- 4.13 Policy H2 seeks to prevent backland development and has regard to government advice resisting inappropriate development of residential gardens where development would cause harm to the local area<sup>5</sup>. The policy is also in general conformity with Local Plan Policy HOUS6 which deals with residential development outside defined development boundaries.
- 4.14 Policy H3 allocates an area of land for affordable housing, described as The Plot on the Policies Maps (Appendices P5 and P6). This allocation would be additional to the planning permission granted on appeal nearby at Crouch Lane, Holwell in 2017 for fourteen affordable houses. The policy aims to provide affordable accommodation when there is an identified need and when the Crouch Land site is fully occupied. It has regard to national policies<sup>6</sup> and is in general conformity with Local Plan Policy HOUS2.
- 4.15 The strategic objective for employment and business development is to support existing businesses and encourage new enterprises and facilities which will enhance commercial effectiveness and employment

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<sup>5</sup> NPPF paragraph 53.

<sup>6</sup> NPPF paragraphs 47 and 50.

opportunities. The objective is given effect through Policy EB1 which considers locations for employment and business and Policy EB2 which deals with new camping and caravan sites.

- 4.16 Both policies have regard to the advice to support a prosperous rural economy in NPPF paragraph 28. Local Plan Policy ECON1 lists the areas where economic development will generally be supported. Local Plan Policy ECON7 provides locational guidance for caravan and camping sites. I consider HNP Policies EB1 and EB2 are in general conformity with Local Plan Policies ECON1 and ECON7. However, NPPF advises that development should only be prevented or refused on transport grounds where the residual impacts of development are severe<sup>7</sup>. Therefore, to ensure that the policies have full regard to national advice, I shall modify both Policy EB1 and Policy EB2 by the addition of the qualification “severely” to the detrimental effects of traffic movements on living conditions. **(PM4)**
- 4.17 Accordingly, with the recommended modifications, I consider that the HNP policies for housing and supporting the local economy would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

#### Issue 2: Community Facilities and Infrastructure

- 4.18 An objective of the HNP is to preserve the long term future of the area by retaining and, if possible, enhancing local services and infrastructure and facilities. The HNP lists three community facilities in the Plan area: the Church and churchyard located at The Borough and the Village Hall and Nursery School, both located in Holwell village area. HNP Policy C1 seeks to retain the facilities wherever possible and also to support new facilities subject to various criteria.
- 4.19 The retention of community facilities would have regard to government policies<sup>8</sup> and be in general conformity with Local Plan Policy COM3. HNP Policy C1 also supports proposals for new facilities. Whereas the policy would still generally have regard to national advice, it states that the provision of the facility is subject to being well related to an existing building. Given that buildings are scattered throughout the HNP area, that element of the policy would not have regard to the aims for sustainable transport and accessibility as described in NPPF, nor would it be in general conformity with Local Plan Policy COM2 which seeks the location of new facilities within or on the edge of an existing settlement. Therefore, to enable Policy C1 to meet the requirements of the aforementioned Basic Conditions, I shall modify it by the substitution of “within or on the edge

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<sup>7</sup> NPPF paragraph 32.

<sup>8</sup> NPPF paragraphs 28 (bullet point 4) and 70 (bullet point 1).

of the built-up area of Holwell” for “well-related to an existing building”. In addition, in recognition of the contribution which The Borough makes to Holwell, in that it is the location of the Church of St Laurence, is a well-formed hamlet with several buildings and has sufficient presence to be given one of the detailed policy maps (Appendix P7) alongside Holwell (Appendix P6), I shall make reference to The Borough being included with the built-up area of Holwell. **(PM5)**

- 4.20 HNP Policy C1 seeks to safeguard and improve public rights of way. The policy has regard to national policy which aims to protect and enhance public rights of way<sup>9</sup>. The policy is in general conformity with Local Plan Policy COM7 v).
- 4.21 Accordingly, with the recommended modification, I consider that the HNP policies for community facilities and infrastructure would have due regard to national policy, would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

### Issue 3: Landscape, Environment and Design

- 4.22 The landscape of the parish is predominantly rural and agricultural with occasional long views across attractive, gently undulating countryside. The first sentence of HNP Policy E1 states that the design and layout of development should minimise adverse impacts on views from public rights of way over open countryside and preserve and maintain such views where possible. This part of the policy has regard to national advice in PPG<sup>10</sup>.
- 4.23 However, the Plan selects three views across open countryside which it seeks to protect by the policy. The views are shown on Appendix P5 of the Plan and in Table 1 of the Plan and subsequent photographs. The policy states that development which would adversely impact the visual quality of the views, or undermine, or adversely affect the rural setting of the village will not be supported.
- 4.24 Having visited the HNP area and looked over the countryside from vantage points along various public rights of way, I agree that the views identified are impressive. Nevertheless, the views as delineated on Appendix P5 are not suitable for development management. The splay of the view is implied by the photographs on page 19 of the Plan, but the zone of visibility could be so extensive that virtually any change could be interpreted as adverse. Moreover, views V1 and V2 reach out well into adjoining parishes. Each of the locations photographed may well be

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<sup>9</sup> NPPF paragraph 75.

<sup>10</sup> PPG Reference ID: 26-007-20140306.

attractive but they are already safeguarded by policies in the Local Plan, such as Policy SUS2, which seek to protect the countryside outside defined development boundaries. Accordingly, because this part of the policy lacks the clarity necessary for the effective management of development, it should be deleted. I shall recommend a rephrasing of Policy E1 which would retain the generality of the protection of views from public rights of way and would also prevent development which would adversely affect the rural setting of the village. **(PM6)**

- 4.25 HNP Policy E2 seeks to protect locally important woodlands, wildlife and landscape features as shown on Appendix P5. The components of the policy would each have regard to national advice as described in paragraphs 109, 113, 114 and 117 of NPPF. Policy E2 would also generally conform with Local Plan Policies ENV1, ENV2, ENV3 and ENV10.
- 4.26 Table 2 of the HNP describes the 23 Listed Buildings in the parish. The Plan rightly states that the Listed Buildings are given strong protection under relevant legislation and national and Local Plan policies. Nevertheless, the HNP has listed locally important buildings and structures for which protection is sought under Policy E3. The policy appropriately seeks to avoid harm to these non-designated heritage assets but fails to note that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset<sup>11</sup>. The policy also uses the likely public benefits of the proposed development as a test of acceptability which is more appropriate to the consideration of a designated heritage asset.
- 4.27 Therefore, I shall modify the policy to introduce the requirement for a balanced judgement and to delete the reference to the likely public benefits. **(PM7)** In addition, I note that the list includes oak trees noted on Appendix P13 as Map Reference 115. The list describes two locations, one near Little Westrow, and the other opposite Hillfield, off Stony Lane. The former is referenced 115 on the Policies Map Appendix P5. The latter appears to be referenced 116 on the Policies Map Appendix P5, but is not individually referenced in Appendix P13. However, the features are trees and, in my opinion, do not fall within the definition of locally important features and structures. There is a separate strand of legislation for dealing with trees worthy of protection<sup>12</sup>. However, Policy E2 seeks to protect locally important woodland features and landscape features, categories which would include the aforementioned trees. Therefore, the trees should be deleted from Appendix P13 which relates to Policy E3 and also have the numbered references removed from Policy Map P5. **(PM8)** Subject to the above modifications, HNP Policy E3 would have regard to

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<sup>11</sup> NPPF paragraph 135.

<sup>12</sup> PPG Reference ID: 36-003-20140306.

national policy and advice and generally conform with Local Plan Policy ENV4.

- 4.29 HNP Policy E4 is sub-headed "Design" and seeks to safeguard the distinctive rural character of the parish. The policy refers to Table 3 which lists various characteristics of design such as density, scale and orientation, building line and materials. The subsequent section of the Plan contains useful photographs illustrating examples of the range of buildings and design styles in Holwell. I consider that Policy E4 is a useful tool in the design process and, as stated in the supporting text of the Plan, innovation would not be stifled, thereby having regard to national policy<sup>13</sup>. The policy would also generally conform with Local Plan Policies ENV1, ENV11, and ENV12.
- 4.30 Accordingly, with the recommended modifications, I consider that the HNP policies for landscape, environment and design would have due regard to national policy, would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

## 5. Conclusions

### *Summary*

- 5.1 The Holwell Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum. I am content to leave consequential changes to the supporting text to be made at the discretion of the Parish Council and WDDC.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Holwell Neighbourhood Plan, as modified, has no policy which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the boundary of the Plan.

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<sup>13</sup> NPPF paragraph 58: bullet point 4; paragraph 60.

## Overview

- 5.4 In conducting the examination, I enjoyed reading the Plan and found it captured the character and appearance of the parish. The Basic Conditions Statement was well presented and extremely helpful. The Statement of Consultation was very thorough and showed a commendable extent of contact with the public and the Parish Council during the preparation of the Plan. The Working Group and the Parish Council are to be congratulated for their efforts in producing a comprehensive and well-illustrated document which, incorporating the modifications I have recommended, will make a positive contribution to the development plan for the area and will assist in creating sustainable development.

*Andrew Mead*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Appendices P5, P6 & P7.	Delineate the Policy Maps Appendices P6 and P7 as Insets on Appendix P5 and delete the policy details for those Insets from Appendix P5.
PM2	Appendices P5, P6, P7, P9 & P13.	Include Appendices P5, P6, P7, P9 & P13 as Policy Appendices within the Plan. Combine the other Appendices into separate supporting information.
PM3	Policy H1.	Alter the first sentence to <b>“Provision is made for up to four new build, open market houses ...”</b> .  Add to the list of sites selected for new build, open market housing: <b>“Site adjacent to Gunville House”</b> .  Delete the final sentence of the policy.
PM4	Policies EB1 a) and EB2 (second bullet point).	Add the qualification <b>“... severely ...”</b> to “... detrimental to the living conditions of residents ...”.
PM5	Policy C1.	Delete: “... well-related to an existing building...”.  Insert: <b>“... within or on the edge of the built-up area of Holwell, which includes The Borough, ...”</b> .
PM6	Policy E1.	Delete the second sentence.  Amend the third sentence by the deletion of “... adversely impact on their visual quality, or undermine or ...”.
PM7	Policy E3.	Rephrase as follows: <b>“... having regard to the contribution the asset makes to the historic and architectural character of the area balanced against the scale of any</b>

		<p><b>harm or loss taking into account the potential to avoid the harm through changes to the scheme design.”</b></p> <p>Delete the final phrase of the policy: “and the likely public benefits of the proposed development.”</p>
PM8	Appendices P5 & P13.	Delete the numbers from the trees at Map References 115 and 116 on Appendix P5. Delete the reference to the trees from Appendix P13.