

## Latham, James

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**From:** Banks, Samantha  
**Sent:** 11 June 2018 14:49  
**To:** Latham, James  
**Subject:** FW: Wayside NDP  
**Attachments:** QUESTIONS WYESIDE NEIGHBOURHOOD PLAN 2011.pdf

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**From:** Robert Bryan  
**Sent:** 30 April 2018 16:58  
**To:** Banks, Samantha <Samantha.Banks2@herefordshire.gov.uk>; Banks, Samantha <Samantha.Banks2@herefordshire.gov.uk>  
**Subject:** Wayside NDP

Samantha

I have two email addresses for you so I have sent this to both of those.

I have had a preliminary assessment of the documentation.

I confirm that this is a focussed examination dealing with the removal of the specific sentences from the two policies as modified in the previous examination recommendations.

I have some questions to ask of your Council and the WGPC which are on the attached sheet. Please could you forward this to the WGPC.

I am not able to state at this stage whether a hearing may be necessary or the likely duration of the examination.

Please could you place the attached document on the Council's neighbourhood plan website and ask the WGPC to do the same.

I look forward to a coordinated response from both parties preferably within 14 days. Please note I am not available from May14th until May 22nd.

regards

Robert Bryan

**ROBERT BRYAN PLANNING**

Robert Bryan BA Hons, Dip TP, MRTPI.

## WYESIDE NEIGHBOURHOOD PLAN 2011-2031 EXAMINATION APRIL 2018

### THE RE-EXAMINATION of THE PLAN

The Wyeside Neighbourhood Plan was subject to an independent examination during the summer of 2017, and the examiner's recommendations issued on 1<sup>st</sup> September 2017. These were discussed in a special meeting of the Wyeside Group Parish Council (WGPC) on 20 September 2017, and the recommendations accepted with the exception of two sentences, which were considered unworkable, due to local conditions not fully discussed during the examination.

This re-examination of the Plan is only concerned with the issues raised regarding the removal of these two sentences from the previous examination recommendations.

### QUESTIONS RAISED AS PART OF THE EXAMINATION

I wish to raise some questions below for which I would appreciate a response from both the Council and WGPC.

When relevant, I would appreciate a coordinated response on the manner in which the text of the Plan may be modified to respond to the issues raised below.

#### Issue 1

I seek clarification regarding the removal from policy WHO1 the phrase "*However, where land on the opposite side of the road from a centre of a village, is a green space (no houses having been built in that location) no housing development will be allowed in that area.*" I refer to this below as "the phrase in question".

The previous examiner retained this in the policy on the basis of his concerns that in particular (see paragraph 4.27 of his report) "without such qualification the three fields to the NW, NE and SE of Moccas Cross would be candidates for development being contiguous with that centre". It appears the previous examiner interpreted the policy as allowing a considerable development proposal into the said fields contiguous with the centre, which would be out of scale with the village and not sustainable development. Significantly, he sought not to rely solely on a general exclusion that "development should respect the size, role and function of villages" and included the phrase in question. The examiner acknowledged the need to achieve the Core Strategy housing target by referring in policy WHO1 to the scope for 10 dwellings in Bredwardine and Preston-on-Wye.

In this context, I would appreciate the views of WGPC and the Council on concerns that in Moccas, in particular, and other settlements, without the phrase in question being included in the policy **would there be adequate control on housing development**, solely with reliance on the general statement requiring "development

should reflect the size role and function and character of the village" which is difficult to define with precision?

For example, potential issues may arise, if there is significant development in Moccas beyond the 8 dwellings, which is the community aspiration. If all the fields contiguous with Moccas Cross were developed they could accommodate significant development as the previous examiner highlighted . This could be at least 25 dwellings . If this development were relatively early in the Plan period there would be less scope within the (approximate) target of 33 dwellings for granting schemes of over 10 dwellings in Bredwardine and Preston-on-Wye and spreading development throughout the other villages. Would this be considered sustainable development? Would more development in one settlement such as Moccas be sustainable in the light of NPPF advice in paragraph 55 that in rural areas settlements should be considered collectively in provision of services?

I would add that in the case of Moccas, the fact that the landowner has claimed that there is no intention to develop these fields is not relevant as there is no control over this situation.

## Issue 2

If the concerns raised in Issue 1 are valid and there is scope for more than development immediately contiguous to the existing centre it would seem to be inconsistent with the examples demonstrated in figure 7 in the Plan. These examples just show a single house or access road immediately contiguous with the notional centre. In the case of Moccas cross this would provide around 3 dwellings. If figure 7 were interpreted in this manner it would preclude any single scheme development for 10 or more dwellings in Bredwardine and Preston and 8 dwellings in Moccas. This would add justification for retention of the phrase in WHO1 specifying the particular option for more than 10 dwellings in Bredwardine and Preston-on-Wye which WGPC wish to remove.

I would appreciate a further response on this matter.

Does figure 7 need to illustrate a wider interpretation of "contiguous", including dwellings forming part of a larger site, which is contiguous (actually touches the red circle on the policies maps) but themselves are on sites (plots) which are not contiguous (touching) the centre?

## Issue 3

WGPC wish to remove the phrase "*These will include single developments for more than 10 dwellings, in each of the villages of Bredwardine and Preston-on-Wye*" from policy WHO1 but retain it in WHO2. This appears to be based on a view that development of 10 or more dwellings is an exception, the norm being 2-5 and if emphasis is placed on it as a priority in WHO1 for delivering housing at the expense of smaller developments, then it could "unduly constrain housing".

I recognise there is more scope for development in Bredwardine and Preston-on-Wye but I do not understand that simply referring to the possibility for this larger scale of development in policy WHO1 establishes it as a priority, which may negate smaller developments coming forward. Policy WHO 2 is contradictory as it includes this phrase and encourages this development in the interest of delivering affordable housing.

I would appreciate clarity on this matter and any appropriate remedies.

#### Issue 4

Please could the Council confirm the manner in which the regulation 16 publicity stage (24 January 2018 to 7 March 2018) was carried out? What publicity was there and who was notified?

Robert Bryan B.A. M.R.T.P.I.  
Examiner

30/4/18

## Latham, James

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**From:** Banks, Samantha  
**Sent:** 11 June 2018 14:47  
**To:** Latham, James  
**Subject:** FW: Wyeside Group NDP - Response to the Examiner  
**Attachments:** Responses to Second Examination Questions v1.0.pdf; Responses to Second Examination Questions v1.0.docx

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**From:** Banks, Samantha  
**Sent:** 21 May 2018 16:43  
**To:** 'Robert Bryan'  
**Subject:** Wyeside Group NDP - Response to the Examiner

Dear Robert,

Please find attached the response to the queries you asked regarding the Wyeside NDP from the parish council.

With regards to Issue 4.

The plan was placed on 6 week consultation between 24 January and 7 March 2018.

The documentation was placed on the Herefordshire Council website with a hard copy in the Hereford Info Centre and electronic copies available in all the county's libraries and info centres. A number of site notices were also placed within the parish to advertise the consultation period, where to obtain the document and where to make comment to.

Emails were also sent to those consultation bodies referred to within the consultation statement to indicate the consultation period and where to make comments.

If you require any further information, please let me know

Kind regards

*Sam*

**Herefordshire.gov.uk**

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Samantha Banks  
Neighbourhood Planning Team Leader  
Neighbourhood Planning Team  
Herefordshire Council  
Plough Lane  
Hereford  
HR4 0LE

Tel: 01432 261576

## Wyeside Neighbourhood Development Plan (NDP) 2011-2031

### WYESIDE NEIGHBOURHOOD PLAN 2011-2031 EXAMINATION APRIL 2018

#### THE RE-EXAMINATION of THE PLAN

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#### QUESTIONS RAISED AS PART OF THE EXAMINATION

I wish to raise some questions below for which I would appreciate a response from both the Council and WGPC.

When relevant, I would appreciate a coordinated response on the manner in which the text of the Plan may be modified to respond to the issues raised below.

#### Response to Re-Examination of the Plan

WGPC and their Steering Committee responses to question raised by the examiner are shown in blue, and additionally in italics where a clause or sentence is quoted from the plan to aid understanding between the parties.

#### Issue 1

I seek clarification regarding the removal from policy WHO1 the phrase "*However, where land on the opposite side of the road from a centre of a village, is a green space (no houses having been built in that location) no housing development will be allowed in that area.*" I refer to this below as "the phrase in question".

The previous examiner retained this in the policy on the basis of his concerns that in particular (see paragraph 4.27 of his report) "without such qualification the three fields to the NW, NE and SE of Moccas Cross would be candidates for development being contiguous with that centre". It appears the previous examiner interpreted the policy as allowing a considerable development proposal into the said fields contiguous with the centre, which would be out of scale with the village and not sustainable development. Significantly, he sought not to rely solely on a general exclusion that "development should respect the size, role and function of villages" and included the phrase in question. The examiner acknowledged the need to achieve the Core Strategy housing target by referring in policy WHO1 to the scope for 10 dwellings in Bredwardine and Preston-on-Wye.

In this context, I would appreciate the views of WGPC and the Council on concerns that in Moccas, in particular, and other settlements, without the phrase in question being included in the policy **would there be adequate control on housing development**, solely with reliance on the general statement requiring "development should reflect the size role and function and character of the village" which is difficult to define with precision?

For example, potential issues may arise, if there is significant development in Moccas beyond the 8 dwellings, which is the community aspiration. If all the fields contiguous with Moccas Cross were

developed they could accommodate significant development as the previous examiner highlighted. This could be at least 25 dwellings. If this development were relatively early in the Plan period there would be less scope within the (approximate) target of 33 dwellings for granting schemes of over 10 dwellings in Bredwardine and Preston-on-Wye and spreading development throughout the other villages. Would this be considered sustainable development? Would more development in one settlement such as Moccas be sustainable in the light of NPPF advice in paragraph 55 that in rural areas settlements should be considered collectively in provision of services?

I would add that in the case of Moccas, the fact that the landowner has claimed that there is no intention to develop these fields is not relevant as there is no control over this situation.

This clause if added to the plan would be inconsistent in application and constrain development in ways that are not acceptable to the five villages. In meetings 15/05 at Bredwardine and 16/05 at Moccas for the other 4 villages, the WGPC and residents of Wyese, agreed that it would have blocked development on preferred potential development sites at Bredwardine, Moccas (for 4-5 houses not 25), Blakemere and Tyberton without which Wyese would not be able to meet the target of 39 houses. Other sites were looked at but had problems of access or impact on residents' amenity and views. In addition, due to inconsistency in application it would not apply any constraints on development at Preston-on-Wye.

There are other more practical ways of constraining development at Moccas and the other two main villages than the clause above, which are outlined below:

### **Wyese Property Market**

Wyese has seen none of the burgeoning demand for development sites that is occurring in the other surrounding larger villages in North Herefordshire that have schools, shops, garage services, recreational facilities, more reliable bus services, and better access to larger conurbations.

Properties within Wyese are expensive by urban standards and normally take between one and two years to sell, which is a significant deterrent for developers who want a reasonably quick return on their investment. In 2013-14 when work on the plan commenced, planning permission had been requested for 6 properties within Wyese, of which 3 are thought to have been long standing. A planning submission for a further single property has since been made.

Wyese employment trends have been in a downward spiral over the last 30-40 years, commuting is expensive, and there is no "engine" to deliver new employment growth. There are no shops or other retail services, very limited and infrequent bus services, and no schools or recreational facilities. This makes Wyese less attractive to families on tight budgets and a low priority for developers with better economic opportunities elsewhere in North Herefordshire.

Demand is mainly "drip feed" from incomers who want to enjoy a rural way of life. This is typically limited to those with independent means (including pensioners), those that can work from home, or can afford two cars and pay the higher cost of property and travel to get anywhere.

Additionally, the cost burdens for a developer are much higher than in other surrounding areas as there is no infrastructure to support development.

Moccas for example has no spare capacity waste water treatment for one house let alone 25, and no new facilities are planned by the water authority. The "B" road that runs through Moccas cross is not wide enough to support footpaths and is the only straight bit of road for 6-8 miles in either direction. Consequently, it experiences fast moving traffic and frequent overtaking making it unsafe for

pedestrians. The local landowners have in many cases been here for generations, are members of the local communities in which they live and aware of all these constraints on development. Consequently, there is a long standing informal contractual arrangement for landowners and communities to work together and respect each other's needs, which has been proven on many occasions. These landowners have clearly set out areas where they don't wish to sell land for development and have kept to this commitment over many years, which is expected to continue. For this reason, no development is planned, beyond potential windfall sites of one or two houses, each at Blakemere and Tyberton. This constraint applies to two of the three green spaces identified above, at Moccas Cross.

It is therefore the considered opinion of the WGPC that concerns regarding the potential for development of 25 houses at Moccas Cross, are unfounded within the remaining term of the plan to 2031.

## Issue 2

If the concerns raised in Issue 1 are valid and there is scope for more than development immediately contiguous to the existing centre it would seem to be inconsistent with the examples demonstrated in figure 7 in the Plan. These examples just show a single house or access road immediately contiguous with the notional centre. In the case of Moccas cross this would provide around 3 dwellings. If figure 7 were interpreted in this manner it would preclude any single scheme development for 10 or more dwellings in Bredwardine and Preston and 8 dwellings in Moccas. This would add justification for retention of the phrase in WHO1 specifying the particular option for more than 10 dwellings in Bredwardine and Preston-on-Wye which WGPC wish to remove.

I would appreciate a further response on this matter.

To aid understanding we have added a "layout diagram" to Figure 7 in the plan setting out a potential site in Moccas that is contiguous to the Village Cross centre. The updated version of figure 7 in the plan is set out on page 6 of this document. Hopefully this clarifies how development contiguous to the centre of a village can occur.

The Moccas plan was produced as part of a response to a query from the previous examiner requesting evidence that sufficient potential sites had been identified to comply with the target of 33 houses. This plan, together with the equivalent plans showing potential sites for development at Bredwardine and Preston-on-Wye demonstrated that more than enough potential development sites exist to comply with the target. They were also accepted by the previous examiner as clear and valid examples of the contiguous development approach.

Does figure 7 need to illustrate a wider interpretation of "contiguous", including dwellings forming part of a larger site, which is contiguous (actually touches the red circle on the policies maps) but themselves are on sites (plots) which are not contiguous (touching) the centre?

The question above is not entirely clear on whether dwellings referred to as "*part of a larger site which is contiguous to the centre*" already existed before the addition of "*sites (plots) which are not contiguous to the centre*". Let us assume for the purposes of clarification that the larger site already exists. If the new development "sites (plots)" in the question were not of themselves abutting the village centre they would have to abut the existing larger site you refer to, to comply with policy WH01 which states that any development must be "*situated on land which is contiguous with the existing village centre; that is on a site which immediately adjoins the centre as shown on the Policies Maps or is within or abuts a group of existing buildings which are contiguous with the centre.*" If on



the other hand the larger site does not as yet exist, the new development sites (plots) referred to could not go ahead as they are not contiguous to a village centre. Once the new sites (plots) in the question have been completed they would form part of the contiguous development from the village centre. Any further new development would abut one or more boundaries of the increased grouping of houses contiguous to the centre.

It is understood that a concern has been raised via Herefordshire Council that there are no policies in the plan to inhibit ribbon development. Policy WH01 – New Housing Development, includes the following clause agreed with the previous examiner to ensure ribbon development does not take place: *“Also, in so far as it is reasonably practicable and viable, any development for three or more houses should be laid out in the form of an organic cluster built off a new access lane avoiding the use of a cul-de-sac, with pedestrian links/ pathways to the rest of the village.”*

Hopefully this provides sufficient clarification to satisfy the question?

### **Issue 3**

WGPC wish to remove the phrase "These will include single developments for more than 10 dwellings, in each of the villages of Bredwardine and Preston-on-Wye" from policy WH01 but retain it in WHO2. This appears to be based on a view that development of 10 or more dwellings is an exception, the norm being 2-5 and if emphasis is placed on it as a priority in WH01 for delivering housing at the expense of smaller developments, then it could "unduly constrain housing".

I recognise there is more scope for development in Bredwardine and Preston-on-Wye but I do not understand that simply referring to the possibility for this larger scale of development in policy WH01 establishes it as a priority, which may negate smaller developments coming forward. Policy WHO2 is contradictory as it includes this phrase and encourages this development in the interest of delivering affordable housing.

I would appreciate clarity on this matter and any appropriate remedies.

Use of “will include” in this clause without any conditional context implies that it is inevitable and/or a commitment is being made to achieve this outcome. A commitment, by its very nature, is bound to have a higher priority than other options where no commitment has been given.

If the previous examiner’s concerns regarding a significant demand for development were valid the “law of unintended consequences” would also prevail with this clause in the plan. For example, let us assume that two separate developments, one of 4 houses and one of 5 houses, configured as organic clusters, have been completed in Bredwardine. Subsequently, a developer decides to build a further 16 houses. His lawyers could argue that the above clause, including affordable housing, is a contractual commitment that has not been met. Leaving the WGPC with no defence and producing the 25 houses in one village the previous examiner was seeking to prevent in another.

However, the prospects for single developments of more than 10 houses in Wyeside is practically non-existent. This is summarised under the heading “Wyeside Property Market” above and is discussed in some detail in the consultation documents. Importantly, a commitment to such an undertaking which has almost no prospect of delivery could seriously undermine the credibility of the plan.

Hence our removal of this commitment from WH01 and its re-wording in WH02, as a conditional clause; i.e. “Housing developments of more than 10 dwellings in Bredwardine and Preston-on-Wye

should include an element of affordable housing in accordance with Policy H1 in the Adopted Core Strategy". This was included to cover all options, even though it is unlikely the event will ever occur.

The plan's policy WH03's provision of "an exception site" for affordable housing, in the context of the property market set out above, is the preferred approach for affordable housing. This has the added benefit of being deliverable in smaller phases of affordable housing supported by a suitable number of market price houses to justify the investment. This is judged by the WGPC to be a better way to meet demand over a reasonable period of time, in Wyeside market conditions, than hoping for housing developments of more than 10 houses. In this respect, an undertaking has been received from a landowner to comply with this requirement if there is evidence of need.

A further concern is that a commitment to development sites of more than 10 houses in Preston-on-Wye and Bredwardine is "de-facto" setting targets for all three villages within the plan's permission for a further 33 houses, after allowing for windfall development; i.e. 11 houses for each for Bredwardine and Preston-on-Wye and 8 houses for Moccas.

How would this be implemented if development opportunities for Bredwardine did not exceed 6 houses over the period of the plan, and there was demand for 15 houses, phased over a number of years for Preston-on-Wye?

This de-facto commitment to individual targets, rather than treating them as aspirational, as was intended by residents, would undermine the credibility of the plan.

Consequently, Wyeside would be better served utilising the market forces, set out above, in combination with the policies in the plan to apply constraints on unacceptable levels of development.

Wyeside parish councillors and residents request the examiner to rule in favour of the plan as it now stands. And not add these two new complex and inconsistent clauses that would not provide the controls or opportunities envisaged by the previous examiner, have uncertain outcomes, and undermine the credibility of the plan.

Thank you.

**Issue 4:**

Please could the Council confirm the manner in which the regulation 16 publicity stage (24 January 2018 to 7 March 2018) was carried out? What publicity was there and who was notified?

Herefordshire Council has confirmed that they will respond to issue 4.

Robert Bryan B.A. M.R.T.P.I. Examiner

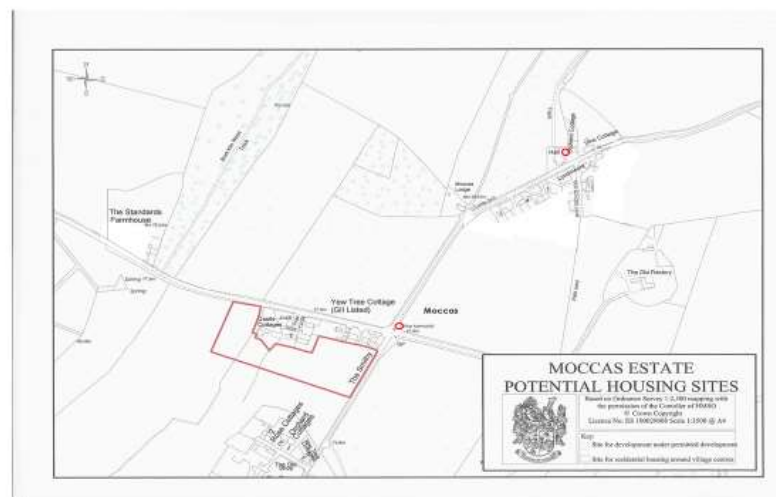
30/4/18

The new Figure 7 inserted in the plan, is set out below.

An Example Diagram - Showing a Phase I and II New Housing Development and a Potential Development site at Moccas:



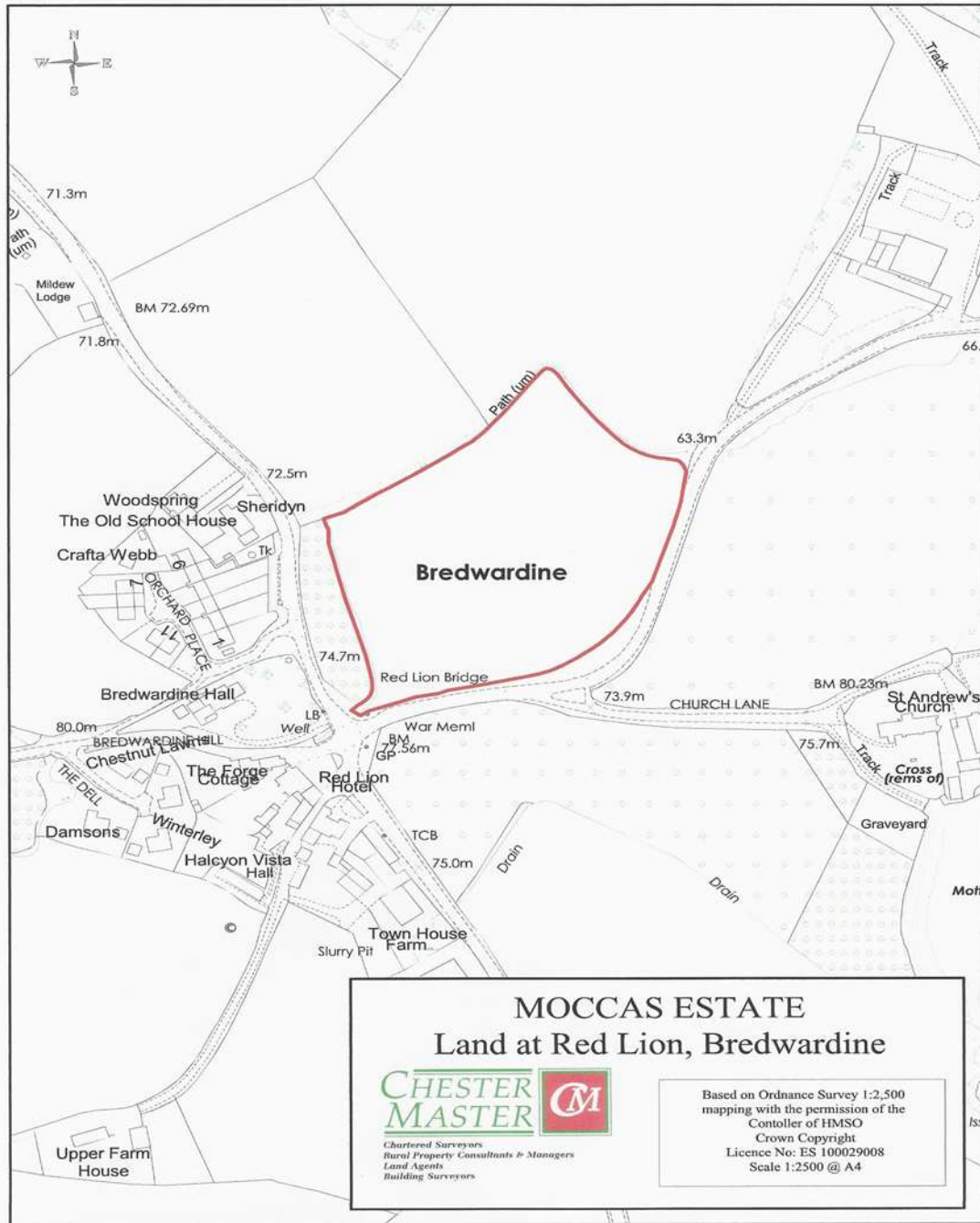
The plan below sets out a preferred site outlined in red, in Moccas that is contiguous to the village centre of the Cross, red circled. This provides sufficient options to comply with an aspiration for 8 houses configured as clusters, should demand require it:



**Figure 7 – Development Contiguous to a Village Centre**

Note: Figure 7 diagrams are not to scale. Spacing between properties will be required to reflect the character of each village, which in many cases enjoys significant spacing between properties.

A Preferred Potential Development Site for Bredwardine which would be blocked by the clause in issue 1 is set out below:



## Latham, James

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**From:** Banks, Samantha  
**Sent:** 11 June 2018 14:47  
**To:** Latham, James  
**Subject:** FW: Wyese Group NDP - Response to the Examiner  
**Attachments:** Responses to Second Examination Questions v1.0 with HC comments.docx

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**From:** Banks, Samantha  
**Sent:** 30 May 2018 10:45  
**To:** 'Robert Bryan' <RBryanplanning@hotmail.com>  
**Cc:** Samoyedskye@aol.com  
**Subject:** RE: Wyese Group NDP - Response to the Examiner

Dear Robert,

Please find attached Herefordshire Council's comments to your queries as requested.

If you have any additional questions please let me know

Kind regards

*Sam*

# Herefordshire.gov.uk

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Samantha Banks  
Neighbourhood Planning Team Leader  
Neighbourhood Planning Team  
Herefordshire Council  
Plough Lane  
Hereford  
HR4 0LE

Tel: 01432 261576

email: [sbanks@herefordshire.gov.uk](mailto:sbanks@herefordshire.gov.uk)  
[www.herefordshire.gov.uk/neighbourhoodplanning](http://www.herefordshire.gov.uk/neighbourhoodplanning)

Any opinion expressed in this e-mail or any attached files are those of the individual and not necessarily those of Herefordshire Council.

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**From:** Robert Bryan  
**Sent:** 24 May 2018 10:21  
**To:** Banks, Samantha <[Samantha.Banks2@herefordshire.gov.uk](mailto:Samantha.Banks2@herefordshire.gov.uk)>  
**Subject:** Re: Wyese Group NDP - Response to the Examiner

Samantha

I had requested a response from the Council on all the issues and only seem to have such response on Issue 4 ?

regards

Robert

**ROBERT BRYAN PLANNING**

Robert Bryan BA Hons, Dip TP, MRTPI.

## Wyeside Neighbourhood Development Plan (NDP) 2011-2031

### WYESIDE NEIGHBOURHOOD PLAN 2011-2031 EXAMINATION APRIL 2018

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developed they could accommodate significant development as the previous examiner highlighted. This could be at least 25 dwellings. If this development were relatively early in the Plan period there would be less scope within the (approximate) target of 33 dwellings for granting schemes of over 10 dwellings in Bredwardine and Preston-on-Wye and spreading development throughout the other villages. Would this be considered sustainable development? Would more development in one settlement such as Moccas be sustainable in the light of NPPF advice in paragraph 55 that in rural areas settlements should be considered collectively in provision of services?

I would add that in the case of Moccas, the fact that the landowner has claimed that there is no intention to develop these fields is not relevant as there is no control over this situation.

This clause if added to the plan would be inconsistent in application and constrain development in ways that are not acceptable to the five villages. In meetings 15/05 at Bredwardine and 16/05 at Moccas for the other 4 villages, the WGPC and residents of Wyese, agreed that it would have blocked development on preferred potential development sites at Bredwardine, Moccas (for 4-5 houses not 25), Blakemere and Tyberton without which Wyese would not be able to meet the target of 39 houses. Other sites were looked at but had problems of access or impact on residents' amenity and views. In addition, due to inconsistency in application it would not apply any constraints on development at Preston-on-Wye.

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### **Wyese Property Market**

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Additionally, the cost burdens for a developer are much higher than in other surrounding areas as there is no infrastructure to support development.

Moccas for example has no spare capacity waste water treatment for one house let alone 25, and no new facilities are planned by the water authority. The "B" road that runs through Moccas cross is not wide enough to support footpaths and is the only straight bit of road for 6-8 miles in either direction. Consequently, it experiences fast moving traffic and frequent overtaking making it unsafe for



pedestrians. The local landowners have in many cases been here for generations, are members of the local communities in which they live and aware of all these constraints on development. Consequently, there is a long standing informal contractual arrangement for landowners and communities to work together and respect each other's needs, which has been proven on many occasions. These landowners have clearly set out areas where they don't wish to sell land for development and have kept to this commitment over many years, which is expected to continue. For this reason, no development is planned, beyond potential windfall sites of one or two houses, each at Blakemere and Tyberton. This constraint applies to two of the three green spaces identified above, at Moccas Cross.

It is therefore the considered opinion of the WGPC that concerns regarding the potential for development of 25 houses at Moccas Cross, are unfounded within the remaining term of the plan to 2031.

#### Herefordshire Council's comments

The five settlements of Wyese parish have been classified as open countryside within policy documents since 1999. Therefore these settlements have seen no substantial development for a number of years.

The previous settlement boundaries were defined as follows:

- Blakemere – no settlement boundary – always classified as open countryside
- Bredwardine – settlement boundary - Interim Settlement policy South Herefordshire District Council 1990
- Moccas – settlement boundary - Leominster Marches Local Plan – 1991
- Preston on Wye – settlement boundary – Leominster Marches Local Plan - 1991
- Tyberton – settlement boundary - Interim Settlement policy, South Herefordshire District Council 1990

None of these settlements had settlement boundaries in the subsequent South Herefordshire District Local Plan/ Leominster District Local Plan or the Herefordshire Unitary Development Plan. This has obvious resulted in limited development within the parish over the past twenty years.

The current strategy policy of the Core Strategy and the WNDP would allow for development in areas for the first time since 1991. Therefore, whilst the historic situation is of benefit to understand, it is also important to appreciate that policy is now more positive able development within the area and the criteria should ensure appropriate growth.

The wording of policy WH01 is consistent with that of Policy RA2 within the Core Strategy in terms of the development's design and layout should 'reflect the size, role and function of the settlement' and be located within or adjacent to the main built up area albeit that the WNDP indicates contiguous development from the centre.

The centres have been defined within the Wyese NDP to assist within the implementation of the policy and met the requirements of para 4.8.23 of the Core Strategy.

However, it is acknowledged by Development Management that without settlement boundaries, the wording contiguous or adjacent will allow development to proceed on a sequential basis. These is the case with Policy RA2 and WH01.

It is acknowledged that there is an issue particular with Moccas Cross as three sides of the crossroads are currently undeveloped, therefore an alternative would be to remove Moccas Cross as a village centre (given the village hall is also indicated); if there are considered to be constraints to development, this would not affect to overall ability to achieve the proportional growth requirements.

Alternatively have a specific clause /criteria for Moccas within the policy, similar to the clause in RA2 which is specifically for the 4.15 settlements. These would then permit developments within Bredwardine

## Issue 2

If the concerns raised in Issue 1 are valid and there is scope for more than development immediately contiguous to the existing centre it would seem to be inconsistent with the examples demonstrated in figure 7 in the Plan. These examples just show a single house or access road immediately contiguous with the notional centre. In the case of Moccas cross this would provide around 3 dwellings. If figure 7 were interpreted in this manner it would preclude any single scheme development for 10 or more dwellings in Bredwardine and Preston and 8 dwellings in Moccas. This would add justification for retention of the phrase in WHO1 specifying the particular option for more than 10 dwellings in Bredwardine and Preston-on-Wye which WGPC wish to remove.

I would appreciate a further response on this matter.

To aid understanding we have added a "layout diagram" to Figure 7 in the plan setting out a potential site in Moccas that is contiguous to the Village Cross centre. The updated version of figure 7 in the plan is set out on page 6 of this document. Hopefully this clarifies how development contiguous to the centre of a village can occur.

The Moccas plan was produced as part of a response to a query from the previous examiner requesting evidence that sufficient potential sites had been identified to comply with the target of 33 houses. This plan, together with the equivalent plans showing potential sites for development at Bredwardine and Preston-on-Wye demonstrated that more than enough potential development sites exist to comply with the target. They were also accepted by the previous examiner as clear and valid examples of the contiguous development approach.

## Herefordshire Council comments

Policy RA2 of the Core Strategy indicates that development can occur adjacent to the built form of the named settlement. It does not indicate whether this development would be for a single dwelling or a larger housing scheme. Similarly, Wyaside policy on contiguous development does not distinguish between single dwelling or a larger scheme. The diagrams should be marked as indicative illustrations only.

Does figure 7 need to illustrate a wider interpretation of "contiguous", including dwellings forming part of a larger site, which is contiguous (actually touches the red circle on the policies maps) but themselves are on sites (plots) which are not contiguous (touching) the centre?

The question above is not entirely clear on whether dwellings referred to as "*part of a larger site which is contiguous to the centre*" already existed before the addition of "*sites (plots) which are not contiguous to the centre*". Let us assume for the purposes of clarification that the larger site already exists. If the new development "sites (plots)" in the question were not of themselves abutting the

village centre they would have to abut the existing larger site you refer to, to comply with policy WH01 which states that any development must be *“situated on land which is contiguous with the existing village centre; that is on a site which immediately adjoins the centre as shown on the Policies Maps or is within or abuts a group of existing buildings which are contiguous with the centre.”* If on the other hand the larger site does not as yet exist, the new development sites (plots) referred to could not go ahead as they are not contiguous to a village centre. Once the new sites (plots) in the question have been completed they would form part of the contiguous development from the village centre. Any further new development would abut one or more boundaries of the increased grouping of houses contiguous to the centre.

It is understood that a concern has been raised via Herefordshire Council that there are no policies in the plan to inhibit ribbon development. Policy WH01 – New Housing Development, includes the following clause agreed with the previous examiner to ensure ribbon development does not take place: *“Also, in so far as it is reasonably practicable and viable, any development for three or more houses should be laid out in the form of an organic cluster built off a new access lane avoiding the use of a cul-de-sac, with pedestrian links/ pathways to the rest of the village.”*

Hopefully this provides sufficient clarification to satisfy the question?

#### Herefordshire Council comments

The difference in policy between the Core Strategy and the WNDP is essential ‘within and adjacent to the built form’ compared to ‘contiguous with the village centre’. In order to indicate where the settlements listed within RA2 are locations para 4.8.23 of the Core Strategy highlighted that NDP would either define settlement boundaries or a reasonable alternative. The village centre would define the clusters of buildings or settlements which form those places indicated within the list.

However, the policy wording is suggesting that rather than any new development be located within or adjacent to the built form it should be contiguous with the village centre itself.

If the diagrams are labelled as indicative for illustration purposes only, it would prevent the requirement for an infinite number of various scenarios.

#### Issue 3

WGPC wish to remove the phrase "These will include single developments for more than 10 dwellings, in each of the villages of Bredwardine and Preston-on-Wye" from policy WHO1 but retain it in WHO2. This appears to be based on a view that development of 10 or more dwellings is an exception, the norm being 2-5 and if emphasis is placed on it as a priority in WHO1 for delivering housing at the expense of smaller developments, then it could "unduly constrain housing".

I recognise there is more scope for development in Bredwardine and Preston-on-Wye but I do not understand that simply referring to the possibility for this larger scale of development in policy WHO1 establishes it as a priority, which may negate smaller developments coming forward. Policy WHO2 is contradictory as it includes this phrase and encourages this development in the interest of delivering affordable housing.

I would appreciate clarity on this matter and any appropriate remedies.

Use of “will include” in this clause without any conditional context implies that it is inevitable and/or a commitment is being made to achieve this outcome. A commitment, by its very nature, is bound to have a higher priority than other options where no commitment has been given.

If the previous examiner’s concerns regarding a significant demand for development were valid the “law of unintended consequences” would also prevail with this clause in the plan. For example, let us assume that two separate developments, one of 4 houses and one of 5 houses, configured as organic clusters, have been completed in Bredwardine. Subsequently, a developer decides to build a further 16 houses. His lawyers could argue that the above clause, including affordable housing, is a contractual commitment that has not been met. Leaving the WGPC with no defence and producing the 25 houses in one village the previous examiner was seeking to prevent in another.

However, the prospects for single developments of more than 10 houses in Wyeside is practically non-existent. This is summarised under the heading “Wyeside Property Market” above and is discussed in some detail in the consultation documents. Importantly, a commitment to such an undertaking which has almost no prospect of delivery could seriously undermine the credibility of the plan.

Hence our removal of this commitment from WH01 and its re-wording in WH02, as a conditional clause; i.e. “Housing developments of more than 10 dwellings in Bredwardine and Preston-on-Wye should include an element of affordable housing in accordance with Policy H1 in the Adopted Core Strategy”. This was included to cover all options, even though it is unlikely the event will ever occur.

The plan’s policy WH03’s provision of “an exception site” for affordable housing, in the context of the property market set out above, is the preferred approach for affordable housing. This has the added benefit of being deliverable in smaller phases of affordable housing supported by a suitable number of market price houses to justify the investment. This is judged by the WGPC to be a better way to meet demand over a reasonable period of time, in Wyeside market conditions, than hoping for housing developments of more than 10 houses. In this respect, an undertaking has been received from a landowner to comply with this requirement if there is evidence of need.

A further concern is that a commitment to development sites of more than 10 houses in Preston-on-Wye and Bredwardine is “de-facto” setting targets for all three villages within the plan’s permission for a further 33 houses, after allowing for windfall development; i.e. 11 houses for each for Bredwardine and Preston-on-Wye and 8 houses for Moccas.

How would this be implemented if development opportunities for Bredwardine did not exceed 6 houses over the period of the plan, and there was demand for 15 houses, phased over a number of years for Preston-on-Wye?

This de-facto commitment to individual targets, rather than treating them as aspirational, as was intended by residents, would undermine the credibility of the plan.

Consequently, Wyeside would be better served utilising the market forces, set out above, in combination with the policies in the plan to apply constraints on unacceptable levels of development.

Wyeside parish councillors and residents request the examiner to rule in favour of the plan as it now stands. And not add these two new complex and inconsistent clauses that would not provide the controls or opportunities envisaged by the previous examiner, have uncertain outcomes, and undermine the credibility of the plan.

Thank you.

#### Herefordshire Council comments

There are no maximum growth requirements within the Core Strategy and proportional growth is considered when determining the planning application. However, without specific site allocations or the proportional growth targets being made at this stage, it would be unlikely that a development of 10 dwellings would prevent other smaller developments occurring in other settlements.

Policy for more than 10 would be consistent with Policy H1 and probably the only potential to secure affordable housing within the parish. It would be beneficial for the both policies to be consistent. However it is difficult to predict if developments of such a scale are likely to come forward within the settlements given the previous 20 years they have been classified as open countryside and the historic trend of individual dwellings and smaller clusters.

#### Issue 4:

Please could the Council confirm the manner in which the regulation 16 publicity stage (24 January 2018 to 7 March 2018) was carried out? What publicity was there and who was notified?

Herefordshire Council has confirmed that they will respond to issue 4.

#### Herefordshire Council response

Herefordshire Travellers Support Group
Coal Authority
Homes & Communities Agency
Woodland Trust
Herefordshire Nature/Wildlife Trust
Arriva Trains Wales
AMEC Foster Wheeler/National Grid
CPRE (Herefordshire)
Natural Resources Wales
National Trust
RWE Npower Renewable
Dwr Cymru Welsh Water
Historic England
Environment Agency
Hereford & Worcester Chamber of Commerce
Wye Valley NHS Trust
Highways England
Natural England
Network Rail (West)
Severn Trent Water
Educational Funding Agency

Eardisley Group Parish Council
Kinnersley & District Group Parish Council
Staunton on Wye & District Group Parish Council
Bishopstone Group Parish Council
Madley Parish Council
Vowchurch & District Group Parish Council
Peterchurch Parish Council
Dorstone Parish Council
Clifford Parish Council
Cllr P Price
Susannah Burrage – HC - Environmental Health
Julian Cotton – HC - Archaeology
HER Enquiries – HC - HER
Elizabeth Duberley – HC – Conservation
Mathew Howells – HC – Transportation
Bruce Evans – HC Transportation
Housing Development – HC
Ruth Jackson – Leisure & Countryside
Andrew Turner – Contaminated Land
Karen Knight – Education
Nicola Pervical – Waste
Kevin Singleton – Strategic Planning
Steve Hodges – Directorate Services Team Leader
Helen Beale – Property Services
Nick Webster – Economic Development
Nadine Kinsey – Economic Development
Juliet Wheatley – Conservation
Rob Widdicombe – Conservation
Ed Thomas – Development Management
Simon Withers – Development Management

Mark Tansley – Development Management/Enforcement
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Connor Ruttledge – Building Conservation
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Matthew Knight – Building Conservation
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We placed the documentation on the Herefordshire Council website and hard copies within the Hereford Info Centre. Site notices with place throughout the group parish on parish council noticeboards and places where the community would gather (village hall, pub).

Email notifications were sent to all listed above with a link to the documentation.

Robert Bryan B.A. M.R.T.P.I. Examiner

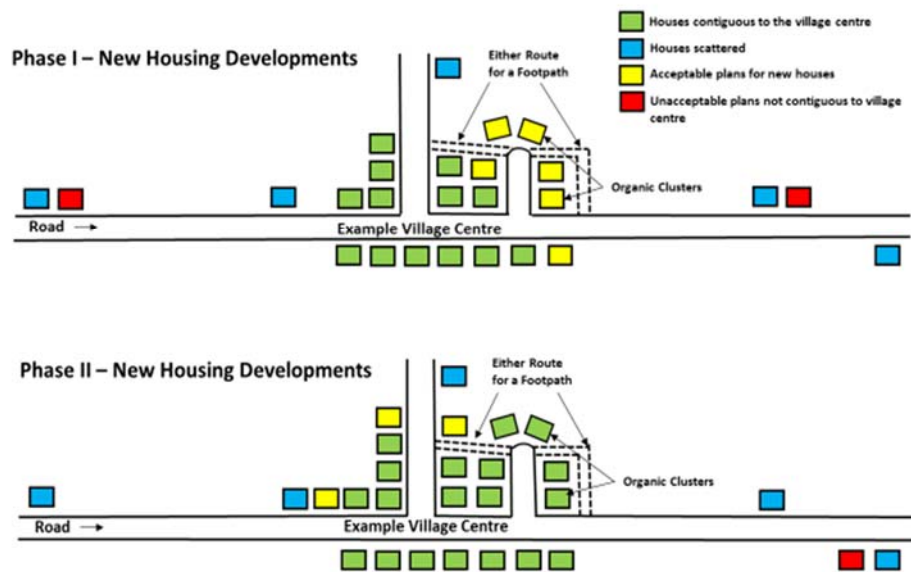
30/4/18

Draft

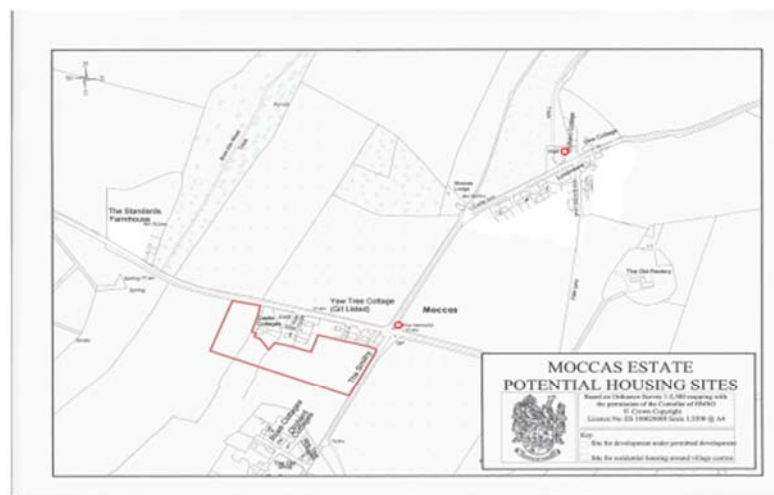


The new Figure 7 inserted in the plan, is set out below.

**An Example Diagram - Showing a Phase I and II New Housing Development and a Potential Development site at Moccas:**



The plan below sets out a preferred site outlined in red, in Moccas that is contiguous to the village centre of the Cross, red circled. This provides sufficient options to comply with an aspiration for 8 houses configured as clusters, should demand require it:

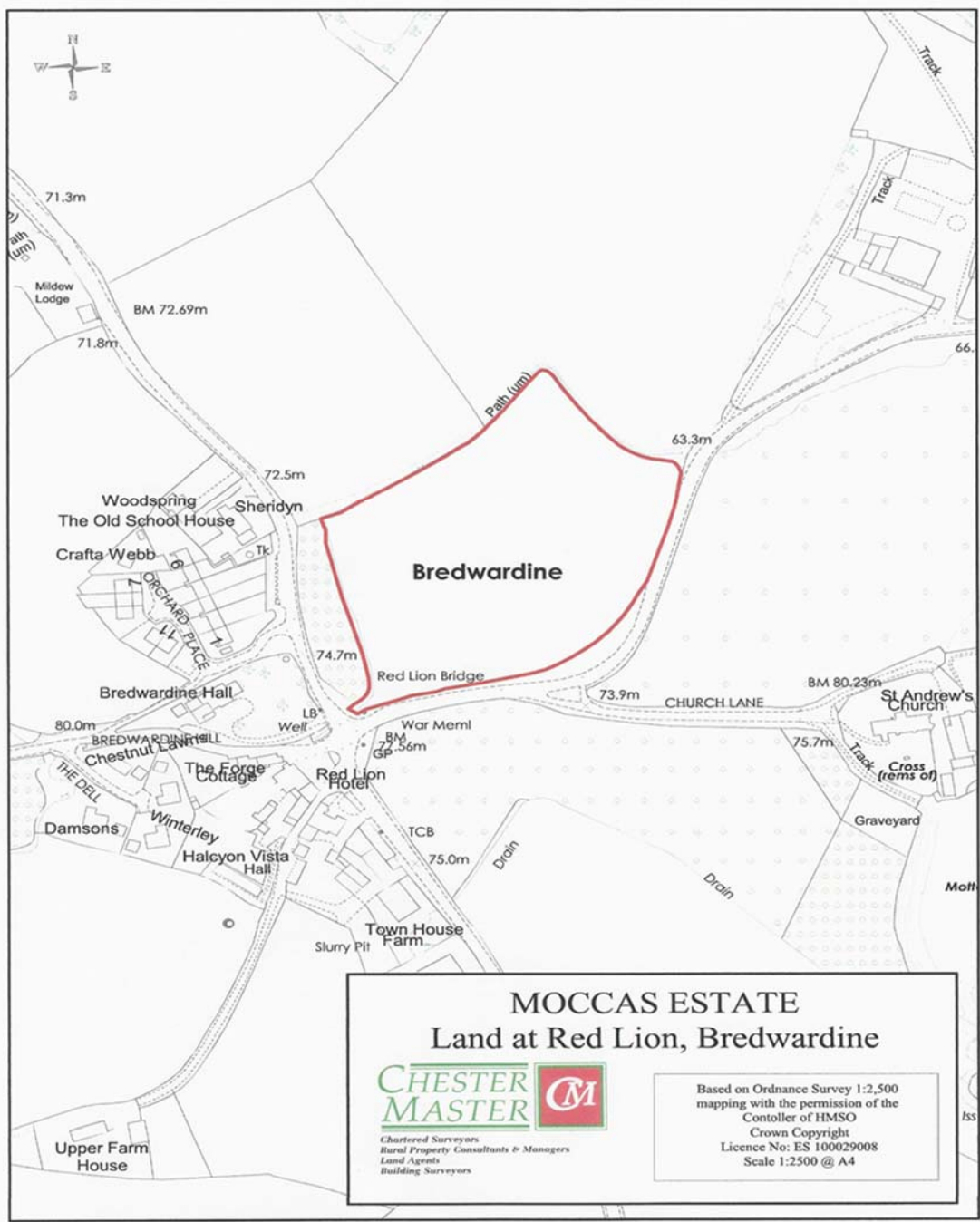


**Figure 7 – Development Contiguous to a Village Centre**

Note: Figure 7 diagrams are not to scale. Spacing between properties will be required to reflect the character of each village, which in many cases enjoys significant spacing between properties.



A Preferred Potential Development Site for Bredwardine which would be blocked by the clause in issue 1 is set out below:



## Latham, James

---

**From:** Banks, Samantha  
**Sent:** 11 June 2018 14:48  
**To:** Latham, James  
**Subject:** FW: Wayside NDP  
**Attachments:** Wyeside\_Group-Withdrawal\_Notice.pdf

---

**From:** Robert Bryan  
**Sent:** 01 June 2018 14:58  
**To:** Banks, Samantha <Samantha.Banks2@herefordshire.gov.uk>; Banks, Samantha <Samantha.Banks2@herefordshire.gov.uk>  
**Subject:** Wayside NDP

Samantha

I note in the attached withdrawal notice, downloaded from your web site there is reference in point 2 to the previous Inspector having concerns that the Plan breached EU regulations regarding SEA.

I can find no other reference to this issue in the examiner's report.  
Please could you clarify ?

regards

Robert Bryan  
ROBERT BRYAN PLANNING

## Wyeside Group Neighbourhood Plan Withdrawal Statement

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

Name of neighbourhood area	Wyeside Group Neighbourhood Area
Parish Council	Wyeside Group Parish Council
Draft Consultation period (Reg14)	16 May to 26 June 2016
Submission consultation period (Reg16)	6 February to 20 March 2017
Examination	June / July 2017
Inspector Report Received	1 September 2017

- 1 Wyeside Group Parish Council submitted their Neighbourhood Plan to Herefordshire Council in 1 February 2017. The submission consultation was undertaken from 6 February to 20 March 2017 and during this period 10 representations were received. Following the issuing of the 'Progress to Examination Decision Document on 6 April 2017, John Mattocks was appointed to independently examine the Wyeside Group Neighbourhood Plan.
- 2 The Examiner issued his report on the 1 September 2017. He suggested that the plan did not meet the Basic Conditions as prescribed within section 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 (Localism Act 2011 Schedule 10) as it breaches EU obligations relating to the Strategic Environmental Assessment.
- 3 Unfortunately Wyeside Group Parish Council are concerned that comments within the report do not reflect the community work and aspirations and wish to review procedures in relation to the assessment of reasonable alternatives. With this in mind at a meeting of Wyeside Group Parish Council on Thursday 5 October 2017 they agreed to withdraw the Neighbourhood Plan at this stage.
- 4 Rather than withdrawing completely from the work which has been undertaken over the past three years, Wyeside Group Parish Council are keen to review the evidence and address the concerns of the Examiner whilst still meeting the community aspirations. The intention being to reformulate and resubmit the plan and the associated Environmental Assessments within the coming months.
- 5 Wyeside Group Parish Council notified Herefordshire Council of their decision to withdraw the Wyeside Group Neighbourhood Plan following their meeting on 5 October 2017. Wyeside Group Parish Council will work on the Neighbourhood Plan and associated documentation with advice and guidance from Herefordshire Council.
- 6 Paragraph 13 of Schedule 4B of the Town and Country Planning Act 1990 indicates that where the Council propose to make a decision which differs from the Examiner's

recommendation, and the reason for the difference is wholly or partly as a result of new evidence or a new fact or different view take by the Council about a particular fact (ie agreeing to the Parish Council modification), the Council must notify prescribed persons of their proposed decision and the reason for it and invite representations.

- 7 Once re-submitted the revised Neighbourhood Plan will be made available for 6 weeks to receive representations in line with the Neighbourhood Planning (General) Regulations 2012.
- 8 At the appropriate stage the revised Neighbourhood Plan, Strategic Environmental Assessment. Habitat Regulation Assessment, policies maps and other supporting documentation and received representations will be sent to an independent examiner.
- 9 The Wyese Group Neighbourhood Plan and the Examiner's report can be seen on the Herefordshire Council website at <https://myaccount.herefordshire.gov.uk/wyese-group>

A handwritten signature in black ink, appearing to read 'Richard Gabb', with a large circular flourish above the first part of the name.

**Richard Gabb**

**Programme Director – Housing and Growth**

Date:

# Appendix 1

The screenshot shows a Microsoft Outlook window titled "Re: Wyeside Group NDP post examination - Message (HTML)". The interface includes a menu bar with "FILE", "MESSAGE", and "McAfee E-mail Scan". A ribbon contains various actions like "Ignore", "Delete", "Reply", "Forward", "Meeting", "To Manager", "Done", "Create New", "Move", "OneNote", "Mark", "Categorize", "Follow Up", "Transcribe", "Find", "Related", "Select", and "Zoom".

The email header shows it was received on "Thursday, 10/20/17 12:21" from "Samoyedskye@aol.com" with the subject "Re: Wyeside Group NDP post examination". The recipient is "Banks, Samantha" and the sender is "jc.darbyshire@gmail.com".

The body of the email contains the following text:  
Dear Sam,  
Please would you kindly withdraw the Wyeside Neighbourhood Plan from the process with immediate effect. The plan is to undergo revision and will be resubmitted to the process at a later date.  
Thank you  
Yours sincerely,  
Alison Wright  
*Mrs Alison Wright*  
*Parish Clerk and Steering Group Chair*  
*Wyedside Group*  
*01981 250860*

Below the email text, there is a section for related contacts with the text "Click a photo to see recent emails and social updates." and "Search cannot return results for this view. Click here for more information." Three placeholder icons for profile pictures are shown, with the following names below them:  
Samoyedskye@aol.c...  
Banks, Samantha  
jc.darbyshire@gmail...  
Neighbourhood Plan...

The Windows taskbar at the bottom shows the system tray with the date and time "10:31 05/10/2017".

## Latham, James

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**From:** Banks, Samantha  
**Sent:** 11 June 2018 14:48  
**To:** Latham, James  
**Subject:** FW: Wyeside Group NDP - Response to the Examiner  
**Attachments:** 2nd EXAMINATION QUESTIONS.docx; 2nd EXAMINATION QUESTIONS.docx

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**From:** Robert Bryan  
**Sent:** 04 June 2018 12:37  
**To:** Banks, Samantha <Samantha.Banks2@herefordshire.gov.uk>  
**Cc:** Samoyedskye@aol.com  
**Subject:** Re: Wyeside Group NDP - Response to the Examiner

Samantha

Thank you for your response which was helpful.

I have a further request on the attached sheet and I would appreciate a coordinated response from yourselves and WGPC.

Following your response I should then be able to proceed quickly and issue my report.

regards

Robert Bryan

**ROBERT BRYAN PLANNING**

Robert Bryan BA Hons, Dip TP, MRTPI.

## WYESIDE NEIGHBOURHOOD PLAN 2100- 2031 EXAMINATION

### REQUEST for CLARIFICATION DURING THE EXAMINATION 4/6/18

The response to my previous questions received from the WGPC and the Council were helpful to my understanding of how policy WHO 1 may be effectively implemented.

I seek further clarification in a combined response from both parties.

#### POLICY WHO 1 – New Housing Development

I have concerns that the policy and supporting text as drafted allows a degree of uncertainty around the definition of “contiguous”. The phrase in the policy “*or is within or abuts a group of existing buildings which are contiguous with the centre*” does not clearly state that this should relate to a group of buildings existing before the Plan was made and are contiguous with the existing centre. This could lead to an interpretation that development is acceptable which is contiguous with new development, granted since the Plan was made and that is contiguous with the centre. This could lead to unlimited incremental ribbon development.

I appreciate the policy contains an overall restriction that development should reflect the “character of the village and relate directly to the existing built form in the immediate vicinity”. However, individual large-scale schemes can more readily be identified as out of character with a village and its built form. In the face of successive smaller incremental development proposals it may be difficult to demonstrate that the individual small-scale development was out of character or did not relate to the built form of a village

I cannot accept the WGPC view that on account of the sluggish house building trends in the locality and the current reluctance of landowners to sell land there is sufficient market control to definitely resist significant incremental ribbon development. Also, I cannot accept that the encouragement in the policy for “cluster” development necessarily allows adequate scope to control ribbon development. Reliance on these factors is uncertain and the policy needs to be clearer as to how it limits incremental ribbon development.

Adequate clarity and control can be achieved by adding further explanation to the policy which establishes that the policy does not allow development which only abuts new development granted since the Plan was made.

Figure 7 in the Plan provides an example of the manner in which the concept of “contiguous” can be interpreted which is useful. Whilst the figure 7 is only an example it will be relied upon for interpretation of the policy. Following my request for clarification during the examination WGPC produced an amended version of figure 7 that shows more clearly acceptable and unacceptable development options. Further to my comments above it needs to show further examples of unacceptable

development to illustrate more clearly that incremental and ribbon development is unacceptable.

It is not my role to produce an amended version of figure 7 to meet these criteria. **I therefore request that WGPC produce a further version of the figure 7 Plan that I then may refer to in my report.**

The amendments should be to the amended Phase II map that was forwarded to me during the examination in answer to my questions. The amendments should add extra red squares depicting unacceptable development in positions immediately adjacent to the green, yellow and blue squares on the edge of the cluster and which abut the roads.



## Latham, James

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**From:** Banks, Samantha  
**Sent:** 11 June 2018 14:47  
**To:** Latham, James  
**Subject:** FW: Wayside NDP

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**From:** Banks, Samantha  
**Sent:** 04 June 2018 15:52  
**To:** 'Robert Bryan'  
**Subject:** RE: Wayside NDP

Dear Robert,

The previous examiner's report was satisfied with the SEA and concluded that this did not breach the regulations. Therefore I would conclude that this reference has been left on the withdrawal notice from a previous withdrawal notice in error.

Kind regards

*Sam*

# Herefordshire.gov.uk

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Samantha Banks  
Neighbourhood Planning Team Leader  
Neighbourhood Planning Team  
Herefordshire Council  
Plough Lane  
Hereford  
HR4 0LE

Tel: 01432 261576

email: [sbanks@herefordshire.gov.uk](mailto:sbanks@herefordshire.gov.uk)  
[www.herefordshire.gov.uk/neighbourhoodplanning](http://www.herefordshire.gov.uk/neighbourhoodplanning)

Any opinion expressed in this e-mail or any attached files are those of the individual and not necessarily those of Herefordshire Council.

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## Latham, James

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**From:** Banks, Samantha  
**Sent:** 11 June 2018 14:47  
**To:** Latham, James  
**Subject:** FW: Wyeside NDP - Response to Examiner's Questions June 2018  
**Attachments:** Clarification of HC Responses Changes Made for Examiner.pdf

---

**From:** Banks, Samantha  
**Sent:** 11 June 2018 14:44  
**To:** 'Robert Bryan'  
**Cc:** Samoyedskye@aol.com  
**Subject:** FW: Wyeside NDP - Response to Examiner's Questions June 2018

Good Afternoon Robert,

Please find attached a copy of the parish council's response to your queries.

Herefordshire Council do understand the concept that is being promoted under Policy WHO1 and acknowledge the rural nature of the parishes concerned but development management do have some reservations about the ability to control development in the manner that is envisaged. However we are willing to support the parish council approach.

The addition of 'when the plan was made or updated' could lead to some confusion during the development management stage of actually what was the group of existing buildings at that point in time. This could be resolved reference to as shown on the policies map. As policies maps will be produced just prior to adoption/made on the most up to date OS bases

Kind regards

*Sam*

## Herefordshire.gov.uk

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Samantha Banks  
Neighbourhood Planning Team Leader  
Neighbourhood Planning Team  
Herefordshire Council  
Plough Lane  
Hereford  
HR4 0LE

Tel: 01432 261576

email: [sbanks@herefordshire.gov.uk](mailto:sbanks@herefordshire.gov.uk)  
[www.herefordshire.gov.uk/neighbourhoodplanning](http://www.herefordshire.gov.uk/neighbourhoodplanning)

## **Clarification of Herefordshire Council’s Responses and Plan Changes to Comply with the Examiner’s Requests of 4 June 2018**

### **Overview**

The WGPC is committed to complying with the “top-down” targets for house building set out in the Herefordshire Core Strategy, deliver affordable housing for our communities, prevent ribbon development and a 25 houses development in any one of our small rural communities. Consequently, we all manifestly share the same objectives although approaching them from different perspectives.

The WGPC perspective is “bottom-up” examining and assessing how the plan can best be made to work in our rural environment with local community support. Clearly, we have to tread a fine line between endeavouring to provide a basis for meeting these targets whilst properly representing residents’ interests and seeking consensus. Inevitably this requires some flexibility in approach to enable practical implementation of these targets whilst ensuring local community support. In this respect careful consideration has been given to tailoring the plan policies to best serve the rural environment and the needs of Wyeside.

### **Affordable Housing**

We have therefore deliberately sought not to give a commitment to “more than 10 houses” as the only way in which we will deliver affordable housing. We agree with the Herefordshire Council that it would be the easiest to implement if a developer comes along who is prepared to support this approach. In such a case we would be delighted at the opportunity to achieve the affordability housing target. However, we have to be realistic and recognise that the alternative of an “exception site” may be our best chance of serving our community’s needs, although of course more difficult to negotiate.

In compliance with the Core Strategy we have therefore included both policies in the plan as alternatives for delivery of affordable housing. This is necessary if we are to seek consensus and carry the community with us in any implementation process. A plan that states “we are committed to a development site of more than 10 houses to meet affordability targets in one of the two main rural villages” would not go down well with a significant proportion of Wyeside residents, cause grief to the WGPC and lead to possible rejection at referendum. The WGPC have put a massive amount of effort into this plan and don’t want to see it to fail at the final hurdle.

### **Possible Rejection of Moccas Cross as a Village Centre**

A top down perspective that suggests enough potential development sites exist at the Moccas village hall centre without Moccas Cross does not reflect the reality that the WGPC faces on the ground.

Community consultation meetings were held at Bredwardine village hall 15 May 2018 and Moccas Village Hall on 16 May 2018 to assess levels of support for these sites, as they were becoming germane to the current examination. Moccas residents made it clear that only one of the significant potential development sites would be acceptable to them. This site is down Woodbury Lane behind the houses facing Moccas Cross and set out as an example in Figure 7 of the current version of the plan. The other significant potential sites around the village hall were rejected by these residents due to loss of amenity. This means the village hall centre development could be limited to one or two houses and the development site contiguous to the Moccas Cross would become vital to meeting the aspiration for the development of 8 houses, as set out in responses to the questionnaire.

### **Development Risk of 25 Houses on Three Fields Contiguous to Moccas Cross**

The WGPC recognises the concerns raised by both examiners regarding a potential risk of 25 houses being developed in the three fields contiguous to the Moccas Cross village centre. It also appreciates that Policy WH01 – New Housing Development and RA2 have limited application in precluding such development. Whilst there is no overriding policy that precludes development in these three fields there are a number of policy layers buried in the detail of the plan and local factors that may offer the basis of a solution that would mitigate the risk, without recourse to precluding this village centre or preventing any development in all three fields.

### **Policy Layers**

In addition to policies WH01 and RA2 protection from a potential development of 25 houses exists for all three fields under:

- Policy WHD01 – New Building Design, set out in bullet 3: “Development should be of a small scale and new buildings or structures should be of a height, scale and massing appropriate to the rural character of Wyeside.”
- Policy WE03 - Protecting Green Infrastructure, Heritage Assets and Local Green Space, set out in bullet 1: “Protecting priority habitats, species, ancient woodlands, the River Wye as a landscape feature, designated and non-designated heritage assets, traditional orchards, hedges, the low density dispersed settlement pattern, and rural views.”

These policy clauses were included in the plan to mitigate developments that could be considered out of proportion with the size and scale of the five villages and included in the plan submission for the previous examination. Although they were not referenced in any of the previous independent examination report’s conclusions or recommendations.

Note: Policy WH01 has also been updated to reflect changes to the process of contiguous development as requested by the Examiner on 4th June 2018 and provides a further layer of protection by preventing new development that would only abut newly completed developments unless they predate when the plan was made or updated.

The improvement this makes to the plan is appreciated. Thank you

### **Local Factors**

#### **North West Field**

This has protection as a traditional orchard under WE03 in addition to its other clauses and of course WHD01 above, WH01 and RA2 also apply. However, this field may also meet the criteria for a “Local Green Space” as set out below, which may provide a more suitable solution to precluding development in this location.

### **History**

There has been an orchard in this field since at least 1815. The current orchard is marked on the Ordnance Survey drawings c1815:

### **Traditional Species**

The orchard contains a line of 200 years old pear trees, and over the last 20 years the following traditional species have been planted in the orchard to replace trees that have fallen down or died:

- Bulmer’s Norman
- Harry Masters Jersey
- Michelin
- Dabinett
- Brown’s Apple

### **Environmental Scheme**

The orchard is included within a higher-level stewardship scheme. As part of this scheme permissive access is permitted which is well used by the village for recreational pursuits and dog walking. Please advise on whether in this case registration as a “Local Green Space” would be the best approach to ensure development does not take place in the field to the North West of Moccas Cross.

### **North East Field**

Development of this field contiguous to Moccas Village Hall centre, was identified as a potential development site and rejected by residents due to the loss of amenity set out above. This is because it would affect views in two directions local to the village hall centre. Whilst this may not preclude development at the Moccas Cross end of the field it can be argued under Policy WH01 – New Housing Development, and RA2 that such development would fundamentally alter the character and layout of the village which enjoys a field with views between the two Village Hall and Moccas Cross settlements. It would also be subject to Policy WHD01 above and WE03 as it relates to a requirement for “low density development”.

### **South East Field**

This is a “bush” orchard which does not meet requirements for classification as a “traditional orchard” and consequently will not enjoy such protection. However, it has recourse to other Policy WE03 clauses as it relates to the requirement for “low density development”, and of course Policy WHD01 “Development should be of a small scale and new buildings or structures should be of a height, scale and massing appropriate to the rural character of Wyeside.”, WH01 and RA2 also apply.

### **Conclusion**

As a means of limiting development to acceptable levels for all five villages these additional policies have the benefit of being consistent in application. Are these additional policy layers and local factors sufficient to mitigate, to an acceptable level, the risk of a 25 houses development occurring contiguous to Moccas Cross, or if not with some editing?

In this respect the WGPC is prepared to set out a parish council procedure seeking compliance with these additional policy layers of protection (as is or edited if necessary) in addition to any other relevant clauses and local factors, in their response to any planning submission, as part of a sensibly managed parish council approach to development at Wyeside.

Consequently, the WGPC request that the current independent examination does not find in favour of the rejection of Moccas Cross as a village centre or close out any development in this area.

Thank you.

### **Details of Changes to the Plan as Requested by the Examiner 4 June 2018.**

Text changed in Section 4.9 of the Plan setting out alternative policy approaches to affordable housing are below:

#### **Affordable Housing**

Housing developments of more than 10 dwellings in Bredwardine and Preston-on-Wye should include an element of affordable housing in accordance with Policy H1 in the Adopted Core Strategy. Alternatively, where there is a proven local need established by an up-to-date local housing needs survey, and no sites of more than 10 dwellings are available, a site or sites may be developed primarily for affordable housing outside the areas considered suitable for general housing in accordance with Policy WH01. Any permissions shall be subject to a s106 planning obligation to

ensure that the housing is available to local people and remains so in perpetuity. These solutions to affordable housing are set out in Policy WH02 and WH03 below.

Note: No changes required to the plan as the two approaches are included in Policy WH02 and WH03.

**Development Contiguous to Village Centres**

As requested the following changes shown in *italics* has been made to Policy WH01, Figure 7 and the supporting text have also been changed to reflect this, as requested below:

**Policy WH01 – New Housing Development**

“Permission will be granted over the period 1 April 2017 until 31 March 2031 for the development of around 33 dwellings. All new housing development should reflect the size, role and function of the village in which it is situated on land which is contiguous with the existing village centre; that is on a site which immediately adjoins the centre as shown on the Policies Maps or is within or abuts a group of existing buildings which are contiguous with the centre *when the plan was made or updated.*”

**A diagram and plan layout - showing a Phase I and II New Housing Development and for illustration purposes a development site abutting a cluster of houses contiguous to a centre:**



For illustration purposes only, the plan below sets out a notional site outlined in red that is contiguous to a village centre also red circled. This example could provide sufficient options to comply with an aspiration for 8 houses configured as 1 or 2 clusters:



**Figure 7 – Development Contiguous to a Village Centre**

Note: Figure 7 diagrams are not to scale. Spacing between properties will be required to reflect the character of each village, which in many cases enjoys significant spacing between properties.

A spatial area of land, or field, adjacent to a village centre; i.e. at the boundary of a contiguous number of houses from the village centre can be used for development, as set out in the Phase I diagram above. Once this spatial area of land or field has been developed no further development can occur abutted to this new development unless it also abuts other houses contiguous to a village centre that existed at the time the plan was made or updated, as set out in the Phase II diagram.

Development of rural areas of the countryside away from these village centres which may have an existing scatter of houses but no contiguous housing connection to a centre should not be permitted. Except where they relate to the special circumstances set out in policies WH03, WH04 and WH05 below.

**Housing Objective 4 – Developments will be contiguous to the centre of each village.**