

## Response Summary of the replies from Regulation 16 Consultation 27th June – 22nd August 2018 Aymestrey Neighbourhood Development Plan with the Steering Group Responses & Appendices.

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Respondee	NDP Reference	Comments	Response	S G Action
<b>1</b> Historic England	General	<p>Our earlier Regulation 14 comments therefore, remain entirely relevant. That is:</p> <p>“Historic England is supportive of both the content of the document and the vision and objectives set out in it. We are pleased to note that the Plan evidence base is well informed by reference to the Herefordshire Historic Environment Record and other relevant sources such as Natural England’s character mapping.</p> <p>The emphasis on the conservation of local distinctiveness through good design and the protection of heritage assets, archaeological remains and landscape character including green spaces and important views is to be applauded. The production of Mortimer Cross Housing Site Design Guide is also commendable and will no doubt prove an invaluable aid to the sensitive implementation of that scheme.</p> <p>In conclusion, overall the plan reads as a well-considered, concise and fit for purpose document which we consider takes a suitably proportionate approach to the historic environment of the Parish.</p> <p>Beyond those observations we have no further substantive comments to make on what Historic England considers is a good example of community led planning. <i>END of Comment</i></p>	Thank you for your comments	No action taken
<b>2</b> Natural England		<p>We are aware that in light to recent changes to the HRA process following the People Over Wind Ruling, Herefordshire Council will be reviewing the Habitat Regulations Assessment (HRA) for this Neighbourhood Plan. Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment is necessary in light of this ruling. In accordance with the Conservation of Habitats &amp; Species Regulations 2017, Natural England must be consulted on any appropriate assessments your Authority may decide to make. We welcome re-consultation on the Neighbourhood Plan and its updated HRA and will provide any substantive comments at this point. <i>END of Comment</i></p>	Thank you for your comments	No action taken. It is understood Herefordshire Council is/has re-consulted NE on the updated HRA. This has not required any revisions to the NDP. <i>END of Comment</i>

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<b>3</b> Coal Authority		No specific comments to make	Thank you for your comments	No action taken
<b>4</b> Welsh Water		We were consulted by the Parish Council as part of the Regulation 14 stage and as such have no further comment to make at this time.	Thank you for your comments	No action taken
<b>5</b> National Grid		No record of apparatus within the Neighbourhood Plan area.	Thank you for your comments	No action taken
<b>6</b> Environment Agency		In the absence of specific sites allocated within the areas of fluvial flooding, we do not offer a bespoke comment at this time.	Thank you for your comments	No action taken
<b>7</b> Highways England		There are no requirements to consult Highways England on applications where they are unlikely to have impact on the Strategic Road Net work (SRN).	Thank you for your comments	No action taken
<b><u>Herefordshire Council Responses</u></b>				
<b>8</b> Herefordshire Council – Conservation – Building Conservation.		<b>AYH 1 Mortimers Cross Housing Design Guide:</b> There maybe ways to describe the required characteristics of the development without being too prescriptive, for example looking at solid to void ratios, massing (already covered to some extent), span depth ratios, proportions and verticality of openings, response to orientation etc, The Cork Rural Design Guide has some useful information on this approach and it allows for different approaches to development – e.g. high quality contemporary contextual design. <i>END of Comment</i>	Thank you for your comments. Policy AYH1: There are numerous examples of guidance and this was carefully considered. The Cork Design Guide is not specific. That for Mortimer’s Cross is site specific and also contains a Development Brief. Development briefs are a legitimate tool and the format follows a standard adopted by the former Leominster District Council that was the previous local authority for the area. <i>END of Comment</i>	We have reviewed and considered the Cork Design Guide . <i>END of Comment</i>

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	<p><b>AYEnv 3</b> For section “C” we would query the use of “protection” as a word, there are heritage assets which cannot change without harm, yet these are rare. We would generally encourage looking at “conservation” i.e. the careful management of change. <i>END of Comment</i></p>	<p>Please refer to Appendix 2 . The aim of the policy is to alert developers to the range of heritage assets within the parish and the contribution they make to the historical integrity of Aymestrey. We are pleased to note the very supportive comments about this policy from Historic England (comment 1 above). Policy AYEnv3: Section ‘C’: HCS Policy LD4 refers to ‘protect’. The policy begins by referring to the assets being ‘conserved and enhanced’. The two buildings referred to are considered to be very important in their entirety, as reflected in their listed status. Paragraph 8.16 explains the issues related to the setting of St John/St Alkmund’s Church, and this is taken from advice issued to Herefordshire Council by Historic England. Core Strategy landscape policy LD1 refers to ‘protection’ of character in relation to ‘nationally and locally designated parks and gardens</p>	<p>No action taken</p>
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		<p>and conservation areas’. The policy covers protection from development requiring planning permission affecting these assets in the same way as it would protect other assets/considerations that do or do not have designations. Surely character(Policy LD1) can include setting where this is important. Notwithstanding this, the reference to conservation areas is not understood as there are none within the NDP area. There is no reference to ‘significance’ in HCS Policy LD1.</p> <p>The full policy does state conserve and enhance and “C” specifically refers to the 2 heritage assets stated ; Aymestrey Church and Leinthall Earls . Listing as per Historic England’s own guide uses with word protection. Please refer to Historic England’s Heritage Protection Guide. <i>END of Comment</i></p>	
	<p>For section “E” we would recommend looking at the question of the setting of registered parks and gardens. RPG’s have no statutory protection and only are a planning consideration when development is not PD. RPG’s have no statutory protected setting. As such the question of</p>	<p>Thank you for your comment. Historic England Guidance on Historic Parks and Gardens states that main purpose of</p>	<p>Reword “E” to read “Development proposals should aim to preserve Registered Parks and</p>

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	<p>setting for RPG's appears questionable. Listed buildings have a setting protected in statute, Conservation Areas do not. Also it is worth looking at the HE guidance on the setting heritage assets. In terms of planning consideration this is generally those aspects of the setting of an asset which contribute to its significance rather than the setting as a whole. <i>END of Comment</i></p>	<p>The Register is to celebrate designed landscapes of note and encourage appropriate protection. <i>END of Comment</i></p>	<p>Gardens and their settings, including the views to and from the gardens" <i>END of Comment</i></p>
	<p><b>AYEnv7a</b> We would recommend looking at the Historic England guidance on the setting of heritage assets and "Seeing History in the View" if considering heritage as the basis for the protected views. If heritage matters, rather than landscape, are a consideration it is felt that the protection of the view of the Church needs greater justification and clarification. We would recommend using the criteria in the HE GPA on the setting of the heritage assets and looking at what aspects of the setting (i.e. the way in which the asset is experienced) contribute to the significance of the asset. We would recommend also consulting our Landscape Team as advice on how the protected views are expressed (e.g. using LVIA methodology?) may be useful. <i>END of Comment</i></p>	<p>Policy AYEnv7a: Government is a signatory to the European Landscape Convention which defines landscapes as "an area, as <b>perceived by people</b>, whose character is the result of the action and interaction of natural and/or human factors". Heritage is not the only consideration and it is understood that the Convention draws together a range of other conventions covering the whole range of natural, artistic, architectural, built environment and heritage aspects. The NDP draws significantly upon Herefordshire Council's Landscape Character Assessment and this has informed all relevant policies. Herefordshire Council's Landscape Team has not commented upon this policy and hence must be content.</p>	<p>No action taken</p>

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		<i>END of Comment</i>	
9 Herefordshire Council – Air, Land & Water Protection	<b>Policy AYH1 : Housing on land at Mortimers Cross</b> No previous historic potentially contaminative uses.	Thank you for your comment	No action taken
	<b>Policy AYH5: Conversion of Rural Buildings to Residential Use</b> Some farm buildings may be used for the storage of potentially contaminative substances (oils, herbicides, pesticides) or for the maintenance and repair of vehicles and machinery. As such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development. <i>END of Comment</i>	Thank you for your comment. Issue covered by AYEnv4(d) <i>END of Comment</i>	No action taken
10 Herefordshire Council – Strategic Planning	The Plan’s policies are in general conformity, however, AYS1 the Core Strategy promotes a positive rather than restrictive approach to development. Setting a maximum number of dwellings for the site is not in conformity with this approach.	Policy AYS1/AYH1: all four settlements within the parish fall within Table 4.15 wherein appropriate development should be ‘proportionate’. None are the larger settlements (Table 4.14) which should be the ‘main focus’ for housing development. The required minimum level of proportional housing growth across the parish is very small and that left after commitments have been taken into account is smaller still. There are very limited services and facilities. There are significant	No action taken

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		<p>constraints, in particular relating to protection of the River Lugg which is failing in both phosphates and ammonia, in poor conservation status and for which a Nutrient Management Plan has been prepared. There is no public sewerage system in the parish. Many parts of the Parish are at risk of flooding. Until the adoption of Herefordshire Core Strategy, the parish has always been considered open countryside. Within this context 'limited' is considered a reasonable reflection of the contribution the parish can make to the required level of growth within the wider Housing Market Area. The reason for setting the figure of 12 dwellings is explained in para 4.3.4 within the Development Brief (Appendix 1 to the NDP) ; In 8.32 Table 1- Achieving the Housing Target 2011-2031 as set out in the Core Strategy the requirement was set at 23. It can be clearly demonstrated that through</p>	
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		<p>this NDP between 42 – 44 houses will be delivered bearing in mind this area is served by limited services and is without mains sewerage or gas supply. In context of the National Planning Policy Framework</p> <p>“In order for the neighbourhood plan to meet the criteria set out in paragraph 14b of the Framework ‘the policies and allocations’ in the plan should meet the identified housing requirement in full, whether it is derived from the standard methodology for local housing need, the housing figure in the area’s strategic policies, an indicative figure provided by the local authority or where it has exceptionally been determined by the neighbourhood planning body. For example a neighbourhood housing requirement of 50 houses could be met through 2 sites allocated 20 housing units and a policy for a windfall allowance of 10 units.”</p>	
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	<p>In addition the equivalent Core Strategy policy to AYH4, H2, does not stipulate that such sites be adjacent to or within a settlement boundary. Rural Exception sites are an exception to normal housing policy and may be permitted on land that would not normally be released for housing. They must still however, offer reasonable access to the services in the existing settlement.</p> <p>Full details are contained in Appendix 1. <i>END of Comment</i></p>	<p><i>END of Comment</i></p> <p>While affordable housing is permitted outside of settlement boundaries, it is subject to the specific exception policies in the Core Strategy, which we have acknowledged.</p> <p><i>END of Comment</i></p>	No action taken
<p><b>11</b> Herefordshire Council – Environmental Health and Trading Standards</p>	<p><b>Policy AYH3: Housing Development within Settlement Boundaries.</b> One minor amendment is to “f)” which currently states; <i>“f) it does not adversely affect the amenity of the adjacent residential properties”</i> And to amend this by adding – <i>“ and that local agricultural or commercial activity does not adversely affect the amenity of future occupants”</i> <i>END of Comment</i></p>	<p>Thank you for your comment</p>	<p>Re-word in accordance with comment.</p>
<p><b><u>Other Responses</u></b></p>			
<p><b>12</b> Gladman Developments</p>	<p><b>Policy AYS2: Development Strategy</b> The policy notes that appropriate developments within the settlement boundary will be permitted. However, Gladman submit that the policy as currently drafted lacks sufficient clarity and appropriate precision within the wording This policy is also in direct conflict with the HCS Policy RA2 which states that sustainable housing growth will be supported in or adjacent to identified settlements, including Aymestrey. We suggest increased flexibility is drafted in to the policy, supporting the additional sites adjacent to the settlement boundary should be considered as appropriate to respond to future needs. <i>END of Comment</i></p>	<p>Policy AYS2: It is considered this policy sets out clearly the strategy for development in rural areas set out in Herefordshire Core Strategy so far as it relates to Aymestrey parish. Core Strategy paragraph 4.8.23 is clear that NDPs should set settlement boundaries (or reasonable alternatives) and Herefordshire Council’s</p>	No action taken

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		<p>Guidance Note 20 indicates such boundaries should include sites allocated to meet at least the minimum outstanding required level of proportional housing growth. This NDP meets and exceeds the required level of proportional housing growth. This approach is consistent with many of the NDPs adopted within the County. The submission by Gladman Developments asserts that policy AYS2 is in conflict with Policy RA2 of the Herefordshire Council Core Strategy. Policy RA2 supports development “in <u>or</u>” adjacent to settlement boundaries, subject to a set of criteria. The NDP explains why development outside of settlement boundaries would not accord with the criteria of policy RA2 in Aymestrey’s case. RA2 emphasises that housing proposals must reflect the “size, role and function of each settlement” and that</p>	
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		<p>they should make a “positive contribution to the “surrounding environment” and “landscape setting.”</p> <p>The Aymestrey NDP complies with RA2 by describing the size, role and function of the settlements within the parish and of their surrounding environment and their landscape settings. In doing so, it clearly demonstrates that these small settlements, each of fewer than 20 houses, have a clear function in maintaining the historical integrity of the parish and its high biodiversity and landscape quality.</p> <p>Housing development outside the identified settlement boundaries would disregard these roles and functions and would not make a positive contribution to the surrounding environment and the landscape setting. It would thus be contrary to policy RA2.</p> <p>The settlement boundary for Aymestrey, for example,</p>	
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		<p>reflects the historically important and distinctive linear character of the village, which also makes a significant contribution to the setting of the Grade 1 listed church and the river valley landscape. Far from being in conflict with Policy RA2, the NDP provides useful guidance for developers as to the planning constraints within the parish, thereby assisting them to understand how policy RA2 should be applied.</p> <p>Policy RA2 does not fully reflect the National Planning Policy Framework 2018, which specifically supports small and medium sized sites “<u>within</u> existing settlements” (68 (c)). Given the size of the settlements within the parish and the proportionate level of growth set out in RA2, only small sites would be appropriate for housing development in Aymestrey. The only form of housing development the NPPF does say is appropriate adjacent to settlements is that of “entry</p>	
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		<p>level exception homes” (Paragraph 71 (b)).</p> <p>Such development must be proportionate to the size of the settlement. NPPF Footnote 33 identifies proportionate as not exceeding 5% of the size of the existing settlement and so any such development in Aymestrey would constitute a maximum of one house per settlement.</p> <p>Furthermore, the NPPF highlights the important role of settlement boundaries in determining appropriate locations for development. For example, paragraph 84 advises that local business needs may have to be met “adjacent to or beyond existing settlements” because of the constraints of rural areas and emphasises that previously developed sites and those well-related to existing settlements are preferred; Policy 118 (c) gives substantial weight to the use of brownfield land “within settlements”.</p>	
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		<p>The NDP recognises and embraces the Core Strategy policies for rural exception homes. <i>END of Comment</i></p>	
	<p><b>Policy AYEnv2: Biodiversity and Geodiversity.</b>          This policy states that all development should maintain and enhance the biodiversity of the Parish. As currently drafted, Gladman do not believe this policy fully aligns with the previous Framework. The policy fails to make a distinction and recognise that there are two separate balancing exercises which need to be undertaken for national and local designated sites and their settings. <i>END of Comment</i></p>	<p>Policy AYEnv2: The policy identifies the hierarchy of nature conservation sites including the River Lugg SSSI which flows into the Wye SAC; Other SSSIs; locally important sites and species; and other features contributing to the ecological network. In relation to the first two, the requirement to protect and enhance is referred to. Local sites and other features, such as ancient woodlands, are important to the ecological network which is identified in the NPPF as a tool for planning policy purposes. It is unclear what Gladman’s concern is in relation to this policy. Paragraph 113 referred to plan and decision making by planning authorities and not to NDPs. The Gladman response seems to have misunderstood the NPPF requirement in both</p>	<p>No action taken</p>

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		<p>2012 and 2018 versions that development should contribute to, protect and enhance the natural environment and help to improve biodiversity. The policy reflects the government’s commitment to securing net gains for biodiversity from development, expressed throughout the new Framework. Gladman’s response appears to suggest that undesignated biodiversity assets do not merit any protection and seems to be unaware of the duty of developers to contribute to improvements in biodiversity. The NDP policy and environmental survey assist developers in identifying ways in which this duty can be met. Paragraph 170 of the new NPPF requires the protection and enhancement of sites of biodiversity commensurate with their statutory status or <u>“identified quality in the development plan.”</u> The NDP is accompanied by an</p>	
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		<p>environmental survey, which demonstrates the high biodiversity quality of the parish and identifies sites, both statutory and non-statutory, of particular biodiversity interest.</p> <p>Paragraph 174 requires plans to:</p> <ul style="list-style-type: none"><li>a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and</li><li>b) Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and</li></ul>	
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		<p>pursue opportunities for securing measurable net gains for biodiversity</p> <p>Although the NDP was prepared under the 2012 version of the NPPF, it is entirely consistent with the 2018 Framework. <i>END of Comment</i></p>	
	<p><b>Policy AYEnv3: Protecting Heritage Assets.</b> As currently drafted the policy seems to apply to all Heritage assets and does not distinguish between designated and non-designated assets. With regard to criterion C – E Gladman have seen no evidence to support the protection of these views. We consider that for a view to be identified for protection there should be a demonstrated physical attribute that elevates a view’s importance out of the ordinary. <i>END of Comment</i></p>	<p>Policy AYEnv3: the differentiation is afforded through the very first sentence of the policy which refers to the ‘significance’ of the asset. Paragraphs 132 to 135 of the previous NPPF encompassed both designated and non-designated assets. Clearly non-designated heritage assets do not have the same level of protection as designated ones, which have statutory protection, and this is recognised within the policy. It is for planning applicants to demonstrate that impacts on heritage assets have been considered when applying for planning permission and for the decision maker to give</p>	<p>No action taken</p>

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		<p>weight to the protection and enhancement of those assets in accordance with the development plan, the NPPF and their statutory duties.</p> <p>The aim of the policy is to alert developers to the range of heritage assets within the parish (of which there are over 30 Env Map 4) and the contribution they make to the historical integrity of Aymestrey. We are pleased to note the very supportive comments about this policy from Historic England.</p> <p>We would also note that Historic England has drawn attention to the importance of the settings of and/or particular views to/from the two churches (Grade 1 and Grade II* listed) within the parish in comments on recent planning applications. Those comments are attached here as appendices 2 &amp; 3.</p> <p>The policies of the plan and the settlement boundaries of both Aymestrey and Leinthall Earls were drawn up through local knowledge, repeated site</p>	
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		visits and careful consideration of the rural settings of both churches and the views to and from them. <i>END of Comment</i>	
	<p><b>Policy AYEnv4: Sustainable Construction.</b>          Gladman are concerned that some of the criterion in the policy are overly prescriptive and could limit suitable sustainable development coming forward. Gladman suggest more flexibility is provided in the policy wording to ensure high quality residential developments are not compromised by overly restrictive criteria.          Gladman note that criterion A-G, H &amp; I are duplicated from policy SD1 of the HCS. We suggest this element of the policy is best deleted.  <i>END of Comment</i></p>	<p>The policy is entirely in accordance with Policy SD1 and was included in the NDP because of the particular environmental sensitivity of the parish and the extensive areas of land within flood risk zones. The criteria are all reasonable and the benefit of this policy is that they are drawn together to show that development needs to be undertaken in an integrated way at the start of the design process and not piecemeal. Should development not comply with this policy then it could not be considered 'sustainable' or 'of high quality'.  <i>END of Comment</i></p>	No action taken
	<p><b>Policy AYEnv7a: Protection of Views and Vistas.</b>          This policy seeks to protect the identified views from the adverse effects of development upon their character and appearance. In line with this we submit that new development can often be located in areas without eroding the views considered to be important to the local community and</p>	<p>The views and vistas are those specifically identified by residents in responses to the NDP questionnaire and consultations and have thus</p>	No action taken

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	<p>can be appropriately designed to take into consideration the wider landscape features of a surrounding area to provide new vistas and views. In addition, as set out in case law, to be valued, a view would need to have some form of physical attribute. This policy must allow a decision maker to come to view as to whether particular locations contains physical attributes that would “take it out of the ordinary” rather than selecting views which may not have any landscape significance and are based solely on community support. In its current draft the policy lacks the robust evidence required to demonstrate why these views are considered special and would likely lead to inconsistencies in the decision making process.</p> <p><i>END of Comment</i></p>	<p>been demonstrated to be valued by the local community. Policy AEnv7a: Should a development ‘not erode views’ then it would comply with the policy. The Parish Council is the decision maker in relation to the NDP. It has not chosen an excessive number of views only those that the community considers important. Photographs are provided that present the physical attributes of the views as this is a better way than expressing the characteristics in words. Government is a signatory to the European Landscape Convention that defines landscapes as “an area, as <b>perceived by people</b>, whose character is the result of the action and interaction of natural and/or human factors”. The NDP draws significantly upon Herefordshire Council’s Landscape Character Assessment and this has informed all relevant policies.</p>	
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		<p>The NDP has made clear that the landscape of the parish is out of the ordinary. It was identified for inclusion within the Shropshire Hills Area of Outstanding Natural Beauty (AONB) in 1950 and was left out only due to cross-county boundary problems when the AONB was designated. The NDP identifies the characteristics of the landscape that elevate it above the ordinary. (Stroud District Council v SSCLG [2015] EWHC 488 (Admin)). It has analysed the landscape against the criteria set out in box 5.1 of the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) - landscape quality (condition), scenic quality, rarity, representativeness, conservation interests, recreational value, perceptual aspects and associations. It finds that the landscape meets all of the Box 5.1 criteria, although recent appeal decisions have made clear that Box 5.1 is a starting</p>	
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		point: a landscape does not have to comply with all of the criteria in order to be deemed “valued.” <i>END of Comment</i>	
	<p><b>Policy AYH2: Settlement Boundaries</b>          This policy reads almost as a duplicate of policy AYS2 and we suggest revisiting both policies and incorporating one policy within the other. Use of a settlement boundary to preclude otherwise sustainable development from coming forward does not accord with the positive approach to growth required. <i>END of Comment</i></p>	<p>Please refer to comments in respect of AYS2. We disagree that this is a duplication. The policy sets out the principles for housing development within the parish and it is not prescriptive. Policy AYH2: Policy AYS2 sets out the development strategy. It includes the approach to the range of developments that might take place in the open countryside. Policy AYH2 is specific to the settlements including the approach to settlement boundaries. <i>END of Comment</i></p>	No action taken
	<p><b>Policy AYH3: Housing Development within Settlement Boundaries.</b>          This policy reads as a summary of policies already contained within the ANP and their relation to proposed housing developments. Some of the criterion in the policy are overly prescriptive and could limit suitable sustainable development coming forwards. <i>END of Comment</i></p>	<p>It is not agreed that the policy is overly prescriptive. It offers clear guidance as to the type and form of development appropriate to the respective settlements and offers a wide range of materials and finishes that may be used. The policy offers the “high degree of predictability and efficiency”</p>	No action taken

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		<p>for developers required by NPPF 2012. Policy AYH3: There may be some limited duplication although the intention is to ensure all relevant considerations are covered. The criteria do not go beyond considerations that have not been used elsewhere or conflict with the NPPF. The NDP as a whole accords with NPPF 2018 paragraph 125, setting out “a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable.”</p> <p>The design policies were developed with local communities to “reflect local aspirations”, and are “grounded in an understanding and evaluation of (the) area’s defining characteristics.”</p> <p>The NDP meets its “important role in identifying the special qualities of each area and explaining how this should be reflected</p>	
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		<p>in development.”</p> <p>The policies within the NDP as a whole set out a clear and positive vision for the future of the parish and provide a practical framework within which decisions on planning applications should be made.</p> <p><i>END of Comment</i></p>	
<i>Appendix 1</i>			
<b>Neighbourhood Development Plan – Core Strategy Conformity Assessment</b>			
<b><u>Draft Neighbourhood Plan Policy</u></b>	<b><u>Equivalent CS policy(ies) (if appropriate)</u></b>	<b><u>In general conformity (Y/N)</u></b>	<b><u>Comments</u></b>
AYS1 – Promoting Sustainable Development	<u>SS1</u>	Y/N	<p>Minor suggestion : “Limited” replaced with “New” to read “New housing will be accommodated within the capacity of the local environment, village character and highway network”</p> <p>The Core Strategy promotes a positive approach to growth. Whilst it is true that the above factors will determine the</p>

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			<p>appropriate level of growth, use of the word limited here implies a restrictive approach, as though a defined cap would be placed on development. This would not therefore, be considered to be in complete conformity with the overall objectives and approach taken by the Core Strategy or the NPPF.  <i>END of Comment</i></p>
			<p><u>Steering Group Response</u>      The reason the word “limited” is used within this context because only a small number of houses are being considered within this NDP as a large number would be disproportionate in context to our settlements within the parish as our settlements fall within Table 1 Category .      Furthermore “limited”</p>

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			has been used is as follows; In 8.32 Table 1- Achieving the Housing Target 2011-2031 as set out in the Core Strategy the requirement was set at 23. It can be clearly demonstrated that between 42 – 44 houses will be delivered in an area served by limited services and without mains sewerage and gas supply. <i>END of Comment</i>
<b><u>AYS2 – Development Strategy</u></b>	<b>SS2; RA2; RA3; RA4; RA5</b>	<b>Y</b>	
<b><u>AYEnv1 – Landscape</u></b>	<b>SS6; LD1 – LD4</b>	<b>Y</b>	
<b><u>AYEnv2- Biodiversity and Geodiversity</u></b>	<b>SS6; LD2</b>	<b>Y</b>	Point G Supporting AONB designation would not generally be considered within the remit or scope of a Neighbourhood Development Plan <i>END of Comment</i>
			<b><u>Steering Group Response</u></b> Policy AYEnv2: The main thrust of this provision (g) in the policy is the protection and enhancement of the

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		<p>landscape, habitats and species. Government has begun work on assessing whether new AONBs might be designated. It is understood to be Herefordshire Council's policy to support this. There is every reason for including this reference within the context of the policy requirement to set a standard</p> <p>The NDP has made clear that the landscape of the parish is out of the ordinary. It was identified for inclusion within the Shropshire Hills Area of Outstanding Natural Beauty (AONB) in 1950 and was left out only due to cross-county boundary problems when the AONB was designated.</p> <p>The NDP identifies the characteristics of the landscape that elevate it above the ordinary. (Stroud District Council v SSCLG [2015] EWHC 488</p>
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			(Admin)). It has analysed the landscape against the criteria set out in box 5.1 of the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) - <i>END of Comment</i>
<b><u>AYEnv3 – Protecting Heritage Assets</u></b>	<b>SS6; LD4</b>	<b>Y</b>	
<b><u>AYEnv4 – Sustainable Construction</u></b>	<b>SS1; SS6; SD1</b>	<b>Y</b>	This policy adds little to the equivalent Core Strategy Policy SD1 and largely repeats it. NDP policies are more effective acting as a localised supplement to those in the CS. If they echo the same criteria, their inclusion is not strictly necessary as the issues are already covered by existing policy. <i>END of Comment</i>
			<b><u>Steering Group Response</u></b> The policy is entirely in accordance with Policy SD1 and was included in

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			<p>the NDP because of the particular environmental sensitivity of the parish and the extensive areas of land within flood risk zones Policy AYEnv4: The local community supports measures to increase sustainability and the inclusion of this policy reflects that concern. HCS contains policies that duplicate the NPPF (e.g. Policy RA3) and these have been accepted by the Core Strategy Examination Inspector. The policy draws together all relevant factors at a building, site and wider level to indicate how development should be designed in a fully integrated way at the start of the design process.  <i>END of Comment</i></p>
<p><u>AYEnv5 Addressing Climate Change</u></p>	<p>SS7; SD1; SD2</p>	<p>Y</p>	

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<u>AYEnv6 – Waste Water Treatment</u>	SS6 ; SD4	Y	In the first instance, new developments should seek to connect to the mains sewerage network
			<u>SG Response</u> There is no main sewerage network within the parish
<u>AYEnv7 – Protection of Local Green Spaces</u>	SS6; OS3; LD3	Y	
<u>AYEnv7a – Protection of Views and Vistas</u>	SS6; LD1	Y	
<u>AYEnv8 – Protection from Flood Risk</u>	SS6; SD3	Y	
<u>AYT1 – Traffic Measures</u>	SS4; MT1	Y	
<u>AYT2 – Highway Design Requirements</u>	SS4; MT1	Y	
<u>AYJE1 – Re-use of Employment Land at Mortimers Cross</u>	SS5; E2	Y	
<u>AYJE2 – Business, Farming and Employment</u>	SS5; RA5; RA6; E1	Y	
<u>AYJE3- Tourism Development</u>	SS5; RA6; E4	Y	
<u>AYJE4 – Working from Home</u>	SS5; E3	Y	
<u>AYH1 – Housing on land at Mortimers Cross</u>	SS2; RA2; LD1- LD4; SD1- SD4	N	As previously mentioned in my comments to AYS1, the Core Strategy promotes a positive rather than restrictive

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			<p>approach to development. Setting a maximum number of dwellings for the site is not in conformity with this approach.</p> <p>A suggestion would be to allocate a minimum or “around” number of dwellings.</p> <p><i>END of Comment</i></p>
			<p><u>SG Response</u></p> <p>The MHCLG has just updated its guidance on NDPs and it does confirm that we are entitled to allocate a specific number of houses on a particular site - see excerpt below. In context of the National Planning Policy Framework</p> <p>“In order for the neighbourhood plan to meet the criteria set out in paragraph 14b of the Framework ‘the policies and allocations’ in the plan should meet the identified housing</p>

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			<p>requirement in full, whether it is derived from the standard methodology for local housing need, the housing figure in the area's strategic policies, an indicative figure provided by the local authority or where it has exceptionally been determined by the neighbourhood planning body. For example a neighbourhood housing requirement of 50 houses could be met through 2 sites allocated 20 housing units and a policy for a windfall allowance of 10 units. The reason the limit was set is as follows: in 8.32 "Table 1- Achieving the Housing Target 2011-2031" as set out in the Core Strategy the requirement was set at 23 houses. It can be clearly demonstrated that between 42 – 44</p>
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			houses will be delivered. Surely doubling our requirement can be construed as a positive approach in an area served by limited services and without mains sewerage and gas supply. Furthermore, the neighbouring properties to the north all use bore holes and given the sensitivity of the area. The above factors lead us to set a maximum. <i>END of Comment</i>
<b><u>AYH2- Settlement Boundaries</u></b>	<b>SS2; RA2</b>	<b>Y</b>	
<b><u>AYH3- Housing Development within Settlement Boundaries</u></b>	<b>SS2; RA2; LD1 – LD4; SD1 – SD4</b>	<b>Y</b>	
<b><u>AYH4 – Exceptional Sites for Affordable Housing</u></b>	<b>SS2; H2</b>	<b>N</b>	The equivalent Core Strategy policy H2, does not stipulate that such sites be adjacent to or within settlement boundary. Rural Exception sites are an exception to normal housing policy and may be permitted on land

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		<p>that would not normally be released for housing. They must still however, offer reasonable access to the services in the existing settlement.  <i>END of Comment</i></p>
		<p><u>Steering Group Response</u>          Policy AYH4: It is accepted that sites would not normally come forward for affordable housing within settlements, although given then provisions of policy AYH2, sites adjacent to the settlement would not receive planning permission unless they met the reasons for exceptions in HCS Policy RA3. Given that there are no pavements away from or even in settlements, peripheral locations are the most appropriate areas. This is why they should 'normally' be sought.          Planning appeal</p>

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			decisions also confirm that we are entitled to restrict development to within the settlement boundary. While affordable housing is permitted outside of settlement boundaries, it is subject to the specific exception policies in the Core Strategy, which we have acknowledged. <i>END of Comment</i>
<u>AYH5 – Conversion of Rural Buildings to Residential Use</u>	<u>SS2; RA3; RA5</u>	Y	
<u>AYH6 – Affordable and Intermediate Homes</u>	<u>SS2; H1; H3</u>	Y	
<b>End of the-</b> <b>Neighbourhood Development Plan – Core Strategy Conformity Assessment</b> <i>Appendix 2</i>			

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WEST MIDLANDS OFFICE

Mr Mark Tansley  
Herefordshire Council  
PO Box 230, Blueschool House  
Blueschool Street  
Hereford  
Herefordshire  
HR1 2ZB

Direct Dial: 0121 625 6846

Our ref: P00570594

5 May 2017

Dear Mr Tansley

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND ADJACENT TO VILLAGE HALL, AYMESTREY, LEOMINSTER  
Application No. 153330**

Thank you for your letter of 19 April 2017 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

**Historic England Advice**

The Church of St John the Baptist and St Alkmund in Aymestrey is listed Grade I and sits in the flat land of the Lugg valley. The majestic square stone tower of the church is a focal point in views up the valley on leaving Mortimer's Cross. The valley provides the setting in which the church is experienced and one which bears evidence an ancient history of strategic occupation from the Scheduled hillforts of Pyon Wood and Croft Ambrey to the undesignated route of the Roman Road to Leintwardine, the Scheduled remains of medieval motte and bailey castles, the undesignated site of the Battle of Mortimer's Cross and medieval and post medieval Listed Buildings. The setting of the church is therefore extensive, attractive and characterised by designated and undesignated heritage which contributes to the significance of the church.

Historic England's publication Historic Environment Good Practice in Planning: The Setting of Heritage Assets provides guidance on the assessment of setting and its contribution to the significance of designated and undesignated heritage assets. On the basis of this guidance, it is our view that the proposed development lies within the setting of the church as described above and will necessarily impact upon it. Paragraph 128 of the NPPF requires applicants to describe the significance of any heritage assets affected by their proposals including any contribution made by their setting. The application makes no reference to any heritage assets or their setting. Historic England does not therefore consider that the application addresses the requirements of paragraph 128 of the NPPF. In our view it does not provide the local



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Historic England is subject to the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.

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WEST MIDLANDS OFFICE

planning authority with the information needed to assess whether the proposal results in change that constitutes harm to heritage assets. It does not therefore allow for proper consideration of the proposals against the requirements of subsequent paragraphs of the NPPF dealing with the balance to be drawn between harm and public benefits.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds for the reasons set out above. We would urge the Council to satisfy itself that the requirements of paragraph 128 of the NPPF are met and that, in making a decision, it is in a position to balance public benefit against any impact on the significance of heritage assets.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Yours sincerely

**Sarah Lewis**  
Inspector of Historic Buildings and Areas  
E-mail: sarah.lewis@HistoricEngland.org.uk

cc: Matthew Knight, Principal Conservation Officer, Herefordshire Council



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<i>Appendix 3</i>			

# Response Summary of the replies from Regulation 16 Consultation 27th June – 22nd August 2018 Aymestrey Neighbourhood Development Plan with the Steering Group Responses & Appendices.



WEST MIDLANDS OFFICE

Mr A Prior  
Herefordshire Council  
PO Box 230 Blueschool House  
Blueschool Street  
Hereford  
Herefordshire  
HR1 2ZB

Direct Dial: 0121 625 6846

Our ref: P00459151

19 May 2015

Dear Mr Prior

**Arrangements for Handling Heritage Applications Direction 2015 & T&CP (Development Management Procedure) (England) Order 2015  
COURT FARM HOUSE, THE WYLDE, LEINTHALL EARLS, HR6 9TU  
Application No 151263**

Thank you for your letter of 15 May 2015 notifying us of the application for planning permission relating to the above site. We do not wish to comment in detail, but offer the following general observations.

#### Historic England Advice

Residential conversion of these buildings, and the resulting changes to the land around them, will cause some harm to the setting of the grade II\* listed church. Your Council should only grant this permission if it is satisfied that there is no realistic alternative of a more beneficial non-residential use.

If permission is granted, it should be subject to conditions requiring your Council's prior approval of all external details, materials and finishes.

#### Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.



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	<u>END OF REPORT</u>		