

## Latham, James

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**From:** Turner, Andrew  
**Sent:** 06 September 2019 11:05  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Holmer & Shelwick Regulation 16 submission neighbourhood development plan consultation

### RE: Holmer and Shelwick Regulation 16 draft Neighbourhood Development Plan

Dear Neighbourhood Planning Team,

I refer to the above and would make the following comments with regard to the above proposed development plan.

Please note; It is my understanding that the *'existing commitment sites (houses completed, houses under construction and planning permission for new homes)'* referred to as *'Housing Commitment'* sites and highlighted in light blue in figures 7 and 9 in the *'Holmer and Shelwick Regulation 16 draft Neighbourhood Development Plan'* have been granted planning permission. Therefore on this basis I have not commented on the "Housing Commitment" sites on the understanding these sites have been subjected to comments during the planning process.

It is also my understanding that you do not require comment on Core Strategy proposals as part of this consultation or comment on sites which are awaiting or have already been granted planning approval.

- Given that no other specific sites have been identified in the plan I am unable to provide comment with regard to potential contamination.

### General comments:

Developments such as hospitals, homes and schools may be considered 'sensitive' and as such consideration should be given to risk from contamination notwithstanding any comments. Please note that the above does not constitute a detailed investigation or desk study to consider risk from contamination. Should any information about the former uses of the proposed development areas be available I would recommend they be submitted for consideration as they may change the comments provided.

It should be recognised that contamination is a material planning consideration and is referred to within the NPPF. I would recommend applicants and those involved in the parish plan refer to the pertinent parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development.

Finally it is also worth bearing in mind that the NPPF makes clear that the developer and/or landowner is responsible for securing safe development where a site is affected by contamination.

These comments are provided on the basis that any other developments would be subject to application through the normal planning process.

Kind regards

Andrew

## Latham, James

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**From:** Andre Botha <andre@albrightdene.co.uk>  
**Sent:** 23 September 2019 16:53  
**To:** Neighbourhood Planning Team  
**Subject:** Regulation 16 consultation: Holmer & Shelwick Parish Council Neighbourhood Development Plan  
**Attachments:** image001.jpg; Regulation 16 representations Holmer Court HR1 1LJ.pdf

Dear Sir/Madam

Please find attached representations on behalf of Ashberry Healthcare Ltd in respect of the proposed designation of Land behind the Holmer Court Residential Care Home as Local Green Space.

Our client has only recently been made aware of the proposed designation of the land and objects to the proposed designation.

Ashberry Healthcare has always recognised the development potential of the site for expansion of the Residential Care Home and facilities and are understandably dismayed by the prospects of having to meet policies designed to protect the openness of Green Belt land.

We consider that the site may be developed without impacting on significant trees and dense growth along and outside the boundaries of the site. The neglected area and trees surrounding the pond would benefit from ecological rehabilitation and this space could become part of public amenity space. Development proposals have not been prepared yet, but our client is attending to this aspect.

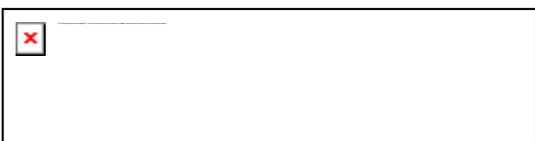
We hope to soon be in a position to provide more information regarding such development.

We trust that you will consider these representations and duly bring same to the attention of the Inspector entrusted with the examination of the plan.

Would you please be kind enough to acknowledge receipt of this email at your earliest convenience.

Kindest regards

André Botha  
Albright Dene



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Neighbourhood Planning Team  
Planning Services  
Herefordshire Council  
PO Box 4  
Hereford  
HR1 2ZB  
(per email: [neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk))

20 September 2019

Dear Sir/Madam

**Regulation 16 consultation: Holmer & Shelwick Parish Council Neighbourhood Development Plan**

**Objection to Policy HS8 – Protecting Local Green Spaces (Proposed Area 9)  
*Designation of Land behind Holmer Court Residential Care Home as Local Green Space*  
Holmer Court, Attwood Lane, Holmer, Hereford HR1 1LJ**

We act as agent for Ashberry Healthcare Ltd, operator of the Holmer Court Residential Care Home where they provide specialist residential care for elderly residents suffering from mental infirmity. The current facilities include 33 en-suite rooms with a generous enclosed garden with large lawn as an important amenity space for the residents.

Ashberry Healthcare intend to ensure the economic viability of the Care Home and further improve the quality of services by upgrading and expanding the facilities.

The proposed designation in the emergent Neighbourhood Development Plan of much of the site as Local Green Space, will frustrate the expansion of the facilities and may jeopardize the future of the site as residential care home for the elderly.

Our client strongly objects to the proposed designation of the land as described and included in area 9 in the emergent plan.

The site is some 6,744 sq.m in extent. It can be roughly divided into three distinct sections – the Care Home with its garden and lawn area at the western end, the open grass area in the middle, and the densely overgrown area surrounding the pond at the eastern end (See Figure 1 and Plates 1-7).

The north, east and south boundaries of the site are defined by mature trees and dense undergrowth. The area surrounding the pond contains significant mature trees and is densely overgrown by ivy, brambles and brush. Much of the dense vegetation along the southern boundary grows outside of the boundary (See Figure 2 and Plates 1-7).

It is recognised that the trees and vegetation along the boundaries help to frame the public open and green space provided for recent residential development surrounding the site to the north, south east and south.

The site nonetheless clearly provides ample enclosed space for the provision of additional facilities whilst retaining generous gardens. It also presents unique opportunities to rehabilitate and retain the area surrounding the pond as an ecological feature and/or green space.

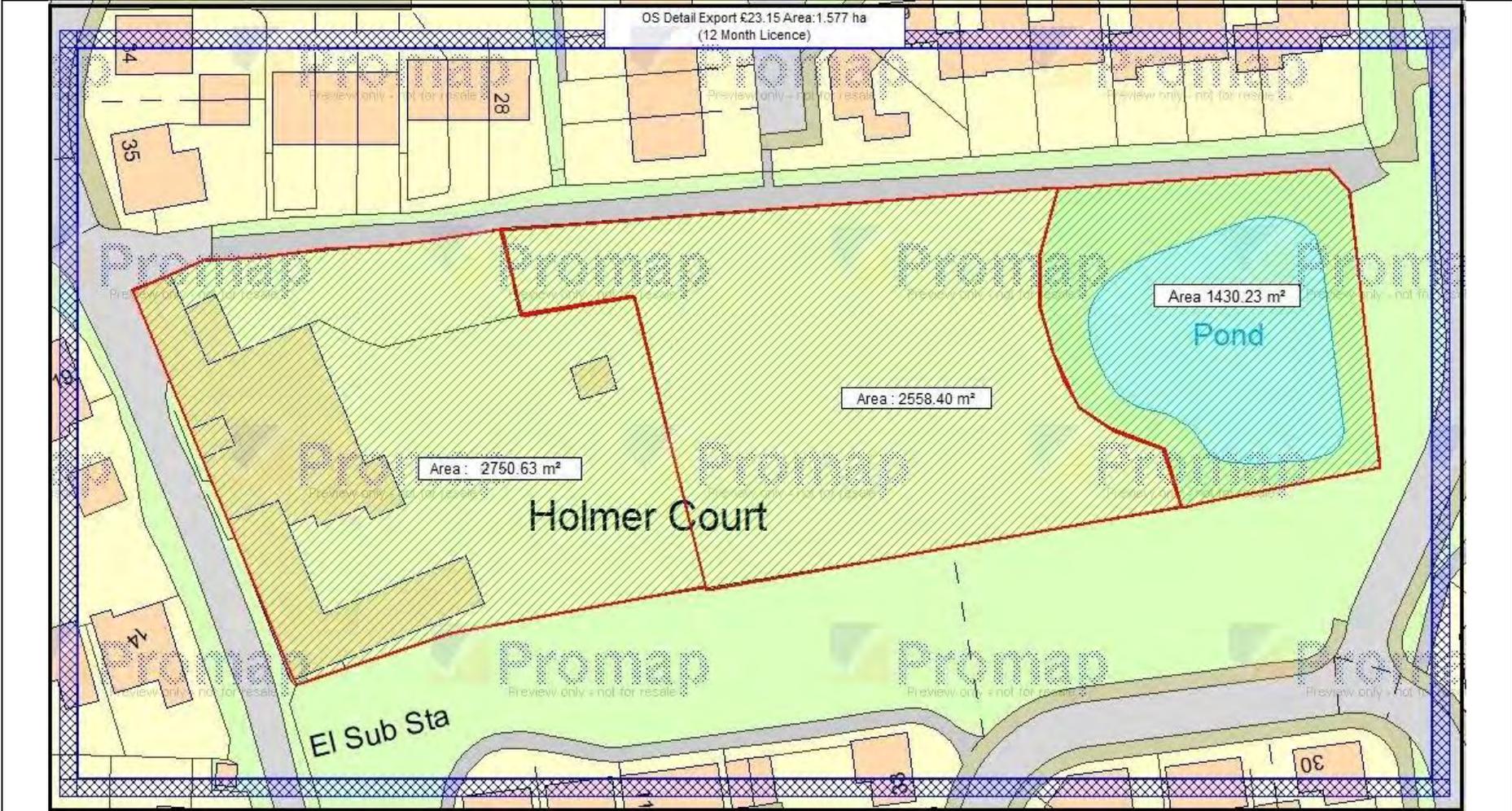


Figure 1. Promap OS map - Indicative site areas

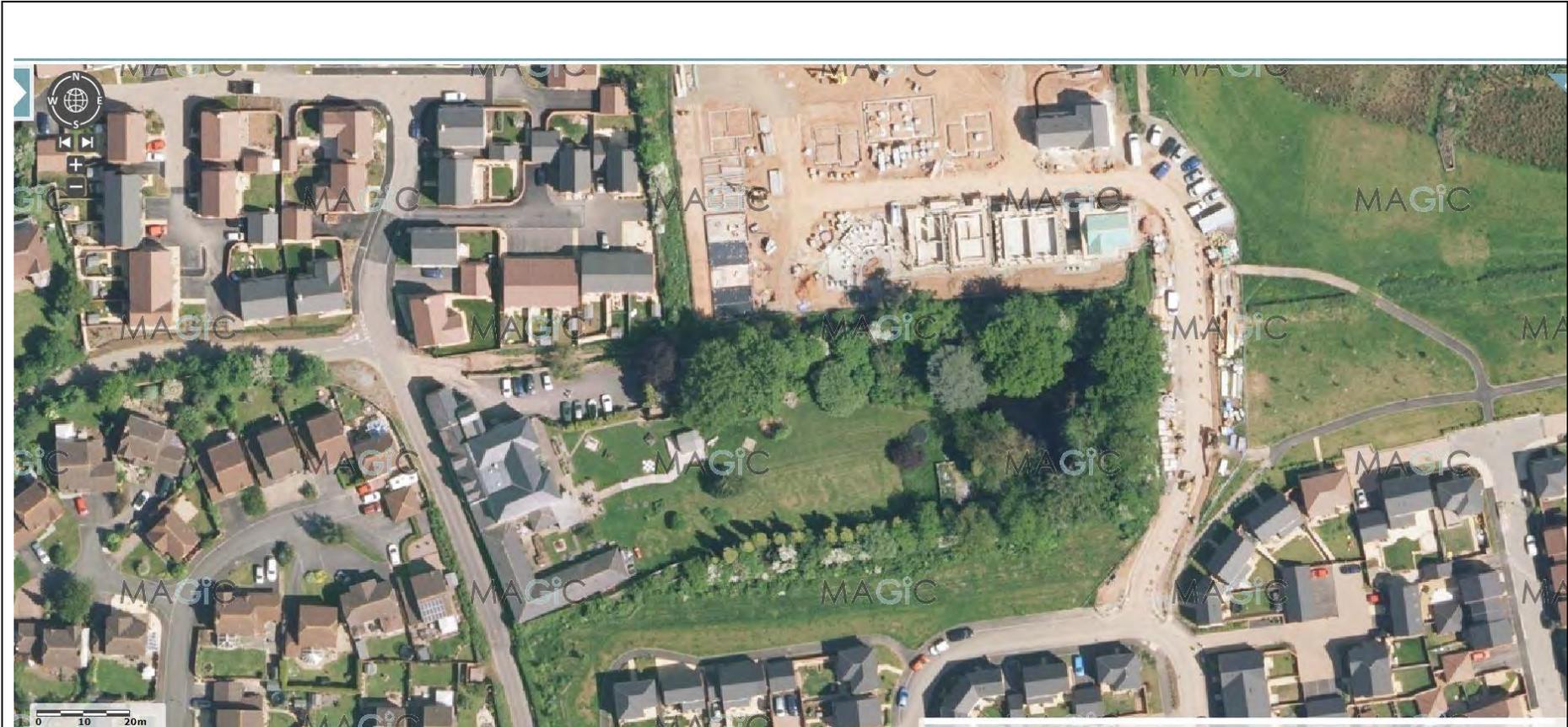
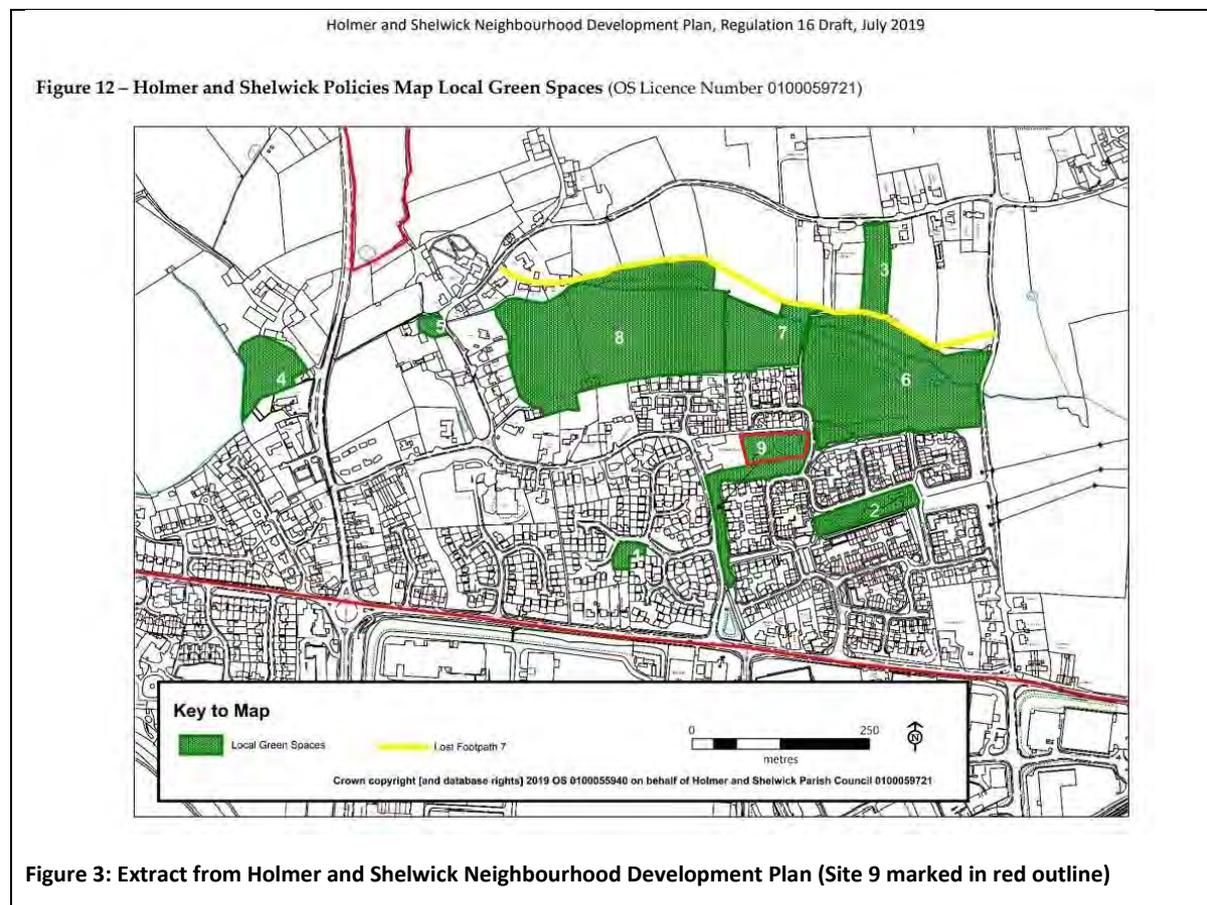


Figure 2: Aerial Photo – Magic Maps

## Policy HS8 – Protecting Local Green Spaces

Policy HS8 states that the Local Green Spaces designated and shown on the Policies Map will be protected in that development of the designated spaces will only be permitted when in accordance with national policy for Green Belts (See Figure 3).



The proposed area 9 is described as:

*'Dense woodland behind Holmer Court Residential Home and adjacent to a public footpath at Holmer.'*

It is immediately apparent that the proposed designated land will include the open grass field enclosed by trees and vegetation. This open field does not comprise 'dense woodland' (See photographs per attached collage).

The justification for the inclusion of this land states that:

*'This is an old established very dense woodland with broadleaf and coniferous trees, the only such woodland left in the area. It provides an area of beauty and interest Is (sic) of significant importance to residents to the northern and west area of The Furlongs estate.'*

The area surrounding the pond is neglected and densely overgrown by brush, ivy and brambles. The real potential beauty and interest of this area is currently incapable of being appreciated by residents. It is a mass of vegetation with no views of the pond.

The significant trees and dense boundaries can be protected without designating the site as Local Green Space.

The NPPF per paragraph 99 states that the designation of land as Local Green Space should be consistent with the local planning of sustainable development and should complement investment in sufficient homes, jobs and other essential services.

The proposed designation would frustrate sustainable development requiring the provision of additional care facilities for the elderly. There can be little doubt that the need for such facilities will continue to grow exponentially as the population ages. It makes perfect sense to expand an existing operation and facilities, and this site represents the perfect location for such provision.

Government guidance on the preparation of neighbourhood plans or orders states that landowners should, as necessary and appropriate, be involved in preparing a draft neighbourhood plan or order (Paragraph: 048 Reference ID: 41-048-20140306).

There has been inadequate consultation with Ashberry Healthcare Ltd regarding the proposed designation of the land as Local Green Space.

Green Belt policy essentially protects the openness of land. This contribution of this site to the designated green space and public open space lies not in its openness. It is the mature trees and verdant boundaries of the site that demarcate and provide a focal point for the public open space surrounding the residential developments.

It is considered that the contribution that the site makes to the local amenity space can be recognised and safeguarded without designation of the whole of the site as Local Green Space.

Our client would therefore request the opportunity to provide more information on the arboricultural, ecological and development potential of the site and would appreciate further consultation on the proposed designation of the site.

Yours faithfully

*André Botha*  
(LLB. MSc)  
Albright Dene Planning  
[andre@albrightdene.co.uk](mailto:andre@albrightdene.co.uk)

Photographs of site taken 20 September 2019



Plate 1: View across grass field towards pond area



Plate 2: Undergrowth approaching pond area



Plate 3: Pond



Plate 4: Trees along northern boundary



Plate 5: Pond area from the east



Plate 6: Pond area from the south



Plate 7: Trees along boundary from the south



The Coal  
Authority



200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Neighbourhood Planning  
Herefordshire Council

**[By Email: [neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk) ]**

27 August 2019

Dear Neighbourhood Planning

**(2) Holmer & Shelwick Neighbourhood Development Plan**

Thank you for consulting The Coal Authority on the above.

Having reviewed your document, I confirm that we have no specific comments to make on it.

Should you have any future enquiries please contact a member of Planning and Local Authority Liaison at The Coal Authority using the contact details above.

Yours sincerely

**Christopher Telford BSc(Hons) DipTP MRTPI**  
**Principal Development Manager**

Herefordshire Council  
Via e-mail

Our Ref: Holmer House Farm - 5057  
Your ref:  
Please ask for: Russell Pryce  
Direct Line: 01981 242928  
Mobile: 07931 808200  
E-mail: russell@collinsdb.co.uk

23<sup>rd</sup> September 2019

Dear Sir/Madam

## **Holmer and Shelwick Neighbourhood Development Plan Regulation 16 Consultation - Objection**

I write to object to the Regulation 16 Consultation Draft NDP dated July 2019, on behalf of the landowners of Holmer House Farm, Holmer, Hereford, HR4 9RG.

The objections concern the following:

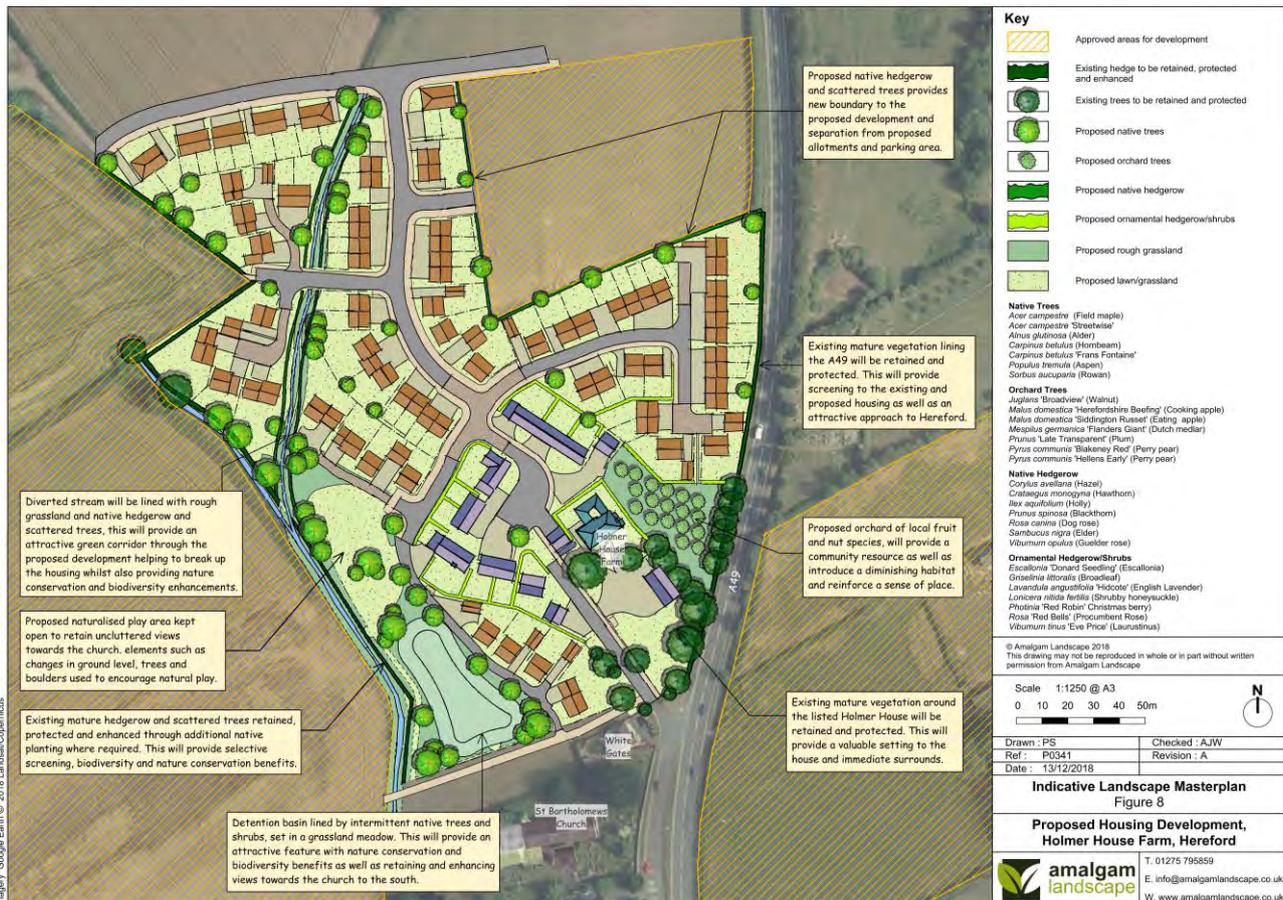
- 1) The exclusion of our client's farm and adjoining land from the proposed Holmer NDP settlement boundary
- 2) The designation of part of our client's land as Local Green Space

### **Objection 1: NDP Policy HS2 – New Housing Development in Holmer**

Planning and listed building applications (references 18/4662/F and 18/4699/L) have been submitted for the following:

*Proposed demolition of modern agricultural buildings and replacement with a development of up to 100 market and affordable dwellings including the conversion of traditional barns into four dwellings, conversion and replacement extension of Holmer House to create seven apartments and associated sustainable drainage works, de-culverting of Ayles Brook, roads, footpaths, cycleways, public open space and landscaping.*

On the following page is the location plan and landscape masterplan from these applications. Delegated approval for these applications has been agreed subject to completion of the Section 106 Agreement. The key terms of the Section 106 Agreement have also been agreed and it is anticipated the final Agreement will be sent out for signature over the week. Planning and listed building consent will therefore be in place for development within the red line area within the next few weeks.



The first draft NDP prepared in Spring 2018 included all of the permitted Bloor Homes development and the land that forms part of the current applications within the proposed settlement boundary for Holmer. I then presented our draft plans to the PC in July 2018

highlighting to the PC that the draft NDP was supportive of the principle of our development.

Following my presentation, the PC chose to amend the Holmer settlement boundary to exclude part of Bloor planning permission and my client's land. No clear reasoning or explanation has been provided as to why the settlement boundary has been changed other than to stop our development.

Since the Regulation 14 stage, the settlement boundary has been partly enlarged to encompass the part of the Bloor planning permission land area that also forms the northern third of our clients planning application site area, which is welcomed. However, this change results in an even more isolated parcel of land that will be surrounded by housing development and there are no land use planning reasons why the remaining land forming part of the current applications should be excluded.

### **Core Strategy Strategic Growth Areas**

Clear evidence exists that the land subject of our current planning applications forms part of the strategic urban extension known as Holmer West and defined within Core Strategy Policy HD4 - Northern Urban Expansion (Holmer West).

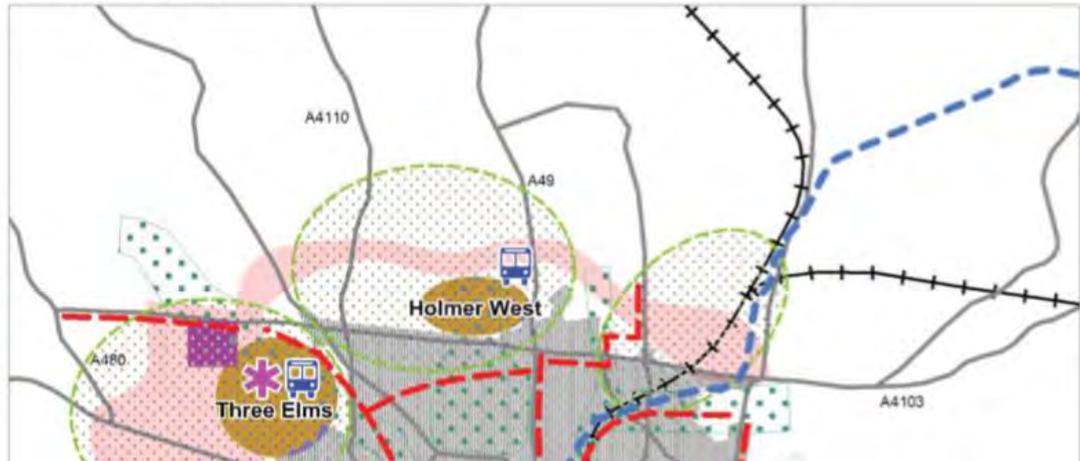
Holmer West forms one of the city's three strategic urban expansion areas. In describing the location and land subject of this allocation, Paragraph 4.4.48 of the CS states

*'A location to the north of the city has been identified as a strategic urban expansion area. This area is broadly located north of the A4103 and west of the A49 extending westwards towards the A4110 comprising predominantly of agricultural land'.*

This is supported by Figure 4.2 of the CS (extract on the following page) which clearly shows Holmer West extending from the A49 encompassing this application site around to Roman Road and all of the Bloor Homes development.

# Core Strategy 2011-2031

Figure 4.2: Hereford Key Diagram



Extract of Figure 4.2, adopted Core Strategy.

Holmer West has a residential focus, which paragraph 4.2.50 explains shall include a **minimum** of 500 new market and affordable homes.

The word 'minimum' was introduced by the local plan Inspector in her final report on the Core Strategy to ensure Hereford's urban extension's deliver the greater proportion of housing in the city.

The supporting policy text makes further references to technical issues to be taken into account that primarily concern our client's land such as mitigating flood risk associated with Ayles Brook and safeguarding the setting of the heritage assets - Holmer House Farm and St Bartholomew's Church.

The principle of developing our client's site for housing is fully supported by the strategic growth policies of the CS. Policy HD4 is consistent with the NPPF and therefore can be attributed full weight in the assessment of the NDP.

Our application site clearly therefore forms the residual part of strategic urban extension HD4 and this policy sets a **minimum** requirement for 500 homes to be delivered through this policy. This urban extension minimum housing need must be incorporated with the NDP. The Council planning department have also confirmed in their support for our applications that they consider the site to form part of the Holmer West Core Strategy allocation.

The Planning Committee report supporting Bloor Holmer West outline application also acknowledged that the allocation area offered capacity for a future phase of development, (paragraph 6.13 of the committee report).

Paragraph 3.6 of the NDP (included in full below) also highlights the importance of the NDP aligning with adopted CS policies and associated housing growth areas, which the current draft clearly does not.

*One final point to bear in mind is that our neighbourhood development plan must take account of national planning policy set by Government; and strategic planning policy set by Herefordshire Council. The latter, as we show in the next chapter, is extremely important in terms of planning for future housing. Herefordshire Council is in the process of creating a Hereford Area Plan (HAP) which will add additional planning policies to support the Core Strategy. The emerging HAP area includes all of Holmer and Shelwick parish. The HAP draft plan has not yet been published. Representatives from the Parish Council and NDP Steering Group have attended the HAP Reference Group Meeting. In attending the Reference Group and liaising with Herefordshire Council the intention has been to align the NDP and the HAP as closely as possible. (NDP - Para 3.6)*

## **Technical planning assessment of our client's land**

Holmer already has distinctly more urban characteristics than Munstone and Shelwick. Consequently, it has capacity to accommodate additional housing without compromising the character or scale of this part of the Parish. Moreover, our clients land is entirely enclosed by existing or permitted development comprising a mixture of housing, community facilities (Holmer Church), new road and parking infrastructure. Draft NDP policy HS2 states that development outside of the settlement boundary will be considered 'open countryside'. Once the Bloor development is constructed, neither in simple land use planning terms or alternatively, applying the literal meaning of the term open countryside could our site be interpreted as 'open countryside'.

Furthermore, around a quarter of our site is brownfield land, with the house and its curtilage also falling within the NPPF definition of 'previously developed land'. CS policy SS2 states that the development of such sites should be encouraged, which is echoed in the NPPF. It is surprising the NDP is not similarly encouraging of development on brownfield land.

The current applications have also demonstrated that all other technical issues have been addressed. For example, through the reinstatement of the historically culverted watercourse back into open channel, all the site is flood free and is taken out of any floodzone 2 and 3 designation. This is confirmed by both the Environment Agency and Councils flood risk consultant. The agricultural activities within the farm also ceased some time ago and so there is no conflict with NDP draft policy HS2 in this regard. There are no technical planning reasons why our client's land cannot be developed with housing.

Paragraph 6.5 of the draft NDP (included in full below) explains that the Holmer settlement boundary has been drawn to encompass existing built form and planning approvals. This

is not the case as the site excludes Holmer House, the agricultural buildings and yard area, which occupies a site area of around 1 hectare.

Development of our clients land also will not impact on the more rural identity and settlement definition of Munstone and Shelwick. The explanation and reasoning at para 6.5 for the Holmer settlement boundary does not therefore apply to our client's land.

*The neighbourhood area includes built development that forms part of Hereford City. This area also falls within the boundary of the emerging Hereford Area Plan(HAP). The existing built-up area has been defined on the NDP Policies Map and a settlement boundary shown. This boundary includes the existing built form and unfinished builds with planning approvals to date. Within this boundary new housing development under Policy HS2 will be supported. Beyond this settlement boundary any new development will be treated as in the open countryside, such development will be assessed against Policy RA3 Herefordshire's Countryside in the Herefordshire Local Plan Core Strategy 2011-2031*

*This approach supports the Core Strategy's plans for development at Holmer West but seeks to manage such growth so that it remains at an appropriate level and further development does not lead to loss of open countryside, agricultural land or the merging of smaller settlements such as Munstone and Shelwick with the City. (NDP para 6.5)*

### **NPPF NDP Policy context**

Paragraph 13 of the NPPF clarifies that Neighbourhood Development Plans should support the strategic policies and spatial development strategies of the local plan.

Paragraph 29 – NDP's should not promote less development than set out in the strategic policies for the area or undermine those strategic policies [NDP must be in general conformity with the strategic policies in the development plan that cover the area].

Paragraph 37 – NDP's must meet certain basic conditions [set out in the amended 1990 planning act] and other legal requirements that are tested through an independent examination before a plan can proceed to referendum and come into force.

### **Objection 1 - Summary**

The Core Strategy spatial housing strategy requires the greatest proportion of housing to be accommodated within and on the fringes of Hereford including edge of city Parishes such as Holmer.

By excluding our clients land from the proposed Holmer settlement boundary, the NDP conflicts with the strategic CS policies and therefore cannot be considered in general conformity with the CS. Contrary to the conclusion drawn in the Basic Conditions Statement, the NDP cannot also be said to be meeting an economic sustainability objective as it seeks to excessively limit residential development in Holmer Parish. It is also severely restricting the ability of the Hereford Area Plan to promote further sustainable housing growth within this part of the city. Consequently, the NDP fails the basic conditions test set out in national policy and accompanying guidance and legislation.

It is therefore recommended that as a minimum, the settlement boundary revert back to the original version of the NDP and follows the norther boundary for the Bloor Homes outline planning permission area as identified by the black line on the plan overleaf.

The Council's guidance on drawing settlement boundaries also recommends that they accommodate all committed development. Indeed, through the various iterations of the NDP, several revisions to the NDP settlement boundary have been made to ensure compliance with this requirement.

When our clients applications are approved, it will therefore also be necessary for the settlement boundary to be enlarged to encompass the additional land forming part of these applications in order to comply with the Council's own guidance.

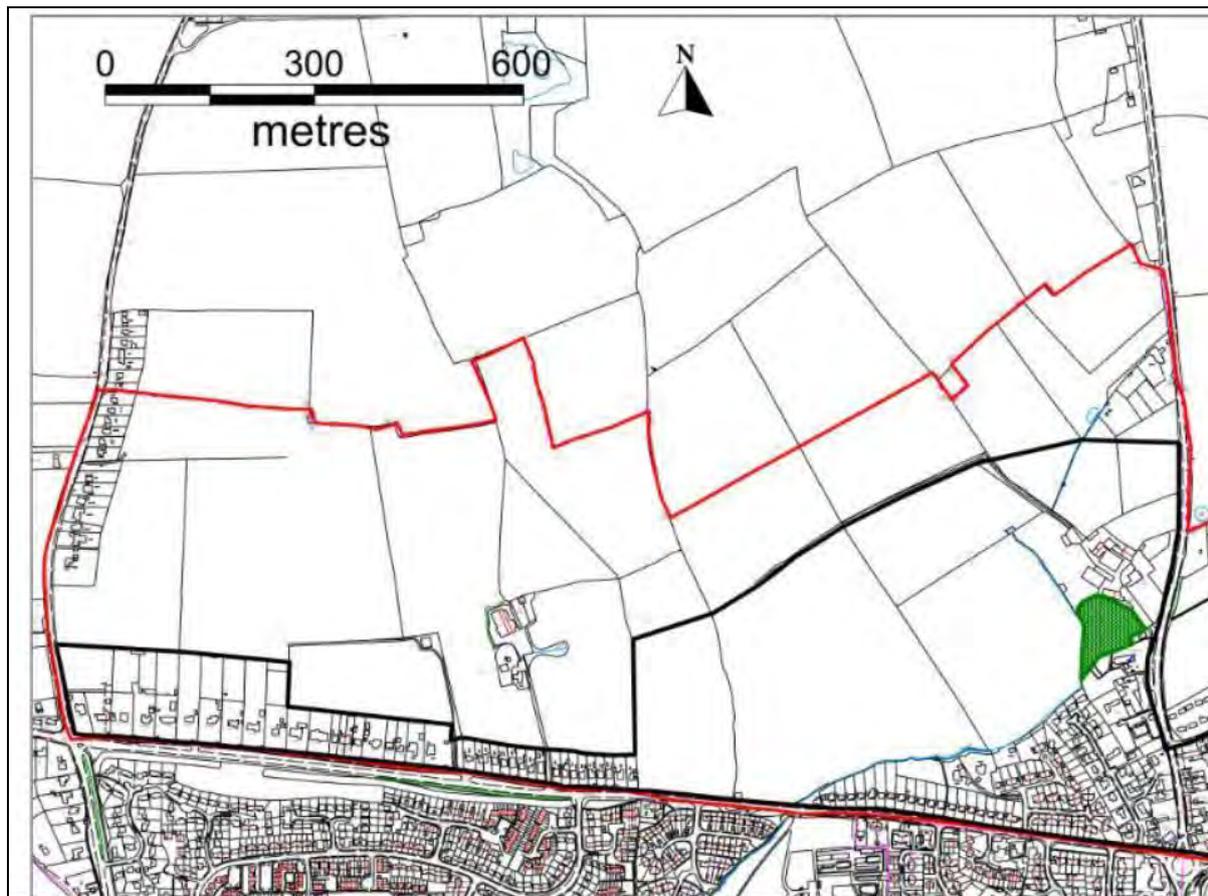


Figure 9 – Holmer and Shelwick Spring 2018 draft NDP – Proposed Holmer settlement boundary

## Objection 2: NDP Local Green Space – Designation Number 4 and Policy HS8

Our clients also continue to object to this proposed designation.

Table 1 forming part of Policy HS8 sets out the reasoning for the designation essentially being to safeguard the setting and views of the church rather than the land being of public value in its own right or '*demonstrably special to the local community*' as required by paragraph 100 of the NPPF. Furthermore, there are no local footpaths that provide public views across the land and any long range views have now been removed as the Bloor

Homes development gets built out. Shorter range views of the church are already safeguarded by the approved Bloor masterplan, which designates significant public open space on the boundary with the church. The justification for the designation is therefore not valid.

Moreover, the setting of the church is also already protected by both legislation and planning policy and the proposed designation is not therefore necessary or justified for this purpose. Indeed, National Planning Practice Guidance (NPPG) states that designation of land as local green space is not necessary if the land is already protected by other legislation.

Applying the general tests concerning designation of local green space set out in paragraph 100 of the NPPF, this is an agricultural field of no distinctive local character, beauty, ecological value or historical significance. The land is not publicly accessible and has not been used for any form of informal recreation purpose and being located next to the A49, it is not a tranquil area.

The current planning application also identifies the majority of the proposed green space designation area as public open space. When approved, this will also be secured in perpetuity through a Section 106 Agreement.

The NDP also does not explain or justify the scale of the designation. An arbitrary line appears to be drawn to split the larger field in two. If the designation was considered to meet the policy test, a reduced area would serve the same purpose. Furthermore, if Holmer House Farm were to be farmed again in the future, this proposed designation compromises the ability of the farm to modernise and evolve.

The consultation statement report in response to the regulation 14 consultation states that this green space is used for keeping horses and is frequently used by dog walkers. It is assumed that this is an error and must refer to another of the proposed green spaces. This is private land with no current or historic public right of way or permissive public access rights into or across the land and no horses are or have been kept on the land. It is not on or even close to the boundary between Hereford City and the Parish, it is fully fenced off with post and wire fencing and it most certainly is not nor has not been 'frequently used by dog walkers'.

No valid reasons have been given for this designation and it should be removed.

In summary, NPPG explains that Local Green Space must '*hold particular local significance*' and it is not considered that this test is met. Consequently, this local green space designation should be removed from the draft NDP.

## **Other Comments:**

### **Policy HD3 – Design**

Criteria (a) lack sufficient clarity and is unreasonably prescriptive. No evidence has been provided to clarify with illustrations the types of road layout that are deemed unacceptable nor why they are unacceptable.

Criteria (b) states that garages cannot be included as parking spaces which runs contrary to the Council adopted Highway Design Guide and current approach by Herefordshire Council. This being that garages can be included as parking providing the garages are oversized, which is normally defined as a minimum of 6M by 3M internal dimensions.

Criteria (e) in terms of preventing flat roofed designs is also unreasonably restrictive and contrary to NPPF para 131. Such a criteria could restrict a contemporary design approach. Perhaps the wording in para 131 could be added at the end of criteria (e) as follows' .....unless they fit in with the overall form and layout of their surroundings'.

Thank you for the consideration of the objections raised in this letter and I would be happy to discuss any proposed revisions of the NDP.

Yours faithfully

**Russell Pryce MRTPI  
Planning Manager**

**Holmer and Shelwick Parish Neighbourhood Development  
Plan**

**Regulation 16**

**Representation**

**Prepared on behalf of Mr Price**

**By CR Planning Solutions**

**August 2019**



## 1. Introduction

- 1.1 This representation has been prepared by CR Planning Solutions on behalf of Mr Price and is being made to the Regulation 16 submission version of the Holmer and Shelwick Parish Neighbourhood Development Plan (HSNDP).
- 1.2 The HSNDP has reached its Regulation 16 submission stage of production and is now out on public consultation when representations are invited. This consultation ends on 24/09/19.
- 1.3 The HSNDP has to meet four Basic Conditions which include:
- Having regard to national planning policy.
  - Being in conformity with the strategic policy of the development plan.
  - Contributing to the achievement of sustainable development.
  - Being compatible with EU obligations and Human Rights.
- 1.4 This representation furthers a previous representation made by CR Planning Solutions on behalf of Mr Price to the Regulation 14 draft of the HSNDP. This previous representation raised an objection to the designation of Local Green Space (LGS), no 3, *'Public Open Space located in the centre of the Munstone settlement off Coldwells Road'* within the HSNDP and the fact that the land was referred to as public open space when the site is in private ownership with no public access permitted. The HSNDP includes maps of this designation at Figures 6, 8,9 and 12. The previous representation made the case that Site No. 3 – *'Public open space located in the centre of the Munstone Settlement off Coldwells Road'* should be omitted from the list of Local Green Spaces in the then Policy HS7 and at Table 1 and other relevant plans within the HSNDP, and accordingly the site not be designated as a Local Green Space.
- 1.5 The submitted Regulation 14 representation was reviewed as part of the NDP process with a summary of the response provided within the published HSNDP Consultation Statement.
- 1.6 The Consultation Statement summarises the submitted Regulation 14 representation as follows:

*'Objection to inclusion of Site 3 as an LGS. This is because the site is in private ownership and is not available for public use. The site has no heritage, landscape or wildlife value. The site is not demonstrably special. The site forms a large tract of open land - 0.9 ha.'*

- 1.7 In response to the representation, the site reference has been changed to *'Green Open Space located in the centre of the Munstone settlement off Coldwells Road'* reflecting the fact that the site is in private ownership, however, the site remains designated as an LGS within the Regulation 16 submission version of the HSNDP. The following response was provided:
- 1.8 *'Currently this is meadow land bordered by hedges on all sides and is central within the settlement boundary of Munstone. It has no public access but is one of the last pieces of green spaces in the village and should be preserved as an LGS.'*
- 1.9 As a result, this Regulation 16 representation furthers the original objection and continues to demonstrate that LGS designation site 3 *'Green Open Space located in the centre of the Munstone settlement off Coldwells Road'*, is not in conformity with plan policy and as such does not meet the Basic Conditions and accordingly should not be designated as Local Green Space.

## **2 National Planning Policy Guidance**

- 2.1 The National Planning Policy Framework (NPPF) was first published in March 2012 with a new revised NPPF being issued by the Government in July 2018 with a further revision taking place in February 2019. The NPPF sets out the Government's planning policies for England and provides a framework within which locally prepared plans are to be prepared.
- 2.2 The justification for designating LGS sites is set out in NPPF. LGS sites can be identified through Local and Neighbourhood Plans as green areas of particular importance to local communities. Paragraph 99 of the Framework makes it clear that identifying land as an LGS should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Furthermore, an LGS should be capable of enduring beyond the end of the Plan period.
- 2.3 Paragraph 100 of the Framework goes on to say that the LGS designation should only be used where the green space is:

- in reasonably close proximity to the community it serves;
- demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- local in character and is not an extensive tract of land.

2.4 Planning Practice Guidance (PPG) adds to the Framework by stating that examples of green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis. In addition, the PPG states that land that does not have public access can be considered for designation, eg. green areas which are valued because of their wildlife, historic significance and/or beauty. However, the PPG advises that, in the case of private land, the qualifying body should contact landowners at an early stage about proposals to designate any part of their land as an LGS.

### **3. Adopted Herefordshire Core Strategy**

- 3.1 To meet the Basic Conditions, the HSNDP is required to be in conformity with the policies of the adopted Core Strategy for Herefordshire.
- 3.2 Paragraph 5.3.4 of the Herefordshire Core Strategy states that non-statutory locally distinctive buildings and green spaces will be identified through forthcoming Development Plan Documents or Neighbourhood Development Plans.

### **4. HSNDP - Meeting the Basic Conditions**

- 4.1 Policy HS8 of the Regulation 16 submission version of the HSNDP provides guidance on protecting 10 identified Local Green Spaces in the NDP area. This Policy seeks to restrict development on those designated Local Green Spaces, as listed in the Policy and at Table 1, to that which is permitted when in accordance with the national policy for Green Belt. The Policy does not provide any further detail on this.
- 4.2 Policy HS8 and Table 1 of the HSNDP provides a list of designated LGS sites and includes the land which is the subject of this representation as follows:  
*'3. Green open space located in the centre of the Munstone Settlement off Coldwells Road.'*

- 4.3 This representation will demonstrate that the designation of site no 3, Green *open space located in the centre of the Munstone Settlement off Coldwells Road*, as an LGS, is not compliant with plan policy and as a result the NDP, as drafted, does not meet the required Basic Conditions.
- 4.4 The LGS designation is on privately owned land, is not available for public use and forms pasture land. In addition, the landowner has not been contacted about the LGS designation as required within the advice provided in the PPG.
- 4.5 In order for land to be designated as an LGS within the HSNDP, there needs to be demonstrable evidence that individual areas of land proposed for such designation meet the tests set out in paragraph 100 of the NPPF. In this regard, the evidence presented by the Parish Council included within Table 1 includes an assessment of each of the proposed LGS sites as follows:
1. Is the site in close proximity to the local community it serves?
  2. Demonstrable special to the local community?
  3. Local in character and not an extensive tract of land?
- 4.6 Taking each of these points in turn with respect to site no 3, Green *open space located in the centre of the Munstone Settlement off Coldwells Road*:
1. *Is the site in close proximity to the local community it serves?*
- 4.7 Table 1 states that the site *'is located in the centre of the Munstone settlement and is within short walking distances for residents of the settlement and those from the Furlongs housing estate.'*
- 4.8 In response, the site is located within Munstone.
2. *Demonstrable special to the local community?*
- 4.9 Table 1 states that *'Currently this is meadow land bordered by hedges on all sides and has the possibility of being transformed into a sports field for the benefit of the whole community.'*

- 4.10 In response, this site forms pasture land with no evidence being provided as to why this particular tract of pasture land in Munstone is demonstrably special to the community. The site is a grass field which is currently used for the grazing of horses and is adjoined by residential development on two sides and a public house.
- 4.11 In addition, this part of the NPPF criteria at paragraph 100 also requires the site to not only be demonstrably special but to also hold a particular significance for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife.
- 4.12 In response, this site has no heritage, landscape or wildlife designation attached, forms pasture land and has no recreational value. The NDP steering group have not approached the landowner to discuss the LGS designation as required by the PPG or their aspirations for a sports field on the site.
- 4.13 No compelling evidence has been provided to conclude that the site is unique, distinctive or rare, elevating its importance above any other field defined by native hedges. Its designation as an LGS does not protect an identifiable landscape or area of green space that has special features, local significance or special character.
- 4.14 Given the land is not available, does not meet the requirements of paragraph 100 of NPPF and with no evidence provided regarding deliverability of the sports field this designation should be removed from the plan.

### *3. Local in character and not an extensive tract of land?*

- 4.15 The site forms a pasture field and forms an extensive tract of land measuring 0.9ha. in area.
- 4.16 An informal consultation was held on the NDP in 2018. As part of this, Herefordshire Council provided a response to the NDP which is provided at appendix 2 of the plan. This states that:

*'Do all the LGS shown meet the requirements of Para 77 and 78 of the NPPF. Any LGS which do not rigorously meet these requirements are removed during the examination. Some of these appear to be large.'*

- 4.17 This response refers to the paragraph numbers of the original NPPF. The wording and direction of these paragraphs is reflective of the wording now provided in Paragraphs 99 and 100 and both state that large tracts of land should not be designated as an LGS.
- 4.18 Site no 3, *Green open space located in the centre of the Munstone Settlement off Coldwells Road* forms a large tract of land, is therefore contrary to paragraph 100 of NPPF and should not be designated as an LGS.

## 5. Conclusion

- 5.1 In summary, site no 3, *Green open space located in the centre of the Munstone Settlement off Coldwells Road*:
- Forms a large, extensive tract of pasture land in private ownership
  - has never been regarded as demonstrably special to the local community or of local significance
  - is not available for recreational use
  - has no public access,
  - contains no features of historic or cultural interest,
  - has no specific landscape or biodiversity interest or richness and
  - the landowner has not been approached with regards to the designation of an LGS on his land contrary to the PPG.
- 5.2 No robust and rigorous technical or corroborated landscape, biodiversity or heritage evidence has been provided within the HSN DP to demonstrate that designation of the site as an LGS meets the tests in paragraph 100 of the Framework.
- 5.3 On behalf of our client, and to ensure that the Basic Conditions are met, we therefore recommend that:

The HSN DP is amended so that Site No. 3 – '*Green open space located in the centre of the Munstone Settlement off Coldwells Road*' is omitted from the list of Local Green Spaces in Policy HS8 and at Table 1 and other relevant plans within the HSN DP and, accordingly, the site is not designated as Local Green Space.

## Latham, James

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**From:** Norman Ryan <Ryan.Norman@dwrcymru.com>  
**Sent:** 12 September 2019 13:20  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Holmer & Shelwick Regulation 16 submission neighbourhood development plan consultation

Dear Sir/Madam,

I refer to the below consultation and would like to thank you for consulting Welsh Water.

We were consulted on the Reg 14 consultation earlier this year and as such, I can confirm that we have no specific comments to make.

If you've any queries, please let me know.

Kind regards,



**Ryan Norman**  
**Lead Forward Plans Officer | Developer Services | Dwr Cymru Welsh Water**  
Linea | Cardiff | CF3 0LT | T: 0800 917 2652 | [www.dwrcymru.com](http://www.dwrcymru.com)

*We will respond to your email as soon as possible but you should allow up to 10 working days to receive a response. For most of the services we offer we set out the timescales that we work to on our Developer Services section of our website. Just follow this link <http://www.dwrcymru.com/en/Developer-Services.aspx> and select the service you require where you will find more information and guidance notes which should assist you. If you cannot find the information you are looking for then please call us on 0800 917 2652 as we can normally deal with any questions you have during the call.*

*If we've gone the extra mile to provide you with excellent service, let us know. You can nominate an individual or team for a Diolch award through our [website](#).*

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**From:** Neighbourhood Planning Team <neighbourhoodplanning@herefordshire.gov.uk>  
**Sent:** 30 July 2019 11:06  
**Subject:** Holmer & Shelwick Regulation 16 submission neighbourhood development plan consultation

\*\*\*\*\* External Mail \*\*\*\*\*

Dear Consultee,

Holmer & Shelwick Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link:

[https://www.herefordshire.gov.uk/directory\\_record/3127/holmer\\_and\\_shelwick\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3127/holmer_and_shelwick_neighbourhood_development_plan)

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 30 July 2019 to 24 September 2019.

If you wish to make any comments on this Plan, please do so by e-mailing:

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk), or sending representations to the address below.

# Holmer and Shelwick Neighbourhood Plan

**Regulation 16 Consultation**

**Submission Version**



**September 2019**

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# 1 INTRODUCTION

## 1.1 Context

- 1.1.1 Gladman specialise in the promotion of strategic land for residential development and associated community infrastructure. From this experience, we understand the need for the planning system to deliver the homes, jobs and thriving local places that the country needs.
- 1.1.2 These representations provide Gladman's response to the current consultation on the submission version of the Holmer and Shelwick Neighbourhood Plan (HSNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- 1.1.3 Through these representations, Gladman provides an analysis of the HSNP and the policy decisions promoted within the draft Plan. Comments made by Gladman through these representations are provided in consideration of the HSNP's suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the Planning Practice Guidance.
- 1.1.4 In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the National Planning Policy Framework (NPPF 2019) and the wider strategic policies for the area set out in the Council's adopted Development Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.
- 1.1.5 The HSNP should only be progressed if it meets the Neighbourhood Plan Basic Conditions, supported by a robust and proportionate evidence base.

## **2 LEGAL REQUIREMENTS, NATIONAL POLICY & GUIDANCE**

### **2.1 Legal Requirements**

2.1.1 Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The Basic Conditions that the HSNP must meet are as follows:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order;
- c) Having regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order;
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development;
- e) The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority; and
- f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

## 3 NATIONAL POLICY AND GUIDANCE

### 3.1 National Planning Policy Framework

3.1.1 On the 24<sup>th</sup> July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework (NPPF/the Framework). The first revision since 2012, it implemented 85 reforms announced through the Housing White Paper. This version of the NPPF was itself superseded on the 19<sup>th</sup> February 2019, with the latest version, largely only making alterations to the Government's approach for the Appropriate Assessment as set out in Paragraph 177 of the NPPF.

3.1.2 Paragraph 214 of the 2019 NPPF sets out the transitional arrangements for the implementation of revised national planning policy. Paragraph 214 confirms that development plan documents submitted on or after the 24<sup>th</sup> January 2019 will be examined against the latest version of the NPPF. Given that the HSNP was submitted for Examination after this date, the comments provided within this representation reflect the national policy requirements as set out in the NPPF2019.

3.1.3 The NPPF (2019) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements of the preparation of neighbourhood plans within which locally-prepared plans for housing and other development can be produced. Crucially, the changes to national policy reaffirms the Government's commitment to ensuring up to date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 13 states that:

**"The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies."**

3.1.4 Paragraph 14 further states that:

**"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:**

- a. The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;**
- b. The neighbourhood plan contains policies and allocations to meet its identified housing requirement;**
- c. The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year supply requirement, including the appropriate buffer as set out in paragraph 73); and**
- d. The local planning authority's housing delivery was at least 45% of that required over the previous three years."**

3.1.5 The NPPF (2019) also sets out how neighbourhood planning provides local communities with the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development needed to meet identified housing needs. Neighbourhood plans should not promote less development than set out in Local Plans and should not seek to undermine those strategic policies. Where the strategic policy making authority identifies a housing requirement for a neighbourhood area, the neighbourhood plan should seek to meet this figure in full as a minimum. Where it is not possible for a housing requirement figure to be provided i.e. where a neighbourhood plan has progressed before the adoption of a Local Plan, then the neighbourhood planning body should request an indicative figure to plan for and consider the latest evidence of housing need, population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

3.1.6 In order to proceed to referendum, the neighbourhood plan will need to be tested through independent examination in order to demonstrate that they are compliant with the basic conditions and other legal requirements before they can come into force. If the Examiner identifies that the neighbourhood plan does not meet the basic conditions as submitted, the plan may not be able to proceed to referendum.

## **3.2 Planning Practice Guidance**

3.2.1 Following the publication of the NPPF (2018), the Government published updates to its Planning Practice Guidance (PPG) on 13<sup>th</sup> September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

- 3.2.2 Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and consider the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan<sup>1</sup>. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.
- 3.2.3 It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward.

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<sup>1</sup> PPG Reference ID: 41-009-20160211

## 4 DEVELOPMENT PLAN

### 4.1 Relationship to Local Plans

4.1.1 To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

4.1.2 The adopted Development Plan relevant to the preparation of the Holmer and Shelwick Neighbourhood Plan area, and the Development Plan which the HSNP will need to be tested against is the Herefordshire Core Strategy (HCS). The HCS was adopted in October 2015 and sets out the vision, objectives, spatial strategy and overarching policies to guide development in Herefordshire over the period 2011 – 2031.

4.1.3 Policy SS2 sets out a minimum requirement of 16,500 homes that will be delivered over the plan period with a reliance on the rural areas to deliver a minimum 5,300 dwellings through either neighbourhood planning or the emerging Rural Areas and Site Allocations Development Plan Document (RASADPD). Policy RA1 of the HCS identifies an indicative housing growth target of 18% for the Hereford Rural HMA, inclusive of Holmer and Shelwick.

4.1.4 Policy SS3 of the HCS determines that where housing completions fall below the annual requirement this could lead to one of the following mechanisms being introduced;

- A partial review of the Local Plan
- Preparation of new Development Plan Documents or,
- Utilising evidence from the Strategic Housing Land Availability Assessment to identify additional housing land.

4.1.5 In addition, it is also important to note that the Council is currently preparing the Hereford Area Plan (HAP) which will set out detailed proposals to ensure the delivery of the targets for the city in the adopted Core Strategy are delivered in full. The preparation of this document will also have implications for the neighbourhood area owing to Holmer's location which abuts Hereford to the north. It is therefore important that the Plan provides flexibility to ensure that the HSNP is capable of being effective over the duration of its plan period and not ultimately superseded by s38(5) of the Planning and Compulsory Purchase Act 2004, which states that:

**'if to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the**

**policy which is contained in the last document to be adopted, approached, or published (as the case may be).'**

## 5 HOLMER AND SHELWICK NEIGHBOURHOOD PLAN POLICIES

### 5.1 Context

5.1.1 These representations are made in response to the current consultation on the submission version of the HSNP, under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This chapter of the representation highlights the key points that Gladman raise with regard to the content of the HSNP as currently proposed.

### 5.2 Policy HS1 – New Housing Development in Munstone and Shelwick and Policy HS2 – New Housing Development in Holmer

5.2.1 Policy HS1 states that development within or adjacent to the settlement boundaries of Munston and Shelwick will be supported provided it is appropriate and proportionate to the size, role and function of these villages. In principle, Gladman are supportive of this approach as it will allow for flexibility for the neighbourhood plan to respond positively to future housing proposals in these two settlements and is consistent with the presumption in favour of sustainable development.

5.2.2 However, Gladman query why this degree of flexibility is notably absent in policy HS2, which states that development will only be supported within the settlement boundary for Holmer. This does not seem to be a positive approach to new development opportunities given that Holmer is more sustainable and is therefore a more suitable settlement capable of accommodating sustainable growth opportunities. Indeed, Holmer is not explicitly mentioned under Policy RA2 of the HCS and for all intents and purposes it is treated as part of Hereford, the most sustainable settlement in the County. Given this, Gladman suggest the use of a settlement boundary to preclude otherwise sustainable development from coming forward in this location does not accord with the positive approach to growth required by the Framework and is therefore inconsistent with basic condition (a). Indeed, the PPG is clear that:

**“A wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness.”<sup>2</sup>**

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<sup>2</sup> PPG Reference ID: 67-009-20190722

- 5.2.3 Given that there is an acknowledgement that development can come forward outside settlement boundaries if they are well related to the existing settlements, Policy HS2 would appear to be at odds with this principle given that it seeks to prevent future sustainable growth opportunities.
- 5.2.4 To ensure greater flexibility and to give the HSNP a degree of additional contingency Gladman consider that wording should be added to policy to state that development adjacent to the settlement boundary will also be considered suitable as it seems that the policy creates tension in that it allows for development adjacent to less sustainable settlements and then seeks to restrict development adjacent to the most sustainable area. As such, the policy requires modification and the following wording is put forward for consideration:

*"The neighbourhood plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.*

*Development proposals that are considered sustainable and well related to the existing settlement will be supported provided that the adverse impacts do not significantly and demonstrably outweigh the benefits of development."*

### **5.3 Policy HS4 – Protecting Local Heritage Assets**

- 5.3.1 The above policy states that any development proposals will need to ensure that no heritage asset will be damaged by building or associated work and that there is no detrimental effect on the visual aspect of any heritage asset.
- 5.3.2 As currently worded the above policy would elevate the weight to be afforded to non-designated heritage to the same level of protection as designated heritage assets regardless of the significance of the heritage asset. As such, this policy does not have regard to the requirements of national policy and guidance and does not accord with basic condition (a). The policy must be reworded to reflect the guidance set out within paragraph 197 of the Framework in respect of the two separate balancing exercises in relation to designated and non-designated assets which states:

**"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset."** (Emphasis added)

## **5.4 Policy HS5 – Landscape and Natural Environment**

- 5.4.1 The above policy seeks to protect and enhance the views identified in figure 10 as well as a range of criteria such as retention of any non-designated heritage assets that may be identified and that development proposals do not have an adverse impact on the environmental qualities of the area.
- 5.4.2 As set out in case law, for a view to be identified for protection there should be demonstrable physical attributes that elevate its importance out of the ordinary, rather than seeking to protect views of the open countryside due to its pleasant sense of place.
- 5.4.3 Gladman are concerned that this policy will seek to prejudice the delivery of potential sustainable development opportunities from coming forward. The emphasis of this policy is very much on the 'protection' of the landscape/views identified rather than seeking to integrate new sustainable development opportunities within the existing landscape and character of the local area. Opinions on landscape are highly subjective and without robust evidence to demonstrate why these areas are considered important, beyond the fact that they are considered valued by local community members, will likely lead to conflicting decisions through the development management process.
- 5.4.4 Gladman are also concerned with reference to the retention and enhancement of any non-designated assets that may be identified. Gladman reiterate the concerns made in section 5.3 of these representations. Notwithstanding this, Gladman question how this element of the policy would be applied on a consistent basis as it would require a decision maker to consider the effect of non-designated heritage assets that have not yet been identified.
- 5.4.5 Furthermore, criteria I is considered too onerous. It is considered further flexibility is required which allows for mitigation, or where this is not possible, compensatory measures to be considered.

## **5.5 Policy HS8 – Protecting Local Green Spaces**

- 5.5.1 The above policy seeks to designate a total of 10 sites as Local Green Space (LGS). In order to designate land as LGS the HSNP must be supported by proportionate robust evidence that demonstrates how each of the designations meets the national policy requirements set out in Paragraphs 99 and 100 of the Framework.

5.5.2 The requirements of the Framework are supplemented by PPG<sup>3</sup>, which states that:

**‘Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.’**

5.5.3 Further, upon reviewing the scale of a number of sites, these are considered as extensive tracts of land. The issue regarding what constitutes an extensive tract of land has been previously explored in numerous Neighbourhood Plan Examinations for both emerging and made Neighbourhood Plans, the following Examiner’s Reports are of particular importance:

- The Seldlescombe Neighbourhood Plan Examiner’s Report<sup>4</sup> recommended the deletion of a LGS measuring approximately 4.5ha as it was found to be an extensive tract of land.
- The Oakley and Deane Neighbourhood Plan Examiner’s Report<sup>5</sup> recommended the deletion of a LGS measuring approximately 5ha and also found this area to be not local in character. Thereby failing to meet 2 of the 3 tests for LGS designation.
- The Alrewas Neighbourhood Plan Examiner’s Report<sup>6</sup> identifies that both sites proposed as LGS in the neighbourhood plan to be extensive tracts of land. The Examiner in this instance recommended the deletion of the proposed LGS which measured approximately 2.4ha and 3.7ha.
- The Freshford and Limpley Neighbourhood Plan Examiner’s report<sup>7</sup> identified that the six LGS proposed did not meet the criteria required by the Framework either collectively or individually. Indeed, the Examiner identified that the combination of sites comprised of extensive tract of land. The Examiner also considered that the protection of fields to ‘prevent agglomeration between the settlement areas...is not the purpose of Local Green Space designation’.
- The Easington Neighbourhood Plan Examiner’s Report<sup>8</sup> recommended the deletion of three LGS (16ha and 2ha) considered to be extensive tracts of land. The third proposed LGS was deleted due to the lack of evidence demonstrating its importance a significance to the local community.
- The Tattenhill and Rangemore Neighbourhood Plan Examiner’s Report<sup>9</sup> recommended the deletion of two LGS comprising of 4.3ha and 9.4ha.

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<sup>3</sup> Paragraph: 007 Reference ID: 37-007-20140306

<sup>4</sup> <http://www.rother.gov.uk/CHttpHandler.ashx?id=22996&p=0> - Pages 22 - 23

<sup>5</sup> <https://www.basingstoke.gov.uk/content/doclib/1382.pdf> - Pages 27 - 29

<sup>6</sup> <https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Neighbourhood-plans/Downloads/Alrewas/Alrewas-Neighbourhood-Plan-Examiners-Report.pdf> - pages 25 - 26

<sup>7</sup> [http://www.wiltshire.gov.uk/freshford\\_limpley\\_examination\\_final\\_report.pdf](http://www.wiltshire.gov.uk/freshford_limpley_examination_final_report.pdf) - paragraphs 71 - 88

<sup>8</sup> <https://www.stroud.gov.uk/media/2596/2016-04-28-eastington-examiners-report-final.pdf> - paragraphs 3.36 - 2.43

<sup>9</sup> <http://www.eaststaffsbc.gov.uk/sites/default/files/docs/planning/planningpolicy/neighplanning/tattenhill/02%20Tattenhill%20Neighbourhood%20Plan%202015.pdf> - pages 24 - 27

- The Norley Neighbourhood Plan Examiner's Report<sup>10</sup> identified a total of 13 LGS where proposed for designation. The Examiner in that instance recommended at paragraph 4.98 that the 'identification of these extensive tracts of agricultural land was contrary to NPPF policy' and recommended that the policy should be deleted. The proposed LGS measured in the range of 1ha – 4.3ha.
- The Malpas and Overton Neighbourhood Plan Examiner's Report<sup>11</sup> recommended the deletion of policy LC4 which included a total of 42 LGS. The Examiner identified that 'a number of identified sites do not meet one or all of these requirements.' With regard to the third criteria the Examiner recommended that sites 16, 17 and 40 be deleted as they are 'relatively extensive tracts of countryside'. The size of these sites ranged from 3.4ha – 16ha.

5.5.4 Gladman do not consider that a number of LGS identified are capable of meeting the three tests required for their allocation. Indeed, sites 3, 6, 7 and 8 in combination would result in 10.56ha of land. This is an extensive tract of land and would create Green Belt by the back door as it would limit any further sustainable development opportunities coming forward on the edge of Holmer.

5.5.5 Gladman submit that the policy is deleted in its entirety.

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<sup>10</sup> <http://consult.cheshirewestandchester.gov.uk/file/3626372> - paragraphs 4.91 - 4.99

<sup>11</sup> [http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwim4NzPr43TAhVGIaAKHfiV\\_CXIQFggcMAA&url=http%3A%2F%2Fconsult.cheshirewestandchester.gov.uk%2Ffile%2F3341992&usg=AFQjCNFSSPBKws36mL9T1Z\\_hYfdVRVI3boA&sig2=jxAP6G0Igzg7oRkPtG98SA](http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwim4NzPr43TAhVGIaAKHfiV_CXIQFggcMAA&url=http%3A%2F%2Fconsult.cheshirewestandchester.gov.uk%2Ffile%2F3341992&usg=AFQjCNFSSPBKws36mL9T1Z_hYfdVRVI3boA&sig2=jxAP6G0Igzg7oRkPtG98SA) - paragraphs 6.116 - 6.132

## **6 CONCLUSIONS**

- 6.1.1 Gladman recognises the Government’s ongoing commitment to neighbourhood planning and the role that such Plans have as a tool for local people to shape the development of their local community. However, it is clear from national guidance that the HSNP must be consistent with national planning policy and guidance. If the plan is found not to meet the Basic Conditions at Examination, then the plan will be unable to progress to referendum.
- 6.1.2 The Steering Group must ensure that the policies within the HSNP allow for sufficient flexibility and are based on robust and justified evidence. As detailed through these submissions, we suggest that greater flexibility must now be built into the HSNP’s proposals given to current uncertainty over the direction which will be taken through the HAP and wider borough area. Should the HSNP fail to plan for this flexibility then there is a real risk that its proposals will need to be reviewed upon the emerging HAP’s adoption, to remain an up-to-date part of the Development Plan for the Parish.
- 6.1.3 In a number of instances, the HSNP’s policies are not in accordance with the requirements of national policy and guidance. These issues should be addressed through modification of the Plan to enable flexibility and to ensure the Plan’s policies are able to meet the basic conditions.
- 6.1.4 Should the Examiner decide it is necessary to hold a hearing session(s) to discuss the issues raised then Gladman formally request to participate at the examination in public.



Historic England

Mr James Latham  
Herefordshire Council  
Neighbourhood Planning & Strategic Planning  
Planning Services, PO Box 230, Blueschool House  
Blueschool Street  
Hereford  
HR1 2ZB

Direct Dial: 0121 625 6887

Our ref: PL00539562

8 August 2019

Dear Mr Latham

**HOLMER AND SHELWICK NEIGHBOURHOOD PLAN - REGULATION 16  
CONSULTATION.**

Thank you for the invitation to comment on the Holmer and Shelwick Submission Neighbourhood Plan.

Historic England has no adverse comments to make upon the draft plan which we feel takes a suitably proportionate approach to the main historic environment issues pertaining to Holmer and Shelwick and we can confirm that our Regulation 14 comments remain entirely relevant. That is:

*"We commend the commitment in the Plans Vision and Policies to support well designed development that is sensitive and sympathetic to the character of the area including its rural landscape character, heritage assets and green spaces".*

Beyond those observations we have no further substantive comments to make. I hope you find these comments helpful.

Yours sincerely,

Peter Boland  
Historic Places Advisor  
peter.boland@HistoricEngland.org.uk

cc:



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6888  
HistoricEngland.org.uk



V

# Holmer & C elwick NeigCbourCood Development Plan C 2011-2031 V

C

**Public Consultation: V**

C

**TUECDAY 30 JULY – TUECDAY 24tC CEPTEMBER 2019 V**

C

**omments form V**

V

Comments mVst Ve made in writing and inclVde yoVr name and address. Please make V comments as specific as possiVle, qVoting the relevant policy or paragraph nVmVer(s). All V comments will Ve pV licly availaVle. V

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**end your comments: C**

- ia WeVsite Vsing the online comments form V
- y email to :neighVoVrhoodplanning@herefordshire.gov.Vk V

V

**All comments must be received by Tues 24tC Ceptember 2019. C**

C

**Please give us your comments below. C**

C

**Do you support tCe broad aims of tCe draft NDP plan? C**

**YEC / NO C**

C

**DO YOU WICH TO MAKE A CPECIFIC COMMENT? C**

C

**If so, please tell us tCe page number, paragraPC number or policy issue. C**

**Please record tCe Cpecific comment and/or suggested cCanges to tCe item C noted. C**

**Do you Cave any general comments? C**

**TCank you for your comments. C**

C

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C

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**Holmer and Shelwick Neighbourhood Development Plan: Regulation 16 Draft Plan representation**

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L  
L

**and adjacent Bait Tree House, Shelwick Lane, Shelwick HR1 3AH: L**

L  
**Proposed site for residential development allocation**

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P

It should be highlighted that the proportionate growth strategy target requirement for the two villages during the plan period to 2031 of 17 new homes detailed in the Regulation 16 Draft Plan is a minimum rather than a maximum figure, which therefore does not preclude inclusion of other sites.

P

The attached plan details land immediately adjacent the currently defined settlement boundary, previously proposed in the continuous plan. Planning permission for residential development has previously been granted for 7 dwellings on adjacent land and relevant planning permission references are noted on the attached plan. The design of these dwellings accords with NDP policy HS1 in addition to all relevant policies of Herefordshire's Local Plan Core Strategy.

P

The proposed land on the attached plan would form a logical further extension of residential development at the western extremity of the defined village settlement, essentially mirroring that already committed to the western extremity. The site could accommodate several dwellings which would be viewed in the context of those already permitted. The existing vehicle access from Shelwick Lane will be upgraded to a suitable standard as part of the planning permission granted and as such would be suitable to accommodate additional dwellings.

P

The landowners would therefore request that the proposed settlement boundary is adjusted accordingly to accommodate this site for inclusion as an allocated residential site within the emerging draft Holmer and Shelwick NDP, as it progresses towards its adoption.

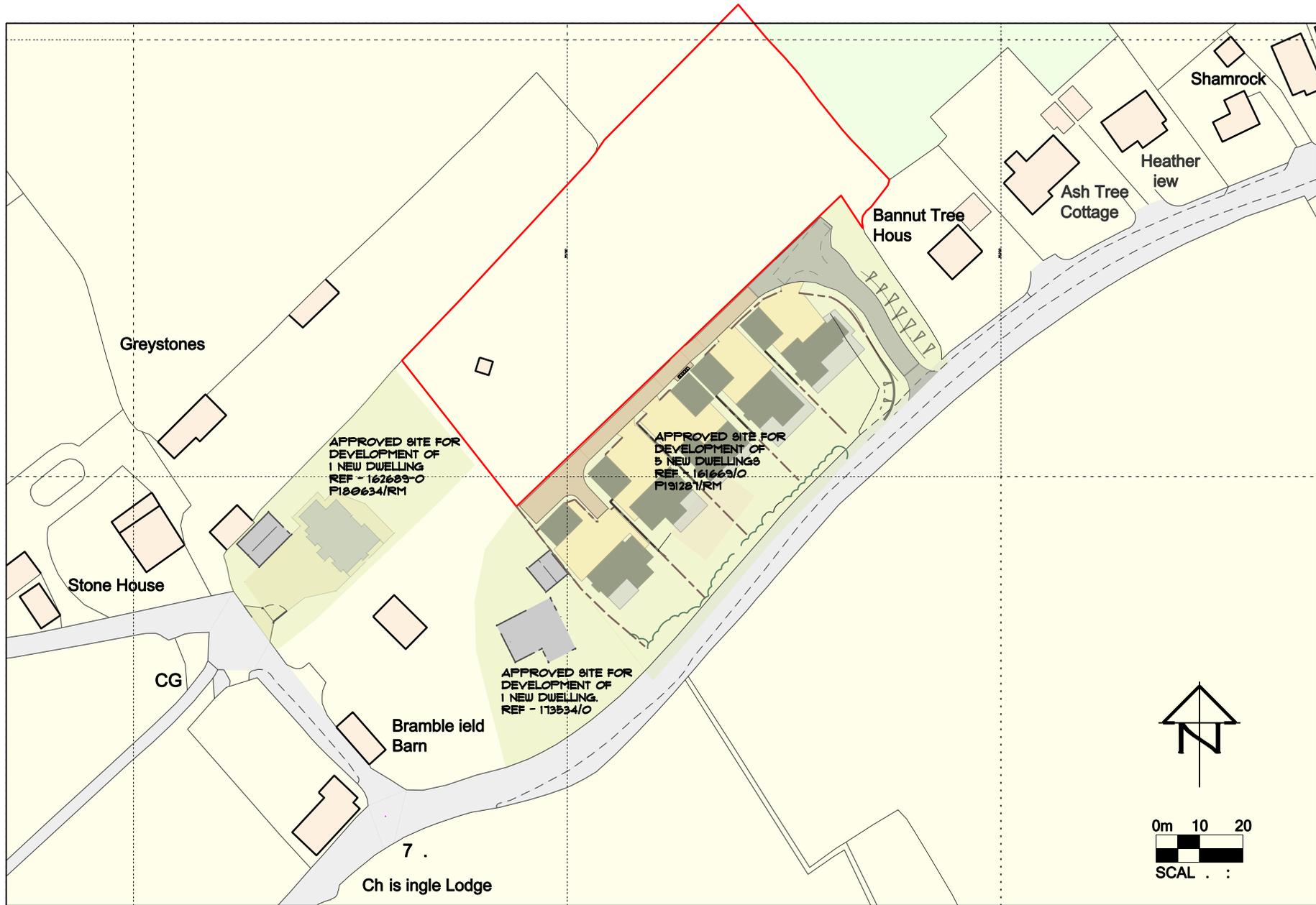
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**David F Baume**  
**Director**  
**Hook Mason Consulting**

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DRAWN BY CE CHECKED BY DB  
DO NOT SCALE FROM THIS DRAWING

REVISIONS



SITE AREA - 0.52 HECTARE - 1.3 ACRES

DATE SEPT 19  
SCALE @ A4 1:1250  
DRAWING N . 6724-1-33

LAND ADJACENT BANNUT TREE HOUSE,  
SHELWICK, HEREFORDSHIRE HR1 3AH  
LOCATION PLAN



hookmasonarchitecture

Hook Mason Limited  
41  
Hereford  
HR4 9EA

01432 352299  
01432 352272  
hookmaso

**Latham, James**

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**From:** Knight, Matthew  
**Sent:** 30 July 2019 15:17  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Holmer & Shelwick Regulation 16 submission neighbourhood development plan consultation

Thank you for consulting the Building Conservation Team.

Based on a desktop study we would not have any comments to make on this NDP.

Regards

Matthew

---

**From:** Neighbourhood Planning Team <neighbourhoodplanning@herefordshire.gov.uk>  
**Sent:** 30 July 2019 11:06  
**Subject:** Holmer & Shelwick Regulation 16 submission neighbourhood development plan consultation

Dear Consultee,

Holmer & Shelwick Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link:

[https://www.herefordshire.gov.uk/directory\\_record/3127/holmer\\_and\\_shelwick\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3127/holmer_and_shelwick_neighbourhood_development_plan)

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 30 July 2019 to 24 September 2019.

If you wish to make any comments on this Plan, please do so by e-mailing:

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk) , or sending representations to the address below.

If you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the Neighbourhood Development Plan, please indicate this on your representation.

Kind regards

**Herefordshire.gov.uk**

---

**James Latham**  
**Technical Support Officer**  
Neighbourhood Planning and Strategic Planning teams  
Herefordshire Council  
Plough Lane  
Hereford  
HR4 0LE

## Latham, James

---

**From:** Banks, Samantha  
**Sent:** 22 September 2019 21:39  
**To:** Neighbourhood Planning Team  
**Subject:** FW: Homer and Shelwick NDP Reg 16  
**Attachments:** Shelwick settlement (1).jpeg

**From:** Patrick Jenkins  
**Sent:** 22 September 2019 21:17  
**To:** Banks, Samantha <Samantha.Banks2@herefordshire.gov.uk>; Richard Jenkins  
**Subject:** Homer and Shelwick NDP Reg 16

Dear Samantha

You advised in your email of 10th June that any comments pertaining to the above NDP had to be made within the consultation period which I believe is due to expire on the 24th of this month.

We would like to reiterate the comments made in June - with additions - which are:

. There are a number of points that we believe the NDP document, in its current form, fails to address or clarify.

- The proposed boundary does not encompass the last residence in the village. Surely the railway line draws the natural boundary as at least one property, Merton, falls outside the proposal currently. There has also been further recent planning approvals beyond the railway line and therefore infilling should be considered. The proposed boundary does not appear to follow the Hereford Council Policy, HS1 (6.4)? Can you confirm and advise please?
- The overriding planning objective is state as the "creation of a vibrant village centre". – as the parish is effectively split into two, with Homer being much expanded while Shelwick remains somewhat, remote, how will this be achieved? There is mention of the public house but we are not sure how this enhances the village centre. Where are the community services provisions such as playing fields, allotments etc. I refer to Hereford Council Policy, HS1 (6.11)
- Employment land – It is well documented that Hereford has made great provision elsewhere to enhance employment opportunities but with most of the old manufacturing sites now being built over, there is no provision evidenced for small, starter businesses or employment growth in this location. Why? I refer to Hereford Council Policy HS1 (6.9)
- We find that there has been little transparency from the PC as to the content of the NDP. Invites have been sent out but few residents bother to attend or seem to have added anything prior to submission by the consultants employed. We have tried very hard to engage with the consultants or PC and it has been very difficult even to establish who forms the steering committee! Which Parish Councillors and volunteers actually engaged with the consultants or did the consultants just use a standard format? How many actually voted prior to Reg 14 on the plan? We are unable to find evidence that is documented are far as we can see in parish minutes? In fact, notification of meetings was very limited and despite enrolling with the email notification system, notification of NDP meeting were not received, only those for PCC meetings. On occasions, despite regularly checking the website, often several times a week, it was found that meetings seemed to have been held at very short notice and we had missed them.
- The proposed NDP does not allow for further expansion of Shelwick in the future. The proposal appear to be using developments at Holmer to limit those at Shelwick. The NDP group have openly admitted that the boundary for Shelwick will follow the existing

properties and sites already passed for development. This does not meet the sustainable growth objective.

We very much welcome feed back please on al points above

With kind regards

Patrick & Richard Jenkins

(Shelwick)



**TO: DEVELOPMENT MANAGEMENT- PLANNING AND  
TRANSPORTATION  
FROM: ENVIRONMENTAL HEALTH AND TRADING  
STANDARDS**



**APPLICATION DETAILS**

288110 /

Holmer Vicarage, Holmer, Hereford, Herefordshire, HR4 9RG  
Susannah Burrage, Environmental Health Officer

I have received the above application on which I would be grateful for your advice.

The application form and plans for the above development can be viewed on the Internet within 5-7 working days using the following link: <http://www.herefordshire.gov.uk>

I would be grateful for your advice in respect of the following specific matters: -

	Air Quality		Minerals and Waste
	Contaminated Land		Petroleum/Explosives
	Landfill		Gypsies and Travellers
	Noise		Lighting
	Other nuisances		Anti Social Behaviour
	Licensing Issues		Water Supply
	Industrial Pollution		Foul Drainage
	Refuse		

Please can you respond by ..

**Comments**

Our comments are with reference to the potential impact on the amenity – in terms of noise, dust, odours or general nuisance to residential occupants that might arise as a result of any new development and also the impact that existing activities might have on the amenity of any new residential occupiers.

We made some suggestions to policies HS1,HS2 and HS3 but think that there are typographical errors in the Regulation 16 document.

We recommended an additional sentence to HS1 and HS3 to include 'the proposed houses will not be adversely impacted by existing agricultural or commercial activity'.

However, there is a missing word 'be' in HS1i) and HS2i) because the sentence stated says 'The proposed homes will not adversely impact existing agricultural or commercial activity. 'which of course means something quite different. HS3i) statement incorporates our recommended changes.

Signed: Susannah Burrage  
Date: 22 August 2019

## Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Holmer & Shelwick- Regulation 16 submission version

Date: 02/08/19

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
HS1- New Housing Development in Munstone and Shelwick	SS1; SS2; RA2	Y	
HS2- New Housing Development in Holmer	SS1; SS2; RA2; RA3	Y/N	<p>The boundary continues to exclude a number of site options that have been put forward in the Hereford Area Plan (HAP). This was previously flagged up at Regulation 14 consultation.</p> <p>These are options with no concrete proposals at present. However, it is important that this NDP acknowledges the possible requirement for strategic allocations brought forward through the HAP, which may be located adjacent to or outside of this boundary.</p>
HS3- Design	SS1; SS6; LD1-LD4; SD1-SD4	Y	I would maintain that criterion B might prove difficult to enforce in practice. Particularly, for instance, in developments that may comprise terraced cottages or semi-detached dwellings.
HS4- Protecting Local Heritage Assets	SS1; SS6; LD1; LD4	Y	
HS5- Landscape and Natural Environment	SS1; SS6; LD1-LD3	Y	
HS6- To support the growth of Local	SS5; RA6; E3	Y	Suggestion- "Small scale" business enterprises could be

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Businesses			seen as restrictive and open to misinterpretation. Proposals that are of an appropriate scale, commensurate with their location and setting is the flexible approach taken by the Core Strategy.
HS7- Community Facilities	SS1; SC1	Y	
HS8- Protecting Local Green Spaces	SS6; OS3	N	<p>Much of my comments made at Regulation 14 in relation to this I reiterate.</p> <p>Comments on the Relief Road not being classified as inappropriate development under the definition in the NPPF are noted.</p> <p>Even so, I would question whether it is logical to allocate this area as LGS. It is likely that the site's value and accessibility to the public will likely be significantly changed by a road route running through it.</p> <p>It is also still not considered that the designation is appropriate for sites 6, 7 and 8 on account of that they appear to be quite extensive tracts of land, contrary to the criteria of the NPPF.</p>
HS9- Western Relief Road	HD4	Y	
HS10- Community Infrastructure Levy and Planning Obligations	N/A	Y	

**General comment:**

As highlighted before at Regulation 14, the neighbourhood area is in something of a unique planning policy position, in that it will be subject to more than one localised statutory development plan. The draft NDP should have regard to some of the current area based proposals of the developing Hereford Area Plan (HAP). Specifically, the Hereford Relief Road safeguarded corridor and housing and employment site options currently under consideration. It is appreciated that no draft HAP is yet published, but it is important that the NDP should not prejudice or undermine the delivery requirements of the HAP (see comments on HS2).

**Latham, James**

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**From:** Donotreply  
**Sent:** 16 September 2019 13:44  
**To:** Neighbourhood Planning Team  
**Subject:** A comment on a proposed Neighbourhood Area was submitted

Comment on a proposed neighbourhood plan form submitted fields	
Caption	Value
Address	Private
First name	Tompkins Thomas Planning
Last name	Thomas
Which plan are you commenting on?	Holmer & Shelwick
Comment type	Objection
Your comments	<p>Thank you for the opportunity to comment on the Regulation 16 draft of the Holmer &amp; Shelwick NDP. We support the Vision and Objectives and confine ourselves to specific comments in relation to the draft policies</p> <p>HS1: In common with the Regulation 14 comments we consider the definition of the settlement boundaries to be on the one hand too prescriptive and limiting of development and yet by adopting the position that sites adjacent the settlement boundary will be supported in principle, runs the risk that comparatively larger sites at the periphery of the defined settlement boundaries will become 'acceptable' and in accord with HS1. We once again acknowledge that the policy contains other criteria which limit scale, but remain concerned that criterion (c) will in practice be very difficult to quantify. The plan does not appear to have identified brownfield land. Given that HS1 a) requires development to be within or adjoining the settlement boundary, we query the necessity of f) which exists to avoid isolated homes detached from the settlement boundaries.</p> <p>HS2 - We again stress the merit of designating two settlement boundaries for the distinct elements of Munstone as a means of ensuring supply as opposed to placing all land adjacent the defined settlement boundaries within the melting pot. The function of the settlement boundary is in our view undermined by the wording of HS1.</p> <p>HS3: We reiterate our comments made at Regulation 14. HS4: We reiterate our comments made at Regulation 14. The Duck</p>

Pond and Trig Point are not heritage assets and the language employed should be unambiguous. Is the second paragraph taken to refer to all designated heritage assets in the parish? If so, it should be reworded to make clear that this paragraph refers to all heritage assets and not just the aforementioned Duck Pond and Trig Point. HS5 - we note and appreciate the removal of sites not within plan coverage HS8 - we reiterate our comments made at Regulation 14. These areas are not, in our view, appropriate LGS. HS9 - this policy deals with the Western Relief Road, the corridor for which includes land that is subject to draft policy HS8 - thus there appears to be tension within the terms of these two policies that will need to be reconciled. Yours sincerely Tompkins  
Thomas Planning

Date: 25 September 2019  
Our ref: 291278  
Your ref: Holmer & Shelwick Neighbourhood Plan



Herefordshire Council  
[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

Dear Sir/Madam

**Holmer & Shelwick Regulation 16 submission neighbourhood development plan, HRA and SEA consultation**

Thank you for your consultation on the above dated 30 July 2019

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England has reviewed the documents and notes that the Neighbourhood Plan does not specifically allocate development. We therefore agree with the conclusion of the Habitat Regulations Assessment that there are no adverse effects on the integrity of any European level nature conservation site.

Any development coming forward in the Neighbourhood Plan Area that is in the catchment of the River Wye SAC will require a HRA at the planning application stage. We note that over half the Neighbourhood Plan Area is within the River Lugg catchment. Part of the River Lugg is notified as the River Wye Special Area of Conservation (SAC) and is currently failing its conservation objective for phosphate. The judgment of the Coöperatie Mobilisation case (AKA the Dutch case) (Joined Cases C-293/17 and C-294/17) considers the approach to take when new plans/projects may adversely affect a European site that is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment. Any development coming forward will require a HRA, which will need to take the Dutch case into account.

For any further consultations on your plan, please contact: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully

*Gillian Driver*

Ms Gillian Driver  
Lead Adviser  
Land use planning – West Midlands Area Team