

TITLEY & DISTRICT GROUP PARISH COUNCIL
(Incorporating Knill, Nash, Rodd and Little Brampton with Staunton On Arrow And Titley)

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28th April 2023

Mr John Slater
John Slater Planning Ltd
ADDRESS REDACTED.

Dear Mr Slater

Thank you for agreeing to act as examiner for the revised Titley & District Group Neighbourhood Development Plan 2011-2031.

The Parish Council, with the backing of the Steering Group, thought it may be helpful to provide some background to assist you in your examination of the plan.

The NDP previously passed examination in December 2019, but was rejected at referendum in May 2021. Residents who voted against approval of the plan said they did so because they disagreed with the previous Examiner's recommendation, that the Titley settlement boundary be extended.

The boundary as proposed by the Examiner, would incorporate a piece of land on which outline planning permission for five houses was granted in 2016 and an application for a further five houses was dismissed at appeal in 2018. (See Appendix 1)

The Examiner's view was that excluding this land from the settlement boundary would leave "an isolated and irregular piece of land and an oddly shaped settlement boundary". The Parish Council, backed by the Steering Group, disagrees.

The 2016 permission was not supported by the local community and local people want to ensure the remainder of the site remains undeveloped. Objections to the proposed development of the site included concerns about access, impacts on a registered park and gardens and landscape impacts. The Parish Council, backed by the Steering Group, has recognized that the previous iteration of the NDP did not set out the planning reasons for excluding this site from the Titley settlement boundary clearly enough. The revised plan now explains the thinking more fully.

Essentially, the settlement boundary as drawn protects the historic pattern of development, including preserving an important gap between the village and Eywood Park (registered park) and gardens. It also addresses concerns that increased traffic from the development of the site, would increase the highway risk at the junction with the B4355, which provides access to the site.

The main reason for dismissal of the non-determination appeal for the second phase of development on this site, was the highway risk arising at this junction. The appeal decision is attached at Appendix

The outline permission remains valid, as there are outstanding reserved matters awaiting approval. However, the five houses permitted are not included within the number of houses that would be delivered by the NDP, on the basis that the development may not proceed and is not supported by the plan.

The Examiner also took the view that extending the settlement boundary would provide additional opportunities for infilling, addressing a concern raised by Herefordshire Council that the plan had overestimated likely windfall development.

The NDP now explains that the majority of windfall development in the neighbourhood area in recent years has arisen from barn conversions outside the settlement boundaries and that this pattern is likely to continue. Herefordshire Council does not have any concerns about the ability of the plan to deliver the minimum proportional growth target allocated to the Neighbourhood area by the Core Strategy.

The Parish Council, backed by the Steering Group, would also like to draw your attention to the responses from Herefordshire Council to the Regulation 16 draft of the plan. The NDP committee had provided responses in the Consultation Statement to Herefordshire Council's comments and so is disappointed that these have not been referenced in the Progress to Examination report. The relevant section of the Consultation Statement is attached at Appendix 3.

The only comments from Herefordshire Council not addressed in the Consultation Statement, are those from the Transportation Team. This was because the Parish Council and Steering Group saw these for the first time when they received the Progress to Examination Report. The Steering Group's responses are attached at Appendix 4.

The Steering Group had also responded at the Regulation 14 and Regulation 16 stages, to the claim from Mr Forbes, that the Group had failed to engage with him over his wish to include land adjacent to the converted Titley Court Barns within the Titley settlement boundary.

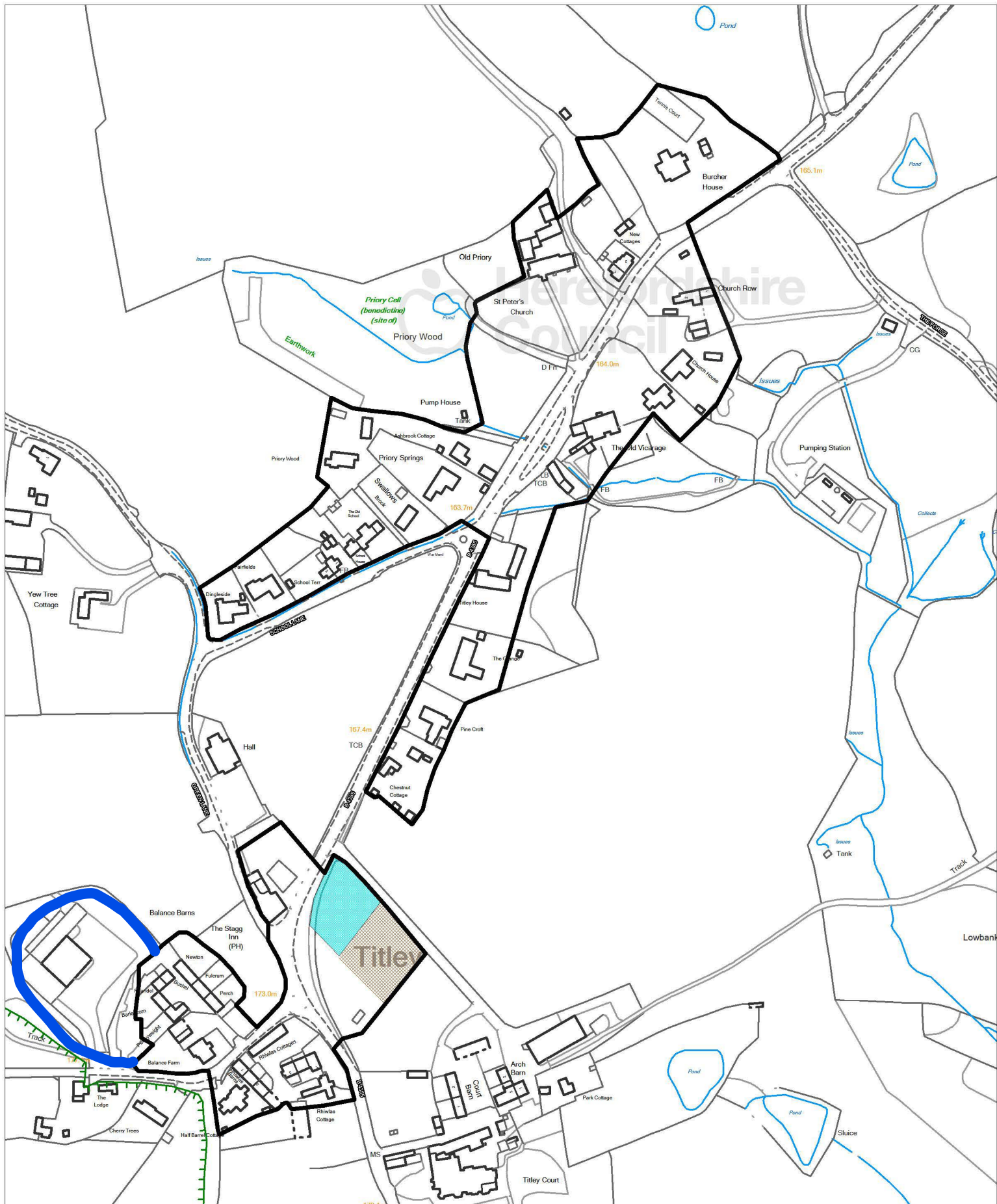
The Steering Group explained to Mr Forbes why the land was not included and the reasons are set out in the Consultation Statement.

The Statement explains:

“Consideration was given to including 193183 and the converted barns at Titley Court within the settlement boundary, but this would have entailed incorporation of areas unsuitable for development including a historic walled garden.”

Yours sincerely

Titley & District Group Parish Council and Steering Group



- Settlement Boundary (TG5)
- Open Space (TG4)
- Proposed Housing Sites (TG4)
- Registered Historic Parks & Gardens

Titley village Policies Map

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 at A4 size





Appeal Decision

Site visit made on 27 June 2017

by **D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 July 2017

Appeal Ref: **APP/W1850/W/17/3168668**

Balance Farm, Eywood Lane, Titley HR5 3RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mrs Angela Vaughan against Herefordshire Council.
 - The application Ref 162824, is dated 6 September 2016.
 - The development proposed is the erection of 5 dwellings being 3 x 3 bed and a semi-detached pair of 2 bed.
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Decision

1. The appeal is dismissed and planning permission for the erection of 5 dwellings being 3 x 3 bed and a semi-detached pair of 2 bed is refused.

Preliminary Matters

2. The Council's evidence states that they would have refused the planning application for the following reason:-
 - The required visibility splays cannot be achieved at the current design speed of 60mph at the access as well as onto the B4355 road. Visibility required at the access according to Manual For Streets requires 2.4 x 63m this is not achievable in both directions nor within total ownership of the applicant. Consequently the proposal is considered to be detrimental to the interests of highway safety, contrary to policy MT1 of the Herefordshire Local Plan - Core Strategy.
3. A large number of the third party representations concern the impact of the proposal on nearby heritage assets and the appellant has had the opportunity to comment on this matter. As such, I do not consider that any party would be prejudiced by my consideration of this matter.
4. An application for the removal of a condition in relation to an agricultural worker's dwelling on an adjacent site was refused in January 2017. This decision is the subject of separate appeal¹ and in the interests of clarity, I have dealt with that appeal in a separate decision letter.

Main Issues

5. In light of the above the main issues are:-
 - The effect of the development on highway safety.
 - The effect on the settings of nearby heritage assets.

¹ APP/W1850/W/17/3168334

Reasons

6. The appeal site forms part of a hard surfaced area adjacent to a large modern agricultural building. There are a number of converted outbuildings/barns that were associated with Balance Farm, a grade II listed building, adjacent to the site. The proposal would involve the erection of 5 dwellings with access from Eywood Lane. Eywood Lane is a road of restricted width that appears to serve properties within the adjacent Eywood Park, a grade II registered park and garden.

Highway safety

7. At my site visit (middle of the day) I noted that there were relatively few vehicles using Eywood Lane. I acknowledge that at other times of the day it may be busier but there is no evidence before me to suggest that the road is normally heavily trafficked.
8. Eywood Lane bends around Balance Farm and there is a speed limit of 60mph, adjacent to the appeal site. The visibility to the east of the site is considerably restricted by the bend and a tall boundary hedge that is within close proximity of the bend. The visibility to the west is severely restricted by an entrance pillar to Eywood Park and landscaping around it. The Highway Authority have stated that the required visibility splay for an access to the appeal site, based on the guidance of Manual for Streets 2 (2010) should be 2.4m x 63m. I have no reason to dispute this.
9. I have no information before to indicate what the available visibility splays would be in both directions. However, based on my observations on site, even though the existing access is reasonably wide, I consider that the available visibility splays would be significantly below that referred to above. Eywood Lane is not heavily trafficked but the national speed limit is in place on it. Due to its restricted width and the proximity of the bend it would be likely that the majority of cars would be travelling slower than 60 mph. Nonetheless, without evidence, such as speed readings, it is not possible to ascertain with sufficient clarity and robustness that the development would achieve a safe entrance and exit from Eywood Lane.
10. The junction of Eywood Lane and the B4355 is within close proximity of the site. The B4355 appears to be a relatively busy road and I observed that vehicles were regularly passing the junction. There is a speed limit of 40 mph on the B4355 adjacent to the junction. I have no evidence before me to indicate what the available visibility splay to the south-east would be but visibility in that direction is considerably restricted by a bend and boundary treatments. The Highway Authority has stated that the usage of Eywood Lane and its junction with the B4355 should not be increased substantially with the existing 40 mph speed limit in place.
11. The appellant has referred to developments that have been granted planning permission in the surrounding area including a barn conversion scheme adjacent to the junction of Eywood Lane and the B4355. Outline planning consent for 5 dwellings has been granted on an adjacent site that would utilise the same access as the appeal site. However, I do not have the full details of the circumstances that led to these schemes being accepted. In any case, I am required to determine the appeal on its own merits.

12. Nevertheless, the proposal would substantially increase the traffic utilising the access with Eywood Lane and its junction with the B4355. The B4355 is a well-used thoroughfare with traffic moving at speeds up to 40mph. As such, I consider that the restricted visibility in a south easterly direction would result in an increased risk to the safety of highway users and as such it would cause significant harm to highway safety.
13. In conclusion, I consider that it has not been demonstrated that a safe entrance and exit from the proposed development can be achieved and that the proposal would cause significant harm to highway safety. It follows that the proposal conflicts with Policy MT1 of the Herefordshire Local Plan Core Strategy (CS). This policy seeks development which, amongst other things, are designed to achieve safe entrance and exit.

Heritage assets

14. The setting of nearby listed buildings is not cited by the Council as a potential reason for refusal. However, S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
15. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance.
16. From the evidence before me, including the listing descriptions, I consider that the significance of the listed buildings nearby is largely derived from their form, historic fabric and particular architectural features.
17. The significance of Balance Farm is mainly experienced from within its curtilage. However due to its proximity to Eywood Lane and the B4355 its significance is also experienced in views from these roads. A number of adjacent outbuildings and barns have been converted to residential use. Whilst there is some intervisibility between the converted barns and the appeal site due to intervening vegetation there is limited intervisibility between the appeal site and Balance Farm itself.
18. The adjoining site contains a large modern agricultural building which is to be demolished and, as stated above, outline planning permission for 5 dwellings has recently been granted on that site. The settlement pattern in the surrounding area is mainly one of a dispersed nature but there is a cluster of buildings and a number of farm complexes in the immediate vicinity of the appeal site. Subject to the control that exists at reserved matters stage the proposed dwellings on this site and the adjacent site could be designed to be in keeping with the pattern of development in Titley and sensitive to local character and architectural styling. As such, I am satisfied that it would be

- possible to design a scheme which would not materially change views from Eywood Lane and the B4355 of Balance Farm and its complex of outbuildings.
19. As such, the ability to appreciate and understand Balance Farm's past connection with agricultural use would not be materially affected by development of the application site. I find, therefore, that the special interest and significance of the listed building, and its setting, would be preserved.
 20. Titley Court (grade II) lies on the opposite side of the B4355 to Balance Farm. I am satisfied that it derives heritage significance from its immediate, rather than extended, setting. There is no evidence before me, in this regard, to suggest that there would be any intervisibility with the development proposed. Accordingly, there would be no harm to the setting or significance of the listed building, and neither would the development scheme impact on the ability of the public to interpret its significance.
 21. Eywood Park is within close proximity to the appeal site. Third party evidence states that the park may have a connection to Lancelot 'Capability' Brown but the list description states that even though he visited Eywood there is no evidence that he worked at or advised on Eywood. The significance of Eywood Park derives from its historical and aesthetic value as an example of an 18th century designed landscape. The entrance to Eywood Park marked by a 19th century lodge and gateway was, historically, secondary in nature but in more recent times, it has become the main entrance. The grounds of the park, set within attractive rolling countryside interspersed with stands of mature trees, create panoramic views from Eywood Lane when approaching the entrance from Titley.
 22. However, there is tall dense planting between the appeal site and Eywood Park and as such there is limited intervisibility between the appeal site and Eywood Park. The planting may not be native species and is not permanent and views to and from the registered park and garden could be increased or decreased in the future. Nevertheless, there is no firm evidence before me to suggest that the existing situation is likely to change in the near future. Moreover, the proposal would also be seen against the backdrop of Titley in views from Eywood Park and it would have no greater impact on the setting of the park than the outline planning permission for 5 dwellings on the adjoining site. The experience and understanding of understanding of the heritage asset itself would not be materially affected.
 23. In conclusion the proposal would preserve the settings of the nearby heritage assets and it follows that it would comply with CS Policy LD4 which, amongst other things, seeks development that protects, conserves, and where possible enhances heritage assets and their settings in a manner appropriate to their significance. The proposal would also comply with section 12 of the Framework.

Other matters

24. I note the appellant's concern regarding the Council's determination of the application. However, that is not a matter for my consideration in the context of this appeal decision.
25. The site is included within the Council's Strategic Housing Land Availability Assessment (SHLAA) document and it is cited as a brownfield site. However, the site is associated with the adjacent large modern agricultural building and

the overall use for the site is agricultural. The Glossary at Annex 2 of the Framework specifically excludes land occupied by agricultural buildings from the definition of previously developed land. Moreover, the inclusion of the overall site within the SHLAA is under review.

Conclusion

26. The Council cannot demonstrate a 5 year supply of housing land (HLS) as required by paragraph 47 of the Framework. Furthermore, paragraph 49 of the Framework states that all housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the Framework explains that there is a presumption in favour of sustainable development at the heart of the Framework, and that this should be seen as a golden thread running through both plan-making and decision-taking. It goes on to indicate that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole; or unless specific policies in the Framework indicate that development should be restricted.
27. The appeal site is well located in respect of the settlement and its facilities and it occupies a relatively accessible location. The development as proposed would also result in support for local services and facilities, both during construction and after occupation. The proposal would also make a contribution to the local economy including the provision of construction jobs, some additional local spend and New Homes Bonus and Council Tax receipts. Given the amount of development proposed, these benefits would be likely to be modest in scale.
28. The proposal would provide 5 new dwellings in an area where there is an acknowledged shortfall but I have no detailed evidence before me in respect of either the level of undersupply or predicted housing delivery. However, as it is common ground that a HLS cannot be demonstrated, I conclude that the proposed houses would make a contribution, albeit modest, to meeting the undersupply of housing which would be a social benefit.
29. As stated above, the proposal complies with section 12 and as such the Framework does not indicate that the development should be restricted in relation to the designated heritage assets. However, I have found that the proposal would cause significant harm to highway safety contrary to the development plan policy set out above. When assessed against the Framework taken as a whole that harm would significantly and demonstrably outweigh the modest benefits associated with the scheme, including the contribution to housing supply and the relatively accessible location. Accordingly, I do not regard the appeal scheme as sustainable development overall.
30. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR

HEREFORDSHIRE COUNCIL – DEVELOPMENT MANAGEMENT		
Policy TG1 - Net gains biodiversity – is this same metric as expected nationally? How will that be measured in advance of requirement for net gain coming in	This is a matter for the decision-maker based on the evidence provided by the applicant. The BNG metric tool is available and may be used to calculate BNG.	No change
<p>Policy TG2</p> <p>Point 6 – Seeks to impose a lower threshold for affordable housing. Does not align with NPPF or CS.</p> <p>Seeking to use NPPF para 64, but this lower threshold only applies in designated areas - National Parks, Areas of Outstanding Natural Beauty and areas designated as ‘rural’ under Section 157 of the Housing Act 1985.</p> <p>Policy not in accord with local or national policy</p>	<p>Policy amended to say it will apply if HC receives a positive response to its application for designated rural areas.</p> <p>If not, national policy will apply.</p> <p>Titley is a designated rural area under Statutory Instrument 1997 No. 620 and in accordance with the old PPS3. The designation post-dated the 1985 Act, which requires only that the area has been designated by order of the SoS. The Order was made by the Secretary of State for the Environment.</p>	Policy amended as described
Policy TG3. Rural exception housing policy generally reiterates H2. Perhaps needs more supporting text to qualify how ‘proven local need’ will be assessed. This policy does not add anything that is not already set out in H2. The only difference is that it seeks proposals “to be agreed with Parish Council’. This is not appropriate. Consultation with the PC should be encouraged, but ultimately the PC are not the decision making body.	<p>Local needs have been established by housing needs surveys.</p> <p>This policy previously passed examination. The examiner said:</p> <p>“The policy is clearly worded, has regard to the NPPF, is in general conformity with the CS and in particular CS Policies SS2, RA3 and H2 and helps to achieve sustainable development. It meets the basic conditions. No modifications are recommended.”</p>	No change

<p>Policy TG4 - Effectively an allocation policy for 6 units</p> <p>Only 0.175ha of the site will be assigned for housing. This leads to a density equivalent to of ~35 units per hectare. This is much higher than the rest of the village and particularly at odds with the site’s immediate setting; which is low density and has very open feel.</p> <p>The policy sets out very prescriptive requirements – some of which contradict with each other. For instance, orientation to street scene vs solar gain.</p> <p>Considered it would be difficult to achieve an acceptable form of development within the parameters set by the policy.</p>	<p>The description of the proposed development has been changed to a “mixed use scheme” to reflect the fact that the whole site will not be used for housing.</p> <p>The design requirements were not raised as a concern during the previous examination.</p> <p>The matter of solar gain is addressed in criterion. 8 and is to be considered at the design stage. The policy makes clear that the orientation of the dwellings is preferred - not prescribed.</p>	<p>Description of proposal changed to “mixed use scheme”</p>
<p>TG5 Balance Farm omitted – should be included. Well known issue.</p> <p>If Balance Farm outline lapsed and by not including it within boundary there will be no presumption to grant permission again, site will need to be considered on its merits.</p> <p>Issues such as highways safety would need to be considered for instance and if not achievable then being within boundary wouldn’t mean that permission will necessarily be granted.</p> <p>Unclear why there is a very narrow 40m separation between the boundaries to the north-east and south-west parts of the village. Does this frontage gap have particular value? If not, it would appear as a logical infill plot.</p> <p>The strategy counts sites ‘held with phosphate’ towards its housing numbers, but is advocating a settlement boundary which would mean the principle of development on these sites would no longer be acceptable if NDP adopted. Eg. 193183 at Titley Court would be outside the boundary if plan adopted and therefore refused. If the parish seek to rely on these sites to meet needs and find them acceptable, then they should be included within the boundary.</p>	<p>The NDP has been revised to explain why the Balance Farm site has been excluded.</p> <p>Consideration was given to including 193183 and the converted barns at Titley Court within the settlement boundary, but this would have entailed incorporation of areas unsuitable for development including a historic walled garden.</p> <p>The issue of the gap between the boundaries to the NE and SW was not raised at examination. Although the line of the settlement boundaries is only c.40m apart, the distance between developed land is much greater due to the area of open green space.</p> <p>The plan explains that the windfall allowance is based on historic figures, which relied on significant numbers of barn conversions. There are still several barns within the neighbourhood area that are likely to be suitable for conversion into dwellings.</p>	<p>No change</p>

<p>It would be logical to include the barn conversions at Titley Court and 193183 within the settlement boundary, given they are contiguous with the allocated site?</p> <p>Boundary is generally quite tightly drawn. Would question whether a windfall allowance is achievable given limited opportunities for infilling.</p> <p>Policy needs to include clause along lines of ‘outside of these boundaries, new housing will be limited and only be supported in accord with RA3’</p> <p>The policy seeks to ensure external walls are stone/timber/slate (point 9.) Has justification been shown for this? These materials do not particular define Titley. There is a large variety in the palate of materials seen throughout the village.</p>	<p>Paragraph 5.19 refers to policy RA3. This approach was acceptable to the examiner at the previous examination.</p> <p>The view of the NDP steering group is that the preferred materials reflect the local vernacular. The policy allows for alternatives where these can be justified.</p> <p>Local Vernacular is described in the Government’s National Design Guide as:</p> <p>“An indigenous building style using local materials and traditional methods of construction and ornament...”</p>	
<p>Policy TG6 This is an aspirational policy which may prove difficult to deliver.</p> <p>To place a policy requirement on a scheme for 5 units to provide a large area of community open space and village car park is quite onerous.</p> <p>Setting the threshold that only 25% of the site can be used for dwellings, gardens, garages, parking and access arrangements is very prescriptive and it will likely be difficult to produce a scheme that meets other design requirements whilst keeping to these parameters.</p> <p>The requirement to position dwellings to the rear of the site would be at odds with the prevailing pattern of development, which is wayside.</p> <p>Has the requirement for materials to be stone/timber/slate got justification</p>	<p>No concerns were raised about the proposals at examination.</p> <p>The Examiner said:</p> <p>“the policy clearly sets out the expectations and requirements for the development of this site in a manner acceptable to the community.”</p> <p><u>Preference for stone/timber/slate:</u></p> <p>See response to TG5 above</p>	<p>No change</p>
<p>Policy TG7 - What is meant by ‘sympathetically-designed individual dwellings’?</p> <p>Does this mean each site is effectively ‘allocated’ for a single dwelling each, or could the sites support more</p>	<p>Policy amended to permit “small scale housing.”</p> <p>The design requirement accords with NPPF paragraph 130 (c):</p>	<p>Policy amended to permit “small scale housing”</p>

<p>than one dwelling – provided they are individually designed?</p> <p>Would suggest the intended quantum of development on each site needs to be clarified (if applicable) and the wording of the policy tightened up.</p> <p>Again requirement for materials to be stone/timber/slate. Has justification been shown for this?</p>	<p>“Planning policies and decisions should ensure that developments:</p> <p>(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);”</p> <p>See also National Design Guide, referenced above.</p> <p>The policy aims to ensure that new developments do not rely on generic building plans and reflect the variations in design of dwellings in the neighbourhood area, which is an important component of character.</p> <p>As explained with reference to TG5 above, the policy explains that stone, timber and slate roofs are part of the local vernacular and that alternatives may be used where this can be justified.</p>	
<p>Policy TG8 - Unsure of justification for small break in settlement boundary splitting village into two parts? Is the gap is particularly important to the character of the village?</p> <p>Policy needs to include clause along lines of ‘outside of these boundaries, new housing will be limited and only be supported in accord with RA3’</p> <p>Again requirement for materials to be stone/timber/slate. Has justification been shown for this?</p>	<p>The break in the settlement boundary was not raised as a concern at examination.</p> <p>6.16 refers to policy RA3.</p>	<p>No change</p>
<p>Policy TG13 -</p> <p>Does this need more clarity on important views? Can these be defined better?</p>	<p>The neighbourhood area was proposed for designation as AONB and is a valued landscape containing wide views from all aspects, including national trails.</p>	<p>No change</p>

	<p>It was felt that the policy would be weakened by identifying specific views.</p>	
<p>Policy TG14 - Point 5 – is this effectively a neutrality clause?</p> <p>Is that appropriate or informed by current SAC issues? Maybe overreaching?</p>	<p>The criteria accords with the precautionary requirements of the Conservation of Habitats and Species Regulations 2017. Natural England has approved it in its response dated 30/9/22, which said:</p> <p><i>“With the inclusion of this policy (TG14) and the updated Habitat Regulations Assessment, Natural England agrees that the plan will have no adverse effect on the integrity of the River Wye SAC.”</i></p> <p>The Environment Agency in its response dated 28/9/22, also supported the policy, saying:</p> <p><i>“It is noted, and welcomed, that the NDP includes a specific Policy section on the River Wye Special Area of Conservation and that Policy TG14 – part 5 now makes specific reference to impacts on the Catchment, including the need for nutrient neutrality and mitigation measures to secure such. It also references the Phosphate Budget Calculator Tool which is an important tool with regards to the Nutrient Neutrality issues within the Catchment. In consideration of the above Herefordshire Council should be satisfied, in consultation with NE, as the primary consultation body on this matter, that this approach, including possible mitigation, is a viable and deliverable and that there is a reasonable degree of certainty</i></p>	<p>No change</p>

	<i>provided to take forward the sites in the plan.”</i>	
Policy TG15 - Suggest this include an NPPF style – harm not permitted, unless demonstrably outweighed by the public benefits of the scheme.	Added criterion 4 - Development proposals that would result in any harm to a listed building or its setting will be refused unless the benefits of the scheme demonstrably outweigh the identified harm.	Amended as described
Suggestion - Has it been considered whether Stagg Meadow could be allocated local green space	Yes. It was not included at the wish of the owner.	No change
TRANSPORTION AND HIGHWAYS		
Policy TG4 Criteria 5 needs to meet HC design guidance	Added	Added requirement to meet design guidance
Para 5.13 An assessment of this junction should be provided with development which impacts the junction	Decision stage requirement	No change
Para 6.3 Any proposal should assess this access and the implications on the highway	Decision stage requirement	No change
Para 6.4 Connection to the national cycle network should be assessed. Cycle storage should be included	Decision stage requirement	No change
Para 6.7 Any access will need to be assessed to the appropriate guidance and the existing field access may not result in appropriate access for the development	Decision stage requirement	No change
Para 6.11 This will need to be assess with any development. The removal of hedgerows at appropriate stages can help with traffic calming and reduction.	Decision stage requirement	No change
Policy TG6, Criteria 8 - Will need to be assessed with any development. The removal of hedgerows at appropriate stages can help with traffic calming and reduction of speed	Addressed in Criteria 7: Hedgerow retained “subject only to highway requirements”.	No change
Para 7.10 Parish should make sure any speed limit requests are sent to Balfour Beatty	Any change in speed limits would be subject to Traffic Regulation Order and would require public and statutory consultation	No change

	The points raised in this consultation response relate to parts of the NDP that have not been amended since the previous examination and were not raised by the examiner as requiring review or alteration.	
<ul style="list-style-type: none"> Environmental Health (Environmental Protection – contaminated land) 		
Policy TG4 – agricultural practices such as uncontrolled burial of wastes or excessive pesticide or herbicide application may be thought of as potential contaminative and any development should consider this.	To be addressed at decision-making stage	No change
Policy TG6 - Agricultural spraying practices may lead to a legacy of contamination and any development should consider this	To be addressed at decision-making stage	No change
Policy TG7 (Jacobs Oak) - proposed development is adjacent to a former saw mill (south of the site) It is possible that unforeseen contamination may be present. Consideration should be given to the possibility of encountering contamination as a result of its former use and specialist advice be sought should any be encountered during the development.	To be addressed at decision-making stage	No change

APPENDIX B

Response to Transport Comments

The comments from the Transport team were provided to the Steering Group after the Consultation Statement had been completed and submitted to Herefordshire Council as one of the Progress to Examination Documents.

The Steering Group has reviewed the comments and provides the following responses:

- 1) Transport Comment: Transport strategy/active travel: - P12 Sec 3.8 Objectives-No mention of active travel in the objectives. Suggest rewording last objective to: "Supporting high quality sustainable design solutions that make a positive contribution to local character and distinctiveness, with development supported by appropriate infrastructure" -

Steering Group response:

Agree to suggested amendment.

- 2) P43 Sec 8.20- Policy TG16 bullet no 2-Government updated their building reg legislation on 15th June 2022 making it a requirement for all new residential buildings and homes which have provision for car parking to have electric car charging points <https://www.gov.uk/government/publications/infrastructure-for-chargingelectric-vehicles-approved-document-s> . Suggest adding text in red to bullet no 2 "incorporating sustainability measures to include building orientation and design, energy and water conservation, sustainable construction methods and materials, the generation of renewable energy, and provision for the recycling of waste, cycle storage, charging points for electric vehicles, communications and broadband technologies" -

Steering Group response:

Agree to suggested amendment.

- 3) P33 Sec 7.11- This paragraph could also usefully mention Herefordshire Council's Highway Design Guide for New Developments and that where necessary, a Transport Assessment (or Statement) should be provided with new developments setting out measures required to deal with the anticipated transport impacts of development. This should include providing for pedestrian and cyclists so as to improve and encourage safe active travel. -

Steering Group Response:

Herefordshire Council's Highways Development Design Guide sets 100 dwellings as the threshold at which a Transport Assessment is required. The development provided for in the NDP would fall well below this threshold. While provision for safe active travel is highly desirable, this is difficult in the context of Titley, which straddles the main highway between Presteigne and Kington. There are no footways or cyclepaths along this road, which has several blind bends and fast-moving traffic. Travelling by foot or cycle along this road is highly dangerous and this could only

be remedied by the provision of appropriate foot and cycle paths, which are outside the NDP area and the scope of the NDP.

- 4) P34 Policy TG10: This should mention the requirement where necessary, for a Transport Assessment setting out measures required to deal with the anticipated transport impacts of development. - P36 Policy TG12- Suggest adding that development proposals for the enhancement of community facilities will be supported as long as sufficient provision is made for cycle parking, and full use is made of the available opportunities to improve access on foot, by cycling or by public transport/

Steering Group response:

See comment above about the lack of scope for delivering "safe active travel" in this location.