

Llangarron Neighbourhood Plan – Independent Examination

Parish Council Response to Examiner’s Clarification Note, 20th September 2021

1.0 Introduction

- 1.1 The independent examination into the Llangarron NDP has commenced and the independent examiner has prepared a Clarification Note inviting responses from the Parish Council on a number of matters – see ‘Llangarron Neighbourhood Plan Examination 20th September 2021 Clarification Note from the Examiner to Llangarron Parish Council’.
- 1.2 This document sets out the Parish Council’s response to the points raised by the Examiner in his Clarification Note.

2.0 Examiner’s Comments and Parish Council Responses 2.1 Regulation 16 Consultation Responses

- 2.1.1 Examiner’s Comment: ‘There is an opportunity for Llangarron Parish Council to respond to me in respect of the representations made during Regulation 16 consultation, should it wish to do so.’
- 2.1.2 Parish Council Response: Please refer to the document ‘Llangarron Neighbourhood Plan, Parish Council Response to Comments submitted during Regulation 16 Public Consultation’, July 2021¹.

2.2 Public Consultation

- 2.2.1 Examiner’s Comment: ‘A number of representations have been submitted in respect of the Neighbourhood Plan consultation process, including comments to the effect that people did not have a fair chance to have their say. Please can you give consideration to and comment on the representations made in respect of the public consultation process?’
- 2.2.2 Parish Council Response: Please refer to the submitted Consultation Statement, January 2021 and the document ‘Llangarron Neighbourhood Plan, Parish Council Response to Comments submitted during Regulation 16 Public Consultation’, July 2021. This document was approved by the Parish Council at the meeting on 15th July 2021 and placed on the Parish Council NDP web page, but it is understood was not placed on the Herefordshire Council website straight away. The document sets out in great detail the many informal and formal opportunities provided throughout the lengthy NDP process for all stakeholders to ‘have their say’. The PC does not accept that people did not have a fair chance to have their say. On the contrary the significant number of responses at various stages and the PC’s careful consideration of these responses (as documented in the Consultation Statement and documents associated with the review of the previous Draft NDP) demonstrate a strong commitment to an open process and listening to all viewpoints. In fact there were a number of very positive responses from parishioners about both the Plan and the NDP consultation processes.

¹ See <https://llangarronparishcouncil.org.uk/llangarron-parish-council-neighbourhood-development-plan/>
And <https://www.herefordshire.gov.uk/directory-record/3079/llangarron-neighbourhood-development-plan>

2.3 Policies

2.3.1 Examiner's Comment: 'Policy SUS1: The Policy is very wide-ranging and appears to seek to cover many issues. National policy and advice requires planning policies to be concise and deliverable, amongst other things. Herefordshire Council has submitted a representation to the effect that parts of the Policy appear to be covered elsewhere in the Neighbourhood Plan. Please could you comment on Herefordshire Council's representation in this regard?'

2.3.2 Parish Council Response: The PC considers that this Policy is very important as it sets out the overarching approach to development in the Parish at the start of the NDP. The Policy criteria summarise the key principles which should be applied in order to deliver sustainable development locally. The other Policies in the Plan provide more detail for the various criteria set out in Policy SUS1. Specifically:

- Criterion 1 is linked to Policies ENV1 and ENV2
- Criteria 2 and 7 are linked to Policy TRA1
- Criterion 3 is linked to CSU1
- Criterion 4 is linked to Policies HOU1, HOU2 and HOU4
- Criterion 5 is linked to HOU2 and HOU3
- Criterion 6 is linked to ENV3, ENV4, COM1, ENG1 and ENG2 and
- Criteria 8 and 9 are linked to EMP1, EMP2, HOU3 and HOU4.

Perhaps the Policy (or supporting text) could be improved by cross referencing to the more detailed NDP Policies in each of the criteria as noted above.

2.3.3 Examiner's Comment: 'Policies SUS1, ENV1, ENV2 – These Policies include requirements for all development to “enhance.” Such an approach appears to go beyond any national or local policy requirements. Please can you point me to any evidence in justification of the above approach?'

2.3.4 Parish Council Response: NPPF Section 15 is entitled 'Conserving and enhancing the natural environment'. Paragraph 174 sets out that 'planning policies and decisions should contribute to and enhance the natural and local environment' by various means including a) protecting and enhancing valued landscapes and sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan. Paragraph 179 sets out how plans should protect and enhance biodiversity. The NDP describes the quality of the landscape character in the Parish and notes that there are 3 special wildlife sites within the Parish boundary. Important views are also described. NDP Policy ENV1 has been prepared through extensive public consultation and notes the local natural heritage assets that are important to parish residents. Natural England suggested at Reg 14 that there should be a policy commitment to the preservation and restoration of green infrastructure and 'restoration' could be seen as contributing to local 'enhancements' as it infers an improvement to an existing asset. The Policy includes examples of how green infrastructure, including priority habitats, could be improved.

2.3.5 The Parish Council would like to see development make a positive contribution to the beautiful countryside and local wildlife, so that the NDP leaves a beneficial legacy for the future. However, it is accepted that this may

not be possible for all developments (such as house extensions where planning permission is required) and therefore a caveat may be added to the policy, with wording such as 'Wherever possible ...' inserted to the beginning of the first sentence to improve flexibility.

2.3.6 Similarly NPPF Section 16 is entitled 'Conserving and enhancing the historic environment.' Paragraph 28 advises 'Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include ... conserving and enhancing the natural and historic environment and setting out other development management policies.' Paragraph 197 goes on to say 'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets'. Policy ENV2 notes those built heritage assets which contribute to local character in the Parish and these were identified through extensive public consultation on the emerging NDP. The local character of the settlements is described in the supporting text and these sections were written by Parish Councillors who know and value their local area. Once again, the Parish Council would like the NDP to leave a positive legacy so that built character is enhanced by development proposals and not just protected. Designs that respond sensitively to the distinctive local character and heritage are likely to enhance the rich and varied character of this very rural area.

2.3.7 However it is accepted that this may not be possible for all developments (such as house extensions where planning permission is required) and therefore a caveat may be added to the policy, with wording such as 'Wherever possible ...' inserted at the beginning of the first sentence to improve flexibility.

2.3.8 Examiner's Comment: 'Policy ENV4 – The first part of the Policy appears ambiguous. Please can you point me to information in respect of which development "may" result in overload?'

2.3.9 Parish Council Response: Very little of the parish benefits from mains drainage and has been subject to substantial development since mains drainage was installed – further information about current provision is provided in the supporting text (paragraph 7.29 of the NDP). Policy ENV4 was included in the NDP following comments from Welsh Water submitted during the first Reg 14 consultation. Welsh Water suggested the following wording: 'Development that may result in the capacity of the public sewerage network and/or the wastewater treatment works (WwTW) serving Llangrove, Llangarron or Llancloudy becoming overloaded will not be permitted. In either of these instances, development will need to be phased or delayed until capacity becomes available, either through Welsh Water regulatory investment or, in advance of this through the developer funding the improvements themselves via the provisions of the Water Industry Act (1991) and/or section 106 of the Town and Country Planning Act (1990).' The addition of the Policy was supported by Welsh Water in their response to the second Reg 14 consultation, when they commented that 'the inclusion of the above policy will strengthen the position of ensuring there is sufficient capacity available (or will be made available) before development is approved.' It is assumed that Welsh Water would have the expertise to advise on capacity issues and would respond on an individual basis to development proposals as a statutory consultee. If the Examiner proposes that the Policy wording should

be made clearer / more specific, then the PC suggests that Welsh Water is contacted for further technical advice.

2.3.10 Examiner's Comment: 'Policy EMP1 – The Policy supports the development of “other rural business buildings” in the countryside. Please can you point me to information in respect of what “other rural business buildings” comprise – is this any form of business in the rural area?'

2.3.11 Parish Council Response: The Parish is very rural in character and changes in farming and agricultural practices have led to commercial development pressures in the countryside. The Core Strategy gives examples in Herefordshire such as food and drink production, garden centres and military uses (see Policy RA4 and supporting text). Examples of other rural business buildings in Llangarron Parish include those used for sales and renting of agricultural and garden machinery and 'party barn' buildings for events such as weddings. Specifically these are:

- The Forge, Llangarron (agricultural machinery)
- JC & DM Harris (garden machinery)
- John Payne (agricultural engineers)
- Upperfields Barn – accommodation for 25 with approved planning for the conversion of a Dutch Barn providing accommodation for a further 18 guests.

Tourism related development is addressed specifically in NDP Policy EMP2. Therefore Policy EMP1 should be applied to any other business related development in the countryside.

2.3.12 Examiner's Comment: 'Policy HOU1 – The Policy requires housing development to support a mix of housing types and tenure. National and local policy does not require developments of ten or fewer dwellings to provide affordable housing. The Neighbourhood Plan does not allocate land for housing. Please can you point me to evidence that the requirements of Policy HOU1 part 1) are deliverable?'

2.3.13 Parish Council Response: The Parish Council accepts that without site allocations for 10 or more houses, there will be limited opportunities to require affordable housing on schemes within the settlement boundaries, although there is some capacity in some of the settlements where the boundaries are less 'tight'. An existing commitment for an 18 house development in Llangrove should provide some affordable housing, and if this or other commitments do not come forward in the future, there may be opportunities to renegotiate affordable housing contributions.

2.3.14 The Parish Council is committed to, and will seek further opportunities for, affordable housing provision. The Parish Council would like to encourage smaller schemes to at least consider affordable housing provision as part of measures to promote the longer term social sustainability of the Parish and so would wish to see the wording related to affordable housing retained in the Policy.

2.3.15 Examiner's Comment: 'Policy HN6 – Representations have been received, objecting to the designation of sites 5.1 and 5.3 as Local Green Space. Please could you comment in respect of the objections to the designation of these two sites as Local Green Space?'

- 2.3.16 Parish Council Response: There are no Local Green Spaces identified in Llangarron NDP and no such Policy. It is presumed this is a drafting error.
- 2.3.17 Examiner's Comment: 'Policy HOU4 – Household applications tend to comprise the majority of planning applications as homeowners express their right to extend. Normally, household extensions are subject to requirements related to taking residential amenity and local character into account. Policy HOU4 appears to seek to introduce onerous, if ambiguous, requirements. Please can you point me to evidence of where national or local planning policy (as opposed to say, the removal of Permitted Development Rights by legal agreement) seeks to restrict household extension applications in order to retain small homes?'
- 2.3.18 Parish Council Response: This Policy was added to the NDP at a fairly late stage, in response to a representation at Reg 14 from a local resident. The Covid-19 pandemic has led to increased levels of working from home and house extensions can provide much needed additional accommodation and space, particularly if they are well designed and enhance the existing property. However public consultations (see NDP para 9.14 for instance) have shown that there is a local preference for smaller houses and recent new developments have tended to provide a majority of larger family (4+ bedroom) properties. Many properties in the parish are on relatively large plots which provide the potential for substantial extensions – for instance converting a modest 2/3-bedroom home to a 4/5-bedroom executive home. The concern is that if significant numbers of smaller properties are extended then the supply of smaller homes in the Parish will be further diminished.
- 2.3.19 Current Local Plan policies do not seek to explicitly restrict residential extensions to retain a supply of smaller homes. However Herefordshire Local Plan Core Strategy recognises that there are particular issues with availability and affordability in rural areas: paragraph 5.1.17 notes that 'there is a clear need to provide for balanced and sustainable communities in Herefordshire. Housing affordability issues in the county are compounded by the housing offer, with a high proportion of detached housing and properties in higher council tax bands.' Policy H3 – Ensuring an appropriate range and mix of housing, sets out that 'residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities.'
- 2.3.20 Work is underway to review the Core Strategy. The recently published Housing Market Area Needs Assessment Final Report, July 2021². Ross-OnWye Housing Market is considered in Chapter 12. Paragraph 12.8 sets out that in respect of the size of properties, 3 bedroom and 4 bedroom properties make up a large proportion of housing stock within the HMA at 59.7%. Table 12.11 Ross-on-Wye HMA Recommended Housing Mix by Tenure by Size shows that in the rural area the recommended mix for market housing is 5% 1 bedroom, 25% 2 bedrooms and 50% 3 bedrooms with only 20% 4+ bedrooms. This will be used to inform decisions on housing mix in new developments but there is also a need to retain a quantum of existing smaller properties within the rural areas as part of a sustainable mix.

² <https://www.herefordshire.gov.uk/directory-record/6305/herefordshire-housing-market-needs-assessment2021>

2.3.21 Core Strategy Policy E3 – Homeworking sets out that small extensions or conversions for homeworking will be allowed where the proposed use and operation would be compatible with location and heritage value, and where it would not adversely affect the amenity of the neighbourhood by any of the following: changes to the appearance of any building; noise disturbance from the use or any increased traffic and parking generated; unsociable hours of operation; and the storage of hazardous materials or emissions from the site. NDP Policy HOU4 provides a greater level of local detail to some these principles, addressing residential amenity, impact on character, and promoting sustainability and accessibility.

2.3.22 Again the NPPF does not explicitly set out that proposals for house extensions should consider impacts of supply of smaller homes in rural homes. However paragraph 78 advises that ‘in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.’ Part 12 Achieving well designed places, sets out in paragraph 126 that ‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.’ Paragraph 127 goes on to say ‘Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.’ Paragraph 130 sets out ‘planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.’

These helpful principles should apply to developments such as extensions just as they do to larger scale schemes.

2.3.23 Planning Practice Guidance in ‘Housing needs of different groups’ recognises that rural communities face particular issues: see ‘Rural Housing - How can planning policies support sustainable rural communities? People living in rural areas can face particular challenges in terms of housing supply and affordability.’

2.3.24 NDP Policy HOU4 has been prepared to address these particular challenges in Llangarron parish.

- 2.3.25 Examiner's Comment: 'Please can you point me to information in respect of how "adverse impact...sensitive to...respond positively...be integral" will be judged, who by and on what basis?'
- 2.3.26 Parish Council response: These judgements will be made by HC planning officers and other decision makers, as part of the development management process, having regard to other planning policies in the NDP and Core Strategy. The Parish Council will use the NDP policies and local knowledge of amenity, local character etc to inform their comments on planning applications.
- 2.3.27 Examiner's Comment: 'Please can you point me to a definition of "small in scale"?'
- 2.3.28 Parish Council response: Small in scale (and proportionate) should be taken to mean of a smaller scale comparative to the host building so that the original building remains the dominant element of the property. The newly built extension should not overwhelm the existing building from any given point.
- 2.3.29 Examiner's Comment: 'Please can you point me to information in respect of when a decision must apply part 8) of the Policy and why?'
- 2.3.30 Parish Council Response: Part 8 should be applied where the proposal is for occupants with disabilities, to help them to live safe and independent lives. Occupational health will undertake assessments of proposed homes for the disabled and will recommend reasonable adaptations as appropriate. PPG Housing for older and disabled people advises 'unsuitable or unadapted housing can have a negative impact on disabled people and their carers. It can lead to mobility problems inside and outside the home, poorer mental health and a lack of employment opportunities. Providing suitable housing can enable disabled people to live more independently and safely, with greater choice and control over their lives.' It goes on to say 'To enable disabled people to live more safely and independently, local planning authorities will need to consider their variety of needs in both plan-making and decisiontaking.'
- 2.3.31 Examiner's Comment: 'Please can you point me to information in respect of how applications for live/work accommodation will be encouraged and why encouragement is a land use planning policy matter in this respect?'
- 2.3.32 Parish Council Response: The Core Strategy Policy RA6 - Rural economy sets out that home working will be 'supported' where it helps to diversify the rural economy. Perhaps the wording should be changed to 'supported' rather than 'encouraged.'
- 2.3.33 Examiner's Comment: 'Policy TRA1: May of the criteria seem to relate to large scale, rather than all development. Please can you clarify what type of development this Policy is meant to apply to; or point me to evidence/information re: why it is applicable to all development, as set out? Please can you point me to information in respect of how this Policy can be delivered by all development?'
- 2.3.34 Parish Council Response: The Policy should apply to proposals which are for, say, 2 houses or more or for developments such as conversions for business or residential use ie it should not apply to not smaller householder applications such as extensions. Most new developments which add to the

number of vehicles on the rural road network will have some impact. The road infrastructure throughout the Parish is challenging and includes single track roads, no street lighting and high hedges/ancient trees obstructing sight lines.

2.3.35 Examiner's Comment: 'Policy COM1: Please can you clarify what type of development the first part of this Policy is meant to apply to; or point me to evidence/information re: why it is applicable to all development, as set out?'

2.3.36 Parish Council Response: The Policy should be applied to proposals for new housing and business development and conversions and not to householder applications for say extensions. There has been an increase in people working from home and children and adults needing to access the internet for work and studying during the COVID-19 pandemic.

2.5 General

2.5.1 Examiner's Comment: Thank you. Please note that the above queries do not imply criticism of the Neighbourhood Plan but are simply to help my understanding of it and to help to support its examination against the basic conditions. Given the ongoing impacts of coronavirus, I am not setting a strict deadline for feedback, but would welcome as early a response as is practical. Thanks.

2.5.2 Parish Council Response: Noted. We hope the above points are helpful and will assist the Examiner with progressing the Examination.

Llangarron Parish Council

With support from  Kirkwells
The Planning People

30th September 2021