

Local Plan – Core Strategy

Proposed Main Modifications

Representation Form

July 2015

The publication period:

The publication will run from **13 July 2015 to 10 August 2015**.

Submitting your comments:

Comments may be submitted in the following ways:

- By emailing this form to: programme.officer@herefordshire.gov.uk
- By posting this form to:
Programme Officer,
c/o Herefordshire Council,
Plough Lane, Hereford, HR1 0LE

This form can be downloaded from the above website or you can request a form by e-mailing ldf@herefordshire.gov.uk alternatively, copies are available at all Customer Service Centres in the county.

Please note that comments must be submitted in writing. Telephone or social media comments cannot be accepted.

Filling in the form:

This form has two parts:

- You must complete Part A, which asks for your personal details.
- Part B should be used to comment on the soundness of the modification. Please ensure that Part A and B are joined together when submitting your comments to the Inspector.

Your comments:

- No comments will be accepted after **10 August 2015**.
- All comments will be considered by the Planning Inspector as part of the examination of the Plan. The Inspector may wish to contact you to discuss your comments and concerns, prior to concluding the formal examination into the Plan.
- Please do not repeat your previous comments as these have already been considered by the Planning Inspector. **Comments will only be accepted that refer to main modification MM067.**
- The personal information in Part A will only be used for purposes related to the consultation and the Herefordshire Local Plan examination. Only your name and/or organisation will be published. However other information will be shared with the Planning Inspector. The information in Part B will be published in full on the Council's website.

Purpose of the publication:

The purpose of the Local Plan examination is to enable the Inspector to decide whether the Plan is 'sound', legally compliant and has been produced in accordance with national planning policy and the relevant legislation. A more detailed explanation of the examination process is set out in Part B of the form. It will assist the Inspector if you are able to bear in mind the purpose of the examination when you are completing the form, and relate your representation to these points whenever possible.

Comments must be submitted by no later than 10 August 2015.

If you need help to understand this document, or would like it in another format or language, please contact the Planning Policy Team at ldf@herefordshire.gov.uk

Herefordshire Local Plan – Core Strategy Proposed Main Modifications

Part A

Personal details

Title: **MR** Initials **D.R.** Surname: **KING**

Job title (where relevant):

Company/Organisation (where relevant):

LDF number: **698**
(If you have made a comment on a previous LDF consultation then please enter your reference here)

Address 1: Address 2:

Address 3: Address 4:

Postcode:

Telephone number:

Email address:

Preferred contact method: **email**

If you are an agent,
Please indicate the name of the client that you represent:.....

If you **do not** wish to receive further information about the Core Strategy Examination, please tick:

Herefordshire Local Plan – Core Strategy

Proposed Main Modifications

Part B

Comments on soundness

All representations will be considered by the Planning Inspector as part of the examination of the Plan. The purpose of the examination is to enable the inspector to decide whether the Plan is 'sound'. For a Plan to be sound, it must be:

- **Legally compliant.** This means that the Plan meets the legal requirements under Section 20(5) (a) of the 2004 Act (as amended by the Localism Act 2011) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
- **Positively prepared.** This means that the Plan should seek to meet objectively assessed needs and infrastructure requirements where it is reasonable to do so and where this is consistent with achieving sustainable development.
- **Justified.** This means that the Plan should be the most appropriate strategy, considered against reasonable alternatives.
- **Effective.** This means that the Plan should be deliverable and based on effective joint working on cross-boundary priorities.
- **Consistent with national policy.** This means that the Plan should enable the delivery of sustainable development in accordance with the National Planning Policy Framework 2012.

You should bear these considerations in mind when making your comments.

B1. Which part of the proposed main modifications does this comment relate to?

Modification .

MM067

B2. Do you consider the proposed main modification addresses the following issues in relation to the policy concerned?

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Justified	<input type="checkbox"/>	<input type="checkbox"/>
Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B3. If you have ticked no to any box in question B2, please give your reasons below with regards to the Tests of Soundness?

The latest NPPG guidance on this is already being unpicked by developers so the words used in SD2 need to be very precise, and not introduce ambiguity by changing that guidance (which is what this Main Mod does!).

Reasons for unsoundness or correction:

Para. 5.3.40

The addition at the end of this paragraph has a poor emphasis which does not reflect the intent of the NPPF guidance and Ministerial Statement HCWS42:

http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/#paragraph_014

HCWS42 and the NPPG both actually say “should only grant planning permission if...” not the more vague words proposed “indicates that in order to gain planning permission...” so the HCWS42 and NPPG wording is clearer – why change the meaning?

The sentence “*Neighbourhood Development Plans also have the ability to consider identifying suitable sites for wind energy development*” is technically correct but implies the demotion of the importance of Neighbourhood Development Plans (NDPs) to below the Council’s own Development Plan Documents (DPDs). The whole point of the change to National Policy was that that local people will have the ‘final say’ (the Minister’s words) on wind farm applications, not the local planning authority.

The wording also creates ambiguity because it can be interpreted to mean that Herefordshire Council ‘has the final say’ and might issue DPDs which could ‘trump’ NDPs. For example, the Hereford Area Plan (a Local Plan still to be produced by Herefordshire Council, and which may extend into NDP areas adjacent to the Hereford Settlement Boundary) might allocate Wind Turbine sites in those adjacent NDP areas in conflict with the SD2 policies of those NDPs. I believe that a similar conflict might arise where rural NDP areas are adjacent to Bromyard, where Neighbourhood Planning has been abandoned and a Bromyard Development Plan will be produced (presumably by Herefordshire Council).

Herefordshire Council apparently attributes great importance to Neighbourhood Planning, If so, it should ensure that NDPs receive appropriate prominence and weight in the context of this Main Mod.

Policy SD2

The actual policy wording is marginally better in emphasis because the first bullet refers to “Neighbourhood Development Plan or other Development Plan Document”. However it lapses into non-conformity with the guidance because the second bullet proposes:

“following consultation with local residents, it can be demonstrated that the planning impacts identified can be fully addressed, and therefore the proposal has the backing of the local community.”

The Ministerial Statement and NPPF guidance both refer to “local communities” not “local residents” and I am perplexed as to why HC would wish to change the words, because wind turbines have a visual impact which affects whole communities, not just ‘local residents’ (which might relate only to a handful of people close to a wind energy site). The wording must be changed to reflect the Ministerial Statement and NPPF guidance. As drafted, the SD2 2nd bullet also omits the key words “*by affected communities*”.

In addition, the Ministerial Statement and NPPF guidance themselves contribute to lack of definition when they state: “*Whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority.*” and this is also reflected in the proposed second bullet. However the footnote to para 98 of the NPPF does fortunately provide the qualification “unless material considerations indicate otherwise” and in practice local communities will have taken into account material considerations such as landscape impact or loss of amenity etc when opposing (or backing) wind turbine developments. For clarity, this can be added to the Policy, because otherwise it may just be ignored.

(Therefore Main Modification MM067 is NOT POSITIVELY PREPARED, NOT EFFECTIVE, & NOT CONSISTENT WITH NATIONAL POLICY)

B4. Please set out what change(s) you consider necessary to make the Local Plan – Core Strategy Proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the policy or text. Please be as precise as possible.

Suggested changes to make positively prepared, effective, and consistent with national policy:

Suggested change to Para. 5.3.40 addition

“In respect of wind energy, National Planning Policy Guidance states that planning permission should only be granted if the application is in an area identified as suitable for wind energy development and has been allocated clearly in a Local or Neighbourhood Plan. In the absence of a Neighbourhood Development Plan, Herefordshire Council may identify and allocate suitable sites in a Rural Areas Site Allocation Development Plan Document or other appropriate development plan document provided that such allocation has the demonstrable backing of local communities as defined in Policy SD2.

Suggested change to Policy SD2 addition at end:

In the case of energy generation through wind power developments, permission will only be granted for such proposals where:

- *the proposed site is identified in a Neighbourhood Development Plan or other Development Plan Document as a suitable site for wind energy generation; and*
- *following consultation with local communities, it can be demonstrated that the planning impacts taking into account material planning considerations identified by affected local communities can be fully addressed, and therefore the proposal has the backing of the local community; and*
- *In the event of conflict between Neighbourhood Development Plans or other Development Plan Documents, the Neighbourhood Development Plan will take precedence.*

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to justify the representation and the suggested change. There will not normally be an opportunity to make further representations. After this stage, further submissions will only be at the request of the independent Inspector based on the matters and issues identified for examination.

Name: David King

Signature:

Date: 7 August 2015