
From: Kitto, Stephanie
Sent: 31 July 2020 14:23
To: 'Rosemary Kidd'
Cc: Banks, Samantha <Samantha.Banks2@herefordshire.gov.uk>
Subject: Examiners Questions - Garway - Responses

Dear Rosemary,

Please find responses to your questions regarding the Garway NDP in this email. These include responses from the LPA and QB.

(original Examiner questions in grey, QB responses in red, LPA responses in blue)

1. I have concerns that the Plan lacks any introductory description of the plan area, the landscape character, environmental assets or the issues facing the area. These are set out in background documents but it would be helpful to plan users to include a brief description in the introduction or in the justification to relevant policies such as GAR4.

Garway is a hill parish rising from 42 to 366 metres, with 2 significant areas of common land. There are 2 main areas of population. Broad Oak clustered around a crossroads, with a garage and shop. Garway is a linear village with a pub. The population is around 450

2. The plan uses the phrase “all development” a number of times. The word “all” is considered unnecessary; in any case there may be other matters that have to be taken in to consideration that would mean that the policy could not be applied to a particular development proposal.

Agree to remove the word “all” where relevant.

3. **Objectives** – I am concerned that these are worded as statements or policies and not as objectives. The objectives will need to be reviewed to reflect the final wording and order of the policies of the Plan. Would the QB comment on the following proposed revisions:

Revise Objective 1 to read: “To seek to locate most development within the settlements of Garway and Broad Oak.”

Revise Objective 2 and combine with 3 and 4 to read: “To promote high quality design in development to conserve and enhance the historic and natural environment and local landscape.”

Revise Objective 5 to read: “To ensure that development is sited and designed to take account of the character of the village and its rural setting.”

Revise Objective 6 to read: “To ensure that development has adequate access and parking and does not unacceptably impact on road safety.”

Revise Objective 7 to read: “To ensure that development makes adequate provision for rainwater and sewage drainage to reduce the risk of flooding.”

Revise Objective 8 to read: “To seek to preserve dark skies, tranquillity and residential amenity.”

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Combine Objectives 9 and 10 to read: “To support the needs of the local community *and safeguard community facilities.*”

It is noted that there is no objective on the economy to provide the framework for Policies GAR8 and 9 – New objective “*To support the development of new and expanded businesses appropriate to the rural area.*”

Agree with all revisions to objectives and addition of further objective in relation to the economy.

4. The final part of **paragraph 3.5** does not accord with national policy. Would the QB confirm that the following revision is acceptable:

“...and therefore, everywhere outside the two settlements is considered to be countryside where proposals for new housing development will have to demonstrate that they satisfy the exceptional circumstances set out in the NPPF paragraph 79.”

Agree with the revision to paragraph 3.5 to accord with National Policy.

5. **Paragraph 3.12** refers to a Site Assessment Report. I am unable to locate this; would you please send me an electronic copy. It is noted that the Environmental Report has not included an assessment of the site options. Has this been undertaken against the SEA objectives?

This has been addressed prior to this email. Site Assessment report has been sent.

6. **Policy GAR1 – Site Assessment** – The site allocations should be included in the policy wording and the settlement boundaries should be defined. As the plan does not make provision for any development that would be above the threshold for affordable housing, criterion k) is unnecessary and should be deleted. Would the QB confirm acceptance of the following wording:

Add the following at the beginning of the policy: “*The following sites are allocated for housing development:*

A) Land at Little Newlands for 5-6 dwellings;

B) Land adjacent to the Old School, Garway for 2 dwellings.”

Revise the policy as follows: “*Settlement boundaries are defined for Garway Village on Policies Map 1 and for Broad Oak on Policies Map 2. Within the settlement boundaries, new housing development will be supported where they:*”

Agree with the revisions to GAR1.

7. **Policy GAR2 f)** encourages that use of natural slate tiles (I am not sure which is meant) and local stone walling. From Google street view photographs it is evident that many properties are white painted or have red brick walls and dark grey roofing tiles. Would the QB consider whether this criterion on the choice of materials is applicable and deliverable. Would the QB discuss the choice of appropriate materials with the LPA suggest a suitable choice of materials that reflects the local built character.

DM response I would not wish to be so prescriptive in relation to materials as there is a mix within the village. Perhaps a preference for natural slate but otherwise a choice that reflects local character would provide sufficient flexibility?

This has been discussed with HCC and the Parish Council is content with the approach suggested by the DM

8. **Policy GAR2h)** In view of the scale of development being proposed in the plan most of the requirements set out in criterion h) are excessive and undeliverable. I am proposing to delete from “**permissive pedestrian ...feasible.**” Would the QB confirm this is acceptable.

Agree to the deletion suggested by the examiner

9. **Policy GAR3** - the third paragraph requires that development of existing properties should make provision for the diversion of surface water away from sewers. Would the LPA confirm that this is appropriate in this area and can be required through a planning condition on development in this area?

DM response the separation of foul discharges from surface water is broadly supported and we will often require a drainage strategy and or condition as such on development –The officer has asked to draw your attention to the SUDS Handbook.

10. **Policy GAR4** – I am proposing to re-order the criteria to elevate the safeguarding of designated areas and to explain the requirements more clearly. As noted above, this policy would benefit from a description of the assets in the justification. Criterion d) refers to non designated assets. Have any of the examples listed been identified as such in the parish? Are the wildlife sites different from those in criterion c) and h)? Would the QB/LPA comment on the proposed wording:

“Development proposals should protect and enhance the local landscape character and should demonstrate that:

a) Designated buildings or areas are protected, *conserved* and enhanced;

b) Priority habitats and ancient woodlands are safeguarded;

c) Non-designated assets are conserved and enhanced;

d) Watercourses and riverside habitats are conserved. Where necessary, this should include management and mitigation measures for the improvement and enhancement of water quality and habitats;

e) The design, scale, form and siting of the development has taken account of the local landscape character and the setting of the village; and

f) An appropriate landscaping scheme is incorporated into the scheme which helps to integrate the development into the surrounding landscape. The landscaping scheme should incorporate native tree species, existing trees and hedgerows and make provision for the on-going management of the scheme.”

Agree with the revisions to GAR4. The wildlife sites in criterion (c) are designated local wildlife sites, criterion (h) relates more to priority habitats and the wider green infrastructure.

11. **Policy GAR5** – criterion a) refers to an “appropriate assessment”. Would the QB explain what this entails?

This was a policy to reflect other Dark Skies policies that have been approved by Examiners. Suggest criterion (a) and (b) are revised to reflect the Eardisland NDP Dark Skies policy which has been through examination

(a) They have undertaken an assessment of the need for lighting and can demonstrate need; and

(b) The nature of the proposed lighting is appropriate for its use and location. The Institution of Lighting Professionals (ILP) has provided guidance on acceptable levels of illumination for specific

areas. Applicants will be required to assess the need for lighting, whether the benefits of the lighting outweigh any harm caused and any alternative measures available.

12. **Policy GAR6** – It is not clear what is meant by the term “integrity of the rural environment”. As the policy criteria are concerned with the prevention and control of noise pollution and disturbance to residential amenity, I am proposing that the term should be deleted and the policy should be entitled Tranquillity. Criterion b) is very wide ranging; it is not clear what types of developments would be required to submit such assessments and is therefore considered to be unclear and potentially unduly onerous. Would the LPA confirm the type of development proposals that are normally required to submit Noise Impact Assessments.

Would the QB and LPA confirm that the following revisions to the policy wording are acceptable:

“Development proposals will be supported when they do not give rise to unacceptable adverse impacts on the tranquillity of the rural environment of the plan area or residential amenity. Where a development proposal is likely to give rise to an impact on tranquillity or residential amenity, a Noise Impact Assessment will be required as part of the planning application. Where necessary, mitigation measures will be included in planning conditions to reduce any adverse impacts.”

Add the following to the justification: **“Mitigation measures may include control of the nature, scale, type of activity and the opening hours**

DM response The DM officer is happier with the re-wording which provides greater clarity but there is still a concern that there is a lack of definition – is the QB looking at new residential development and commercial development or smaller scale development? Danger of imposing too onerous a requirement on smaller scale development in my view

Agree to the wording proposed by the examiner.

13. **Policy GAR7** – Would the QB provide me with the names of the churches to be covered by the policy. The properties should be identified on the Policies Maps. Is it reasonable to require any alternative provision to be accessible by public transport in this parish?

**Churches are Garway Methodist Church and St Michael’s Church
I consider it reasonable that alternative provision should be accessible by public transport
as the current facilities are accessible by public transport**

14. **Policies GAR8 and 9** – The criteria for these two policies are very similar and it is suggested that they could be combined under the heading of Rural Employment and Tourism. The only differences are the inclusion of “views” in Policy GAR8b) and the “Green Infrastructure Network” in Policy GAR9b). Neither of these matters are addressed elsewhere in the NDP and there is no explanation in the justification of how these matters are to be considered or why they are considered differently under each policy. Would the QB and LPA confirm that the following combined policy would be acceptable:

*“Proposals for new or expanded rural businesses, new or expanded tourism development and homeworking will be supported when:
a. They are appropriate within the local landscape setting;
b. They would not have a significant adverse impact on tranquillity or residential amenity;
c. They would not result in a detrimental impact on road safety or traffic congestion and include suitable access and on site vehicle parking.”*

LPA – Happy with the proposed changes, summarises and combines, avoiding repetition.

Agree to the amendments suggested by the examiner

15. **GAR10 – Highways** – Would the QB explain what is meant in criterion c) by “materials more appropriate to urban locations”. Would the QB and LPA comment on the suggested revision to criterion c) as follows:

“Car and vehicle parking should be appropriately sited and screened within the landscape and should be surfaced with materials appropriate to the rural location.”

DM response I am happy with the suggested wording but would be helpful is the QB could clarify what is being promoted in a rural location – concrete, tarmac, gravel – all of which will be found in the Parish.

Criterion c) is to prevent the use of tarmac and other such urban materials. Agree with the revisions to Policy GAR10

Would the QB confirm which parts of the parish are served by public transport and confirm the types of development that would be required to implement criterion d).

The public transport map is attached. Garway and Broad Oak is shown in 6c and 7c along the main roads in the parish. This criterion is aimed at providing footways/footpaths through the villages to the bus stops to improve pedestrian facilities between the residential properties and the bus stops.

(HC Comment: Unable to attached map to this, therefore URL for public transport map here: https://www.herefordshire.gov.uk/downloads/download/78/bus_maps)

I hope that the questions have been addressed fully and if you have any further queries please do not hesitate to get in touch.

Kind regards
Stephanie

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