

Clehonger Neighbourhood Development Plan 2011-2031

Response to Regulation 16 representations

Introduction

1. The Clehonger Neighbourhood Development Plan (NDP) was submitted by Clehonger Parish Council to Herefordshire Council on 19 December 2019. A consultation in accordance with Regulation 16 was carried out by Herefordshire Council from 9 January to 20 February 2020. Clehonger Parish Council has been given an opportunity to respond to representations made at the Regulation 16 stage. This opportunity is appreciated.
2. Representations were made by **Gladman Developments Ltd.** and the **West Midlands National Farmers Union**. These parties had not previously submitted comments during the preparation of the NDP. The Parish Council's responses are set out in the schedule overleaf.
3. Representations were also made by **Collins Design and Build Ltd.** and by **Hook Mason Ltd.** which were pursuant to earlier consultation comments:

Collins Design and Build Ltd. re land at Gosmore Road: this is a substantive re-statement of the Regulation 14 comment made by Collins Design and Build, the Parish Council's response to which is set out in the Consultation Statement (Table A4.2, p.29). This is re-affirmed. A planning application has been submitted in respect of the scheme referred to (LPA ref 192855/O) which is under consideration. The Parish Council wishes to record that it has objected to the application citing flooding issues, location of spreaders and drainage systems, footpath width and delivery, NDP, impact on local residents, location of proposed car park, access onto Gosmore Road, and loss of hedgerow.

Hook Mason Ltd. for Mr. G. Lewis re land adjacent Garnom, Poplar Road: this is pursuant to the Regulation 14 comment by Mr. G. Lewis, the Parish Council's response to which is set out in the Consultation Statement (Table A4.2, p.39 under Parishioner 5). This is re-affirmed. The representation by Hook Mason Ltd. raises additional grounds in support of the inclusion of the site within the Clehonger settlement boundary. These are addressed in the schedule overleaf. A planning application has been submitted (LPA ref 200299) which is under consideration. The Parish Council wishes to record that it has objected to the application citing the location of the site outside the NDP settlement boundary, poor visibility at the site access, over-development and loss of views.

4. Clehonger Parish Council has no comment to make on the other representations.

Schedule of responses by Clehonger Parish Council to representations to the Clehonger Neighbourhood Development Plan Regulation 16 consultation

NPPF = National Planning Policy Framework (February 2019)

LPCS = Herefordshire Local Plan Core Strategy 2011-2031 (October 2015)

NDP = Clehonger Neighbourhood Development Plan 2011-2031, Submission draft (October 2019)

Summary of representation	Clehonger Parish Council response
<p>Representation by Gladman Developments Ltd.</p> <p>Policy C1, Sustainable development: Policy must be sufficiently flexible to allow sustainable development and emphasis should be on balancing the stated objectives.</p> <p>Policy C2, Clehonger settlement boundary: Object to the use of settlement limits where they would preclude otherwise sustainable development from coming forward. The use of settlement limits to arbitrarily restrict suitable development on the edge of settlements does not accord with the positive approach to growth required by the NPPF. Policy should be worded more flexibly in interim to the progression of the LPCS Review. NDP policies will be</p>	<p>Policy C1 clearly states that “the following objectives will be sought and balanced” when assessing individual development proposals for their contribution to sustainable development. This ensures flexibility because the assessment will necessarily be relevant to the proposal concerned. No modification is required.</p> <p>Settlement boundaries are a tried and tested planning tool to manage village development and protect the surrounding countryside. They provide clarity as to where different planning policies apply, so that decision makers can apply them consistently and with confidence when determining planning applications, whilst also being able to respond to local characteristics and the immediate planning context.</p> <p>In Herefordshire the use of settlement boundaries is promoted by the LPCS (para. 4.8.23). NDPs are the established planning mechanism for their definition. The principle of using settlement boundaries has been supported at Examination, including recently at Pembridge (December 2018), Aymestrey (March 2019) and Withington (July 2019), despite similar representations to those made here being raised by Gladman Developments Ltd.</p> <p>The Clehonger NDP has implemented the strategic approach set out in the LPCS. This provides clarity as to whether land is in the village, and so subject to policy C2 with its positive support for housing development, or the countryside (and so subject to LPCS policy RA3).</p>

Summary of representation	Clehonger Parish Council response
<p>superseded by the LPCS Review if they are not drafted to allow for sufficient flexibility towards changing needs.</p> <p>Policy C3, Housing mix: Policy should not refer to “local needs” as this will be difficult to evidence. To ensure flexibility it should refer instead to the submission of a housing mix acceptable to Herefordshire Council.</p>	<p>The representation suggests a more flexible approach so as to be able to respond to speculative future needs. This would be contrary to the LPCS, as explained above. Moreover, LPCS policy SS3 sets out a strategic approach to ensuring sufficient housing land delivery, including provision for a Review (now commenced). In this context there is no call to develop local approaches in NDPs to provide flexibility. This would represent an unjustified weakening of planning control which would risk being contrary to sustainable development by potentially allowing further building in relatively remote and poorly-serviced rural locations.</p> <p>In short, the NDP’s approach to housing delivery is soundly-based, implementing a key requirement of the LPCS by defining an appropriate settlement boundary. This enables housing delivery to meet strategic needs and enable local development, whilst protecting village character and the surrounding open countryside. No modification is required.</p> <p>It is not accepted that policy C3 will be difficult to evidence. The local Housing Market Assessment and other sources cited in the NDP provide information on the type and size of housing required locally. The policy incorporates flexibility, allowing for this evidence to be augmented and/or updated by referring to “the latest assessment of housing needs”. This could be for instance through an updating of the Assessment itself or the undertaking of a Local Housing Needs Survey at parish level. The policy is clearly written and is underpinned by proportionate evidence. No modification is required.</p>
<p>Representation by Hook Mason Ltd.</p> <p>Policy C2 Clehonger settlement boundary: Policy is not in full conformity with LPCS strategic policies as it does not support development within or adjacent to the main built-up area, as does LPCS policy RA2. The NPPF states that NDP’s should no promote less development than set out in strategic policies</p>	<p>The LPCS encourages the use of settlement boundaries in NDPs as a means of clearly defining the extent of the identified settlements (such as Clehonger) within the wider countryside. Since such boundaries will not be defined overnight, the LPCS provides an interim position: “in the period leading up to the definition of settlement boundaries the Council will assess any applications for residential developments ... against their relationship to the main built up form of the settlement” (LPCS paragraph 4.8.23). In this interim context and under policy RA2, residential planning applications on land adjacent to rural settlements could be legitimately considered. However, the definition of a settlement boundary in a Neighbourhood Development Plan provides clarity as to the planned extent of the “main built up form” of the settlement concerned. Once a settlement boundary is defined, land outside the boundary, including immediately adjacent land, is defined as countryside and so is subject to the more restrictive terms of policy RA3. This approach enables housing delivery to</p>

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<p>or undermine those policies. Land adjacent to Garnom, Poplar Road, Clehonger should be included in the settlement boundary for Clehonger. It is a logical extension of development to the south-east of the village and subject to receiving planning permission is available to help meet Clehonger's future housing growth in the plan period.</p>	<p>meet strategic requirements whilst protecting village character and the surrounding open countryside.</p> <p>The proposed Clehonger settlement boundary delineates the main built up area together with committed housing sites. The strategic requirement for new dwellings is met. Indeed, the NDP can demonstrate delivery of 226 dwellings, significantly above the LPCS minimum requirement (109 dwellings). In this context there can be no reasonable suggestion that the NDP is promoting less development than set out in the strategic policies, or undermining those policies.</p> <p>Given this position on housing delivery, there is no justification for including the field referred to within the settlement boundary in order to help meet Clehonger's housing growth in the plan period. In addition, the site is not part of the built form of the village, and views over the field are protected by virtue of NDP policy C4 (view 3B). The Parish Council considers the settlement boundary to be appropriately drawn, and that no modification is required.</p>
<p>Representation by West Midlands National Farmers Union</p> <p>The NDP should support the modernisation and diversification of farming enterprises, the farm-based generation of renewable energy, the building of new dwellings on farms to allow succession, and access to high speed broadband and mobile phone coverage.</p>	<p>This representation does not make specific comment on any of the NDP's policies which already provide <i>inter alia</i> for the development and diversification of farm, forestry and other land-based rural businesses (policy C7) and for larger-scale agricultural development where planning permission is required (policy C8). The NDP does not include a specific policy on renewable energy or identify areas as suitable for wind energy development. Proposals for other types of renewable energy generation such as solar, biomass or anaerobic digestion would be considered against national policy, LPCS policy SD2 and other relevant policies e.g. NDP policy C4 on the natural environment. The building of new farm dwellings is suitably provided for through national policy (NPPF para. 79 a)) where there is an essential need for a rural worker, including those taking majority control of a farm business, and by LPCS policies RA3 and RA4. Improvements to communications and broadband including for farms is supported through Community Action CA8. Overall, no further policy provision or other modification to the NDP is required.</p>

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April 2020
For Clehonger Parish Council