

## Progression to Examination Decision Document



### Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Kingsland Parish Neighbourhood Area
Parish Council	Kingsland Parish Council
Draft Consultation period (Reg14)	17 December 2014 – 10 February 2015
Submission consultation period (Reg16)	17 November 2015 – 4 January 2016

#### Determination

Is the organisation making the area application the relevant body under section 61G (2) of the 1990 Act		Yes
Are all the relevant documentation included within the submission <ul style="list-style-type: none"> <li>• Map showing the area</li> <li>• The Neighbourhood Plan</li> <li>• Consultation Statement</li> <li>• SEA/HRA</li> <li>• Basic Condition statement</li> </ul>	Reg15	Yes
Does the plan meet the definition of a NDP - 'a plan which sets out policies in relation to the development use of land in the whole or any part of a particular neighbourhood area specified in the plan'	Localism Act 38A (2)	Yes
Does the plan specify the period for which it is to have effect?	2004 Act 38B (1and 2)	Yes
Are any 'excluded development' included? <ul style="list-style-type: none"> <li>• County matter</li> </ul>	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> <li>• Any operation relating to waste development</li> <li>• National infrastructure project</li> </ul>		
Does it relation to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the parish council undertaken the correct procedures in relation to consultation under Reg14?		Yes
<p>Is this a repeat proposal?</p> <ul style="list-style-type: none"> <li>• Has an proposal been refused in the last 2 years or</li> <li>• Has a referendum relating to a similar proposal had been held and</li> <li>• No significant change in national or local strategic policies since the refusal or referendum.</li> </ul>	Schedule 4B para 5	No

#### Summary of comments received during submission consultation

Herefordshire Council – Environmental Health (contamination)	<p>No specific sites have been identified in this plan.</p> <p><u>General comments:</u></p> <p>Developments such as hospitals, homes and schools may be considered 'sensitive' and as such consideration should be given to risk from contamination notwithstanding any comments. Please note that the above does not constitute a detailed investigation or desk study to consider risk from contamination. Should any information about the former uses of the proposed development areas be available I would recommend they be submitted for consideration as they may change the comments provided.</p> <p>Finally it should be recognised that contamination is a material planning consideration and is referred to within the NPPF. I would recommend applicants and those involved in the parish plan refer to the pertinent parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development.</p> <p>These comments are provided on the basis that any other developments would be subject to</p>
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	application through the normal planning process.
Herefordshire Council – Strategic Planning	<p>Confirmation that in general conformity with the adopted Core Strategy with the exception of KNDP14 – development boundary of Kingsland is tight with limited potential for infill to accommodate proportionate growth.</p> <p>Kingsleane site is undergoing a Judicial Review. A revision of capacity will be necessary to reflect this.</p> <p>Full details in appendix 1</p>
Herefordshire Council - Environmental Health	<p>Our comments are with reference to the potential impact on the amenity – in terms of noise, dust, odours or general nuisance of residential occupants that might arise as a result of any new residential development or any new commercial or industrial development.</p> <p>Suggest a slight amendment to KNDP 14 which is to amend g) to say not only 'Development shall not unduly harm the amenity of neighbouring property <i>and existing development shall not unduly harm the amenity of any new residential property</i>'</p> <p>Similarly KNDP15 we recommend be amended at h) <i>Proposals for new properties that may be constructed on the eastern edge of the settlement boundary in the vicinity of employment must be able to demonstrate that noise levels are properly addressed and mitigated to ensure the protection of the amenity of new residential property.</i></p>
Herefordshire Council - Transportation	No comments to make
Herefordshire Council – Archaeology	The plan has particularly good coverage of historic environment issues and sound policy provision in KNDP5 and elsewhere.
Herefordshire Council – Economic Development	<p>Main concern of KNDP is to retain the distinctive nature and character of its rural settlement. Much emphasis on design, type and amount of housing.</p> <p>Affordable housing appears to be less favoured than bespoke housing. Very prescriptive. New housing will bring new skills to the area.</p> <p>Lack of emphasis on the provision of local employment opportunities. Plan refers to the wish to see a reduction in traffic throughput and see Leominster as the main employment area with additional housing increasing volumes of traffic</p>

	<p>and commuters.</p> <p>Active support for the installation of broadband. However this can be costly with small scale developments and unlikely to be covered by contribution.</p> <p>Details of the economic benefits of tourism are not detailed.</p> <p>Restriction of development is unlikely to receive the increase in population to support vital services and CIL monies.</p> <p>Plan supports the development of brownfield land and extensions to industrial estates but no sites earmarked or put forward.</p> <p>Not sure how restrictions on highway and lighting will balance with any development for housing and employment.</p> <p>Encouraged by statements in 7.2 and 7.3 however detail is not within the plan.</p> <p>Note the support for re-use of farm buildings and farm diversification.</p>
Natural England	<p>Does not consider that this plan poses any likely significant risk to internationally or national designated nature conservation or landscape sites. Therefore no specific comments to make.</p> <p>HRA</p> <p>Confirm agree with the conclusions that the KNDP will not have a likely significant effect on the River Wye or Downton Gorge SAC.</p> <p>SEA</p> <p>Confirm that it meets the requirements of the Directive and Regulations and concur with conclusions.</p>
Coal Authority	No specific comments to make at this stage.
National Grid Comment	<p>National Grid has identified Pembridge 7 BAR – Intermediate Pressure Gas Distribution pipeline within the neighbourhood area. This pipeline does not interact with any of the proposed development sites.</p> <p>There may be Low pressure and Medium Pressure gas distribution pipes present.</p>

<p>Sport England</p> <p>Comment</p>	<p>Important that NPs reflect national policy for sport with particularly para 73 and 74.</p> <p>Number of web links highlighted</p>
<p>Severn Trent Water</p>	<p>Seven Trent does not supply water or sewage services to the Kingsland area therefore we have no specific comments.</p>
<p>Welsh Water / Dwr Cymru</p>	<p>Representations submitted at Reg14 remain appropriate.</p> <p>Comments to KNDP14 and KNDP15</p> <p>Kingsland</p> <p>Water - no issues with supply</p> <p>Sewerage – incidents of flooding in the settlement, need to be resolved prior to development taking place. No schemes in current AMP</p> <p>Sewerage treatment – Limited capacity at Kingsland WwTW. Improvements required to accommodate growth proposed.</p> <p>Shirl Heath</p> <p>Water – no issues with supply</p> <p>Sewerage / Sewerage treatment – No public sewerage facilities in this settlement</p>
<p>Landmark Planning (on behalf of Vaughan Farms)</p> <p>Objection</p>	<p>Policy KNDP2 does not accord with the planning balance required by the NPPF. The settlement boundary would prevent the accommodation of the needs identified within the Housing Needs Survey for 24 dwellings.</p> <p>Alternative to the text on KNDP2 to cater for residential development within or adjoining the settlement boundary would allow for reasonable development within the village.</p>
<p>Landmark Planning (on behalf of Vaughan Farms)</p> <p>Comment</p>	<p>Policy KNDP12 seeks to the retention and creation of key services in the community. Para 55 housing should be provided where it will enhance or maintain the vitality of rural communities. Strict adherence to the settlement boundary will risk restricting the population of the village and supporting key services and facilities.</p>
<p>Landmark Planning (on behalf of Vaughan Farms)</p>	<p>Supporting text to Policy KND14 refers to previous occurrence of windfall to justify policy KNDP2. Para 48 of the NPPF –windfall can only</p>

<p>Objection</p>	<p>be made in 5 year supply calculations if there is a compelling evidence that such sites will continue to provide a reliable source of supply.</p> <p>Concern the more stringent criteria imposed on such developments. KNDP conflicts with Housing Need Survey evidence and fails to meet the need.</p>
<p>Mr and Mrs D Thompson (resident)</p> <p>Support</p>	<p>Plan seeks to provide sites within the settlement boundary to fulfil the need and protect this rural village, conservation area. Wishes of villages are clearly expressed. Development should not take place on Grade 1 &amp; 2 agricultural land. Few employment opportunities, no extra capacity in the school, doctors, sewage works. Pinsley Brook within the Wye Catchment currently in breach of European directive on phosphate discharges.</p> <p>Fully support policies KNDP 1,2,3,5,6,7,13 and 14-</p>
<p>Mr Fletcher (resident)</p> <p>Objection</p>	<p>Policy KNDP16 -the plan does not reflect the consultation which took place in Sept 2015. Over 52% of parish and all Cobnash residents wanted development to take place.</p> <p>Proposed settlement boundary is too small and tight to allow for the proportional growth suggested. No effort made to include land. No call for sites has been made.</p> <p>Boundary arbitrarily bisects the land/garden of Cobnash House. Land to the south east is appropriate and environmental preferable for 1 to 2 houses. This would not harm amenity, heritage, visual or landscape. Access from Broomyhill Lane.</p> <p>Request plan revised to reflect wishes of the majority of residents by enlarging the proposed Cobnash settlement boundary.</p> <p>The settlement boundaries for Kingsland, Shirlheath and Cobnash are all rather tight and very restrictive. Why settlement boundaries if positive planning for growth – more flexible without boundaries.</p>
<p>Mrs Fletcher (resident)</p> <p>Objection</p>	<p>Concerns and recommendations of Cobnash residents have been ignored. Should be some housing development in Cobnash. Object to the proposed settlement boundary drawn seemingly arbitrarily. Contravene the criteria set out in</p>



	<p>Policy KNDP16. Too restrictive, would lose open aspect of Cobnash, impact on the amenity of neighbouring properties, not allow for the required proportional growth.</p> <p>It cuts through the middle of several properties. Would be preferable to allow housing on an individual basis by criteria.</p>
<p>Evans Jones (on behalf of Mr and Mrs Smith – residents)</p> <p>Objection</p>	<p>Clients have recently challenged the decision on the committed site at Kingsleane (P143252) for 12 dwellings under Judicial Review proceedings. The Council have indicated that they do not wish to defend the JR and proposing to quash this planning permission.</p> <p>The application will be re-determined and assessed under the newly adopted Core Strategy and the emerging NDP including KNDP6 and KNP14.</p> <p>Request that the Kingsleane site is removed from the policies maps as a committed site.</p>
<p>CR Planning Solutions (on behalf of Mrs Hinton Powell – resident)</p>	<p>Support Policy KNDP1, KNDP2, para 6.3, para 5.3 and approach to conservation area but concerns that not followed through into the detail of the KNDP.</p> <p>Concern that housing allocation has not been included nor has this option been consulted upon or a call for sites undertaken.</p> <p>Restrictive approach within a tightly drawn boundary for Kingsland. Boundary reflects to superseded UDP. Too much reliance on windfall. Does not represent positive approach to sustainable development.</p> <p>Concern about the deliverability of affordable housing or future community facilities when relying on windfalls.</p> <p>Does not identify how 31/36 windfalls within the settlement boundary will be accommodated and how this fits within protecting the conservation area. At odds with NDP Guidance Note 20.</p> <p>Land North of Longford - Site has not been assessed through SHLAA and no further evidence provided. Land was previously protected under UDP.</p> <p>Inconsistent approach to protected open space</p> <p>Land to the rear of The Lindens, Kingsland – should be allocated. 2.8 hectare flat site, well contained could accommodate 25/30 dwellings.</p>

	Site has been assessed through SHLAA and considered suitable.
Mr M Sampson – resident comment	Support plan but object to the Kingsland Bowls Club being described as 'protected local facility'. Not used by residents, uses a protected green and blights view of ancient Motte and Bailey monument. Using Glebe Land as a car park rather than village hall car park. Should be relocated to rugby and sports club.  Primary school is oversubscribed – the catchment area should be reduced rather than building more classrooms and facilities.
Mr G Bradley (resident) Objection	Not enough land has been suggested to expand the village especially for starter or downsizing. Majority do not want any change from basically a retirement village and fear nothing will change once this plan is in plan.
Mr J Vaughan (resident) Objection	Object – the plan is no different to the old development plan. Must expand our village boundary instead of infilling gardens. Plan is masterminded by a handful of people. Should have more progressive thinking.  Ideas from consultations have been disregarded. Focused on limiting expansion to only meet target.  Development plan should operate in line with para 19 of the NPPF.
Mr Glynne Hall – resident Support	Lots of hard work by the planning group. Consultation has resulted in a balanced and appropriate plan. Ignoring or changing the number of dwellings will cause problems with services and sewerage system. Proposals put forward take account of all concerns of the village.
Mr A Davies – resident Support	This plan has involved the local community at every stage and genuinely represents local opinion
M Champion - resident Support	The plan submitted seems the best for the village, retaining its character. Further development on agricultural land would not be the best interest for the area.
Mr and Mrs Jaynes – residents Support and comment	Support in principle. If a new estate were to be built this would put further stain on the overloaded mains services. Road surfaces has deteriorated, insufficient pavements, increase volume of traffic, speed limited not adhered to. School and medical practice at capacity.
Mr Terence Hall – resident Support	Fully support the neighbourhood plan submitted



Mr and Mrs Guest – residents Objection	Object to the residential development of Kingsland village particularly the former Luctonians playing fields on the south side of North Road. Concern about sewerage system, doctor's surgery and school at capacity. Object to building on agricultural land behind our property.
Mr J Davies – resident Support	Consultation of the plan has been fantastic. Nobody left out. Current proposals strongly reflect local opinion.
Mr and Mrs Smith – residents Support	Commend the KNDP which seems thoroughly researched and expertly compiled after careful consideration and full public consultation. Commend the retention of the conservation area and the village envelope. Kingsland can fulfil its housing need within the present designated area.
Mr and Mrs Bigger – residents Support	Important that future developments should be confined to sites within the defined village boundaries and not encroach on prime agricultural land. Need to take account of sewage works, school, and surgery.
J Markham – resident Support	Great care and attention has been taken at every stage, making all households informed of all events and consultations. Fair and unbiased. Opinions and wishes of the plan should be considered in new planning applications.
C Southgate – resident Support	Hope plan is fully supported and implemented. Some of the proposed planning development do not seem in the spirit of NDP and overstretch existing infrastructure.
Mr P Priday – resident Support	Need plan to be supported and brought into operation so can stop loss of good quality agricultural land
Mr C Southgate – resident Support	Plan aims to preserve the nature of the village and protect valuable agricultural land. Plan notes the existing pressure on village infrastructure and this needs to be addressed before housing development.
H Pickering -resident Support	Need this plan to be implemented if going to keep Kingsland a true village and enable us to improve facilities.
Mr J Morris – resident Support	A lot of work has gone into producing these documents and hope the village will acknowledge this by supporting it. Chance to protect the village from unnecessary housing developments but at the same time try to enhance village amenities.
Mr J Davies – resident Support	Very much in the interest of the village as a whole
Mr G Schenke – resident Petition signed by 92 residents	Land adjoining Kingsleane should be allocated as housing development prior to examination. Land is shown as 'committed site' within the KNDP as planning permission for 4 affordable

	<p>and 8 market houses.</p> <p>Single householder has applied for High Court to quest planning permission on technical grounds not the site itself.</p> <p>By retaining the site for development it will halt the gradual infill of the main street and gardens.</p> <p>Assessment of potential sites was undertaken in a series of walks by a small steering group. Plan should be included that shows only available land. Residents do not know where any development is proposed.</p> <p>Plan should show extent of areas to be protected as part of the KNDP with specific reasons.</p> <p>Do not agree with the statement that there needs to be a clear separation between Kingsleane and West Town.</p>
Mr D Pryce – resident	Concerned about development on the former Luctonian’s Playing field on the southside of North Road, Kingsland.
A Sharp – resident Support	This plan was deliberated upon by the villagers of Kingsland with all aspects taken into consideration. Any further additions would be detrimental to the whole village. The doctors surgery is fully subscribed to, as is the school. The sewerage system has reached capacity and the Environmental Agency has shown concern about the flora in the locale.
Mr J Greene on behalf of Border Oak Design and Construction - Kingsland business	<p>General support.</p> <p>Concern regarding the delivery of housing over the longer term. Limited opportunities within the settlement boundaries.</p> <p>Support wording which encourages and supports self build and custom build. Support rural enterprise and biodiversity enhancement policies.</p> <p>New homes will support our workforce to live locally and travel less.</p> <p>Would have supported policy to enable exception development that enabled a new pre-school and additional community facilities</p>
Mrs W Schenke – resident Objection	KNDP does not put forward any mechanism or additional policy direction to deliver the housing objectives. The Core Strategy will deliver the same housing objectives.

Plan seeks to retain/ create key services and essential community needs through CIL although this is likely to be limited as the KNDP does not seize the opportunity for growth.

Development is confined to Old UDP boundary rather than promote expansion needed. Red line approach fetters local community discretion and flexibility to meet community needs and contrary to the NPPF.

Insufficient information is available regarding the consultation process regarding land availability. Other NDPs have identified potential sites for housing, leisure, employment, brownfield and open space. KNDP should do the same.

Grade 1 and 2 Agricultural land should be identified on a plan if are to be protected and made public so landowners and property owners are aware.

With previous allocated sites such as Croftmead should be confident of deliverability. This will help Herefordshire Council to meet its 5 year supply.

Many SHLAA sites are located on Grade 1 and 2 or 'protected' as important views. Development sites cannot be achieved within the settlement boundary.

*Current commitment site – Land adjoining Kingsleane*

Land adjoining Kingsleane should be allocated as housing development prior to examination. Land is shown as 'committed site" within the KNDP as planning permission for 4 affordable and 8 market houses.

Single householder has applied for High Court to quest planning permission on technical grounds not the site itself.

By retaining the site for development it will halt the gradual infill of the main street and gardens.

Assessment of potential sites was undertaken in a series of walks by a small steering group. Plan should be included that shows only available land. Residents do not know where any development is proposed.

Data charts show this development accords with the majority of residents' views in the village.

Mr G Schenke – resident

Objection

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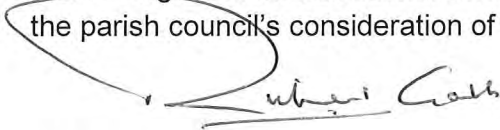
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**Assistant Director's comments**

Given the changes in circumstances surrounding the committed site and the associated greater reliance on windfalls it is not clear that this plan can meet its proportional growth requirements.

**Decision under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.**

It is recommended that the Kingsland Neighbourhood Plan does not progress to examination at this stage and that additional consultation (under Regulation 16) is undertaken following the parish council's consideration of the issues outlined above.

A handwritten signature in black ink, which appears to read "Richard Gabb". The signature is written in a cursive style and is enclosed within a hand-drawn oval shape.

**Richard Gabb**

**Programme Director – Growth**

Date: 15/01/16

	<p>land. Residents do not know where any development is proposed.</p> <p>Data charts show this development accords with the majority of residents' views in the village.</p>
<p>Anonymous – Kingsland resident</p> <p>Objection</p>	<p>Representation against the proposed plan for the village of Kingsland. As an elderly resident feel our views should be known although tend to get ignored. Close band of people who put themselves on a committee. Would welcome more residential areas within and around the village to ensure the future of shop, post office, school and doctors.</p> <p>Views given in Coronation Hall event have not been taken any notice of. Not democratic way of dealing with the future of the village.</p>
<p>Mrs J Vaughan – resident</p> <p>Objection</p>	<p>Plan is very negative and leaves no room real movement for expansion. Appears to be squeezing houses into garden areas. Problem with sewerage. Consultation wishes not reflected in the plan or taken on board.</p> <p>In order to thrive, expansion must be a reality. Too many struggling amenities.</p>

**Please note the above are summaries of the response received during the submission consultation. Full copies of the representations will be sent to the Examiner in due course.**

#### **Officer's Appraisal**

This plan has met the requirements of the regulations as set out in the table above.

Concern has been raised from both internal and external responses with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy.

There are no site allocations but the plan places a great reliance on windfalls (just under half of the requirement). Since submission, a committed site (as shown on the policies map) is likely to be quashed by judicial review and therefore will place a greater reliance on windfalls. It is not apparent from the plan whether there is suitable and available capacity within the settlement boundary of Kingsland to accommodate the increased windfall requirement.

A number of representations have been made to demonstrate potential alternative sites are available and a number have questioned the site evaluation process as a whole.

Welsh Water has also raised concerns regarding sewerage capacity, planned growth could assist redress this issue than individual windfalls.



## Appendix 1

### Neighbourhood Development Plan – conformity assessment

Name of NDP Kingsland Neighbourhood Development Plan

Date ...16/12/2015.....

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
Policy KNDP 1: Promoting a Sustainable Community	SS1, SS6, E1	Y	
Policy KNDP 2: Development Strategy	RA1, RA2, RA3	Y	
Policy KNDP 3: Sustainable Design	SD1	Y	
Policy KNDP 4: Retaining the Rural Character of Kingsland Parish	SS6, LD1, LD2, LD4	Y	
Policy KNDP 5: Protecting Kingsland's Heritage Assets	SS6, LD4, RA5	Y	
Policy KNDP 6: Retaining the Character of the Conservation Area and Kingsland Village	SS6, LD1, LD3, LD4, SD1,	Y	3(C) 'Trees that die should be replaced'. Questionable how this will be enforced as it may occur post development.
Policy KNDP 7: Addressing Flood Risk	SD3	Y	
Policy KNDP 8: Highways and Transport Infrastructure	SS4, MT1	Y	Observations:  'Parking standards shall conform with Herefordshire Core Strategy but should also include additional parking for visitors'.  Supporting Statement 'The need for a 20 mph limit within Kingsland

			village centre close to its primary school and extending the 30 mph limit in certain other locations such as North Road and Longford'.  Views from Highways need to be sought
Policy KNDP 9: Kingsland Sewage Treatment Works	SD4	Y	
Policy KNDP 10: Community Renewable Energy	SS7, SD2	Y	
Policy KNDP 11: Infrastructure for Broadband	SS5, RA6	Y	
Policy KNDP 12: Protection and Enhancement of Services and Facilities for the Community	SC1	Y	
Policy KNDP 13: Open Space and Play Areas	OS1, OS2	Y	
Policy KNDP 14: New Homes in Kingsland Village	RA1, RA2	N	Development boundary of Kingsland is tight with limited potential for infill to accommodate proportionate growth.  Other comments below relate to the Kingsleane site
Policy KNDP 15: New Homes in Shirlheath	RA1, RA2	Y	
Policy KNDP 16: New Homes in Cobnash	RA1, RA2	Y	
Policy KNDP 17: Supporting Local Business	SS5, RA6, E1	Y	
Policy KNDP 18: Agriculture, Forestry and Rural Enterprises	SS5, RA6, E1	Y	

**Other comments/conformity issues:**

Update cross references to the Adopted Core Strategy, e.g para 2.5 of the Kingsland Neighbourhood Development Plan refers to earlier versions of the Core Strategy tables.

There is a strong heritage/conservation element to this Plan and the views from Archaeology and the Conservation should also be sought.

The Kingsleane site for 12 dwellings P143252/F is undergoing a judicial review since its approval on 1<sup>st</sup> October 2015. The Judicial review was lodged 9<sup>th</sup> November 2015. A judicial review is not a re-run on the merits of the decision but a challenge to the lawfulness of the decision that was made. As a legal decision is pending on this site, therefore it cannot be relied upon to contribute to the proportional growth target of the Kingsland Neighbourhood Development Plan. A revision of the housing sites proposed for Kingsland will be necessary while the legal decision is awaited if the Plan is to continue towards adoption.

End

