

Kings Caple Neighbourhood Development Plan

Initial Comments of the Independent Examiner with response from Herefordshire Council and Kings Caple Parish Council.

Introduction

1. As you will be aware I have been appointed to carry out the examination of this Neighbourhood Plan. I have carried out my initial assessment of the Plan and most of the accompanying documents that I have been sent. I have asked to be sent a copy of the SEA and the HRA screening report. I have also visited the village and the surrounding countryside.
2. I have concluded that I can deal with the examination by way of the consideration of written material and I do not consider, at this stage that I will need to call a hearing. However, there are a number of matters that I would wish to receive further representations.

Housing Need

3. I note that there was a Housing Needs Survey done in 2012. Can I be sent a copy and an opinion on how much reliance should I be giving to a housing needs survey that is now 5 years old? Did it indicate a need for shared equity houses and how will this form of affordable housing be delivered if all the sites are below 10 units?

Response from Herefordshire Council

Link to the 2012 Kings Cagle Housing Needs Survey

https://www.herefordshire.gov.uk/downloads/file/4952/kings_cagle_2012

Housing Officers have confirmed that they only rely on Housing Needs Surveys which have been undertaken within the last 5 years. These are no longer undertaken on a parish basis and reliance is now on the Local Housing Market Assessment (link included) and details of those registered with Homepoint.

https://www.herefordshire.gov.uk/directory_record/2090/local_housing_market_assessment_2013

Response from Kings Cagle

See separate document

4. In policy H3 applicants are expected to show evidence to justify the proposal in relation to the identified local housing context and need. In the future will applicants be expected to rely on the 2012 survey, particularly as new development comes on line? Would that requirement extend down to single houses?

Response from Kings Cagle

See separate document

Identification of Housing Sites

5. Reliance was placed in the consideration of possible development sites, on the HCC Call for Sites in relation to work on the Council's SHLAA. Was there a minimum size of sites that that call related to, often SHLAAs will use a threshold of 5 or 10 units. Was there a call for sites for landowners who may have been able to provide sites below the SHLAA threshold. How did the small sites for 1 and 2 units come forward?

Response from Herefordshire Council

The HC Call for Sites was open to any landowner with any size of site. However the assessment of potential undertaken within the HC SHLAA report was limited to sites of 5 or more dwellings or 0.25 hectares which is consistent with size thresholds set out within the NPPG.

Response from Kings Caple

See separate document

6. I have received the following representation upon which I would like to know the Qualifying Bodies' response
"Many landowners also appear not to have been contacted by the Neighbourhood Plan team and suggest that it does not represent the views of the village. Other landowners have specifically informed the Committee, that land the Committee has sought to allocate for residential purposes should not be allocated and it is not the landowners wish to allocate it in any case for this purpose."

Response from Kings Caple

See separate document

7. Following on from that point can I be provided with evidence that the 6 sites identified on the Plan, on page 43 entitled Development Sites - Actual and Potential are available for development and the land owners are willing to allow the development to take place and whether there are any time scale restrictions.

Response from Kings Caple

See separate document

8. I am treating that plan as the proposed housing allocations plan. For the document to be used with confidence by decision makers, the extent of the individual sites need to be shown with the allocation boundary clearly indicated, rather than being identified by an arrow which just shows its location. Can I be provided with a plan of each of the sites or a plan of the village at a size which can show the extent of the development site or the particular building which is proposed for conversion. I would also like to know the basis of how the housing numbers have been allocated to each site, are assumptions being made as to dwelling size or density.

Response from Kings Caple
See separate document

Response from Herefordshire Council
Attached is a copy of the HC SHLAA map for Kings Caple which we understand has been used as the basis for the site allocations.

9. The figures in the plan are indicative. Particularly in respect of the sites shown as for 8 and 6 units, should I be suggesting a policy based on “at least x dwellings”

Response from Kings Caple
See separate document

Settlement Boundary

10. There are three sites which are allocated for development that are shown as being outside the settlement boundaries. Should I be considering expanding the boundary to include them so that once developed the properties would not be subject to countryside policies?

Response from Kings Caple
See separate document

Response from Herefordshire Council
The HC Guidance Note 21 regarding the designation of settlement boundaries encourages the inclusion of site allocations within the settlement boundary as best practice.

Heritage Area

11. I am conscious that the wording of Policy CH1 seeks to achieve a level of protection similar to that provided by a Conservation Area. A question for the LPA is whether the Conservation Officer(s) have any views on the proposed designation and its extent, and has this policy approach been used in other neighbourhood plans to provide an equivalent level of protection, at a level equivalent to Conservation Area designation.

Response from Herefordshire Council

- Principal Building Conservation Officer

I have visited Kings Caple and carried out a short desktop study. I think there is a balance to be struck between designating areas which are of no special character and drawing a boundary too tightly so that potential change nearby can erode the special character. In summary, excluding the issue of trees, the boundary may be better taking in less open land and being more linear, taking in the crossroads which has 2 interesting non-designated buildings of historic interest, and also possibly Pennoxstone Court, which is already an un-registered park & garden and a listed building.

The Historic England guidance on Conservation area designation states that this *“is not generally an appropriate means of protecting the wider landscape (agricultural use of land falls outside the planning framework and is not affected by designation as a conservation area) but it can protect open areas particularly where the character and appearance concerns historic fabric, to which the principal protection offered by conservation area designation relates.”*

- County Archaeological Adviser response:

Clearly the proposed ‘heritage area’ would be a rather unusual provision, and I can understand how it might have resulted in a little head scratching. Having checked on my correspondence, I note that I sent a short e mail about it to the neighbourhood planning team on 25/07/2017 [cf] drawing attention to it.

In the apparent absence of a fully agreed conservation area, I can also understand why Kings Caple may have been seeking additional avenues for what they might have perceived to be an additional level of protection. I imagine the vexed Pennoxstone poly-tunnels issue may have been a conscious or un-conscious driver to all of this.

Although in a sense laudable, I do wonder to what extent an ‘extra’ heritage area is in fact necessary here, given that the assemblage of nationally designated heritage assets at the core of the village already carries (or should carry) significant weight in the planning process. In practice, the settings of the very prominent and nationally important listed church and scheduled castle tump provide an almost automatic buffer anyway, having regard to Policy LD4 of the Core Strategy.

I have to say that I can see no clearly argued justification for the particular boundaries that Kings Cople have chosen for their heritage area, although that does not in itself invalidate the concept. I would defer to Matthew as regards the merits - or otherwise - of the case for conservation area designation.

I am however mindful that that part of the fundamental 'raison d etre' of neighbourhood plans is that they do allow for communities to stress matters they feel are important to *them*. There is little doubt that whatever the planning and legal position, there is a strong feeling of 'sense of place' manifest here.

- Principal Countryside Officer

KC NDP Policy CH1 (II or IV) aren't policies that would normally be enforceable by HC, as except through Planning Applications or Hedgerow Regulations 1997, we have no 'control' over how trees, hedgerows or Priority Habitats are managed.

These natural/ecological features would normally be picked up and considered during the Planning process anyway, and the KCNDP wording is such that I can see no conflicts and could offer some limited additional support for retention and enhancement through development. So a designated area is a reasonable suggestion but I would question why it was necessary and why just that limited location, if it is being argued from an ecological/green infrastructure perspective that practically has a much wider landscape scale sphere of influence/value.

Herefordshire Council
28 April 2017