

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area - Tarrington Neighbourhood Area

Parish Council – Tarrington Parish Council

Draft Consultation period (Reg14) - 14 October to 25 November 2019

Submission consultation period (Reg16) – 28 September to 9 November 2020

Determination

<i>Legal requirement question</i>	<i>Reference to section of the legislation</i>	<i>Did the NDP meet the requirement as state out?</i>
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"> • Map showing the area • The Neighbourhood Plan • Consultation Statement • SEA/HRA • Basic Condition statement 	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
The plan contains no 'excluded development'? <ul style="list-style-type: none"> • County matter 	1990 61K / Schedule 1	Yes

<ul style="list-style-type: none"> Any operation relating to waste development National infrastructure project 		
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
Is this a first time proposal and not a repeat? <ul style="list-style-type: none"> Has an proposal been refused in the last 2 years or Has a referendum relating to a similar proposal had been held and No significant change in national or local strategic policies since the refusal or referendum. 	Schedule 4B para 5	Yes

Summary of comments received during submission consultation

Please note the below are summaries of the responses received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.

Table 1 – comments made by Herefordshire Council departments

Department of Herefordshire Council	Comment made
Strategic Planning	Confirmed conformity with the Herefordshire Core Strategy. Full details in appendix 1
Environmental Health (contamination)	Policy TAR8 - historically used as an orchard which could in some circumstances have a legacy of contamination

Table 2 – comments made by statutory consultees

Statutory Consultee	Comment made
Welsh Water / DCWW	No further comments to add
Coal Authority	No specific comments to add

Statutory Consultee	Comment made
Historic England	No further substantive comments to make
Natural England	The site allocation distance from the River Frome may mean that the risk of impact on the River Lugg is lower but does not rule out impacts. If the Nutrient Management Plan is being relied for mitigation then than this must proceed to an appropriate assessment.
Dormington and Mordiford Parish Council	Support the proposals made
National Grid	No records of assets within the neighbourhood area

Table 3 – comments made by members of the public

Member of the public	Comment made
Edward Willmott Resident	Para 5.5 of the NDP states around 6 dwellings but Policy TAR5 mentions no numbers. Needs a more specific statement to limit the numbers on the site. 6 needs to be inserted into para 5.5 and Policy TAR5. TAR8 should also have the words 6 new dwellings to limit the development, Para 5.24 a new sentence should be included to ensure the development is flexible enough to enable decarbonised heating
Jane Foulkes Resident	Village residents have not been consulted about this plan and objections raised not taken seriously.
Jeanette Forrester Resident	The comments made by residents in October 2019 do not appears to have been acknowledged in the document apart from a change from ‘ a minimum’ to ‘around’ Only open day in 2015 and no consultation was undertaken from that date. There is nothing within the plan to address traffic and these are matters for concern to residents Flooding is a real and regular risk to this village and the School Road site has been known to flood for many years.
Graeme Forrester Resident	There has been no community involvement since 2015.

Member of the public	Comment made
	<p>TAR 8 - The term 'around' six is too vague and Tarrington has already met its requirement so there is no need for this contentious and unpopular site.</p>
<p>Edward Watkins Resident</p>	<p>Stocks Field site provided 27 dwellings including 2 live work units. This combined with the completions and commitments gives 40 compared to the requirement for 43 and 50 with windfalls.</p> <p>Therefore do not need school lane site and the NDP could proceed without this site.</p> <p>Residents of Tarrington were not given the chance to make a choice, no consultation since February 2015. Stock Farm was not considered until after it obtained planning permission. The parish council have always preferred School Road despite the many problems and not popular with the residents. There will be traffic problems, negative effects on the landscape and views, a negative impact on the surrounding heritage properties, change in a rural lane and an increase in flooding.</p>
<p>Kate Girling (Rural Solutions) on behalf of the Stoke Edith Estate Landowner</p>	<p>Have proactively promoted the School Lane site for housing throughout the NDP process and consider that land suitable for housing development.</p> <p>Current application (181943) seeking outline permission for 9 dwellings</p> <p>The Estate has worked to respond to the concerns and objections and reduced the number of proposed dwellings from 15 to 9.</p> <p>Site is deliverable and RA1 are minimum housing targets.</p> <p>Support the allocation of the site and agree it is the only suitable locations to accommodate housing development.</p> <p>TAR8 text should be amended to reflect RA1 and indicate a minimum number of dwellings.</p> <p>The current application contains a mix of 2-4 bedroom dwellings in accordance with the requirements of TAR7.</p> <p>Support of allocation but keen to see that the criteria of TAR8 do not result in the development becoming unviable. Criteria 3 is considered to be too prescriptive and does not reflect the range of materials locally Criteria 4 contains the requirement for planting that has not been deemed necessary by the landscape officer and should be determined in the decision making process. Criteria 6 objection to the inclusion of the third bullet point regarding the need for a footbridge</p> <p>Support the inclusion of the site within the settlement boundary</p>

Member of the public	Comment made
<p>Anthony Bush</p> <p>Resident</p>	<p>Survey results which formed the basis of the plan are 7 years old and out of date. The Steering Group was terminated in 2018 and the parish council took over. The parish council have held no public meetings. The process between 2018 -2020 has not been open</p> <p>TAR8 Allocation of 0,65 hectares compared to 0.44 hectares is in direct conflict with the parish council's own planning expert assessment in 2018. There is no evidence for the allocation now being 0.65 hectares. The larger area will have serious effects on the landscape and heritage aspects of the area.</p> <p>The site should be reduced to 0.44 hectares and the settlement boundary altered accordingly as the evidence supports this.</p>
<p>Rob Nayler</p> <p>Resident</p>	<p>Table 1 para 5.3 – object as the table does not take account of housing to be built to the south of Millpond (27 houses). This is not sufficiently addressed and a serious omission.</p> <p>Para 5.5 – object as the figure is uncapped it leaves the scope to build many more. This should have a maximum.</p> <p>School Lane should have zero housing, no development in this area.</p> <p>There has been a passive approach to disseminating the draft plan to the villagers. Leaving copies in various public places and hoping people with go and view it. A more proactive approach should have been adopted.</p> <p>There are a significant number of objections from other villagers such as traffic and flooding which wholeheartedly support.</p>
<p>Graham and Ann Jones</p> <p>Residents</p>	<p>Consider the plan is seriously flawed and fails to represent the interests of the community.</p> <p>Table 1 is incorrect and fails to take account of 27 dwellings approved by Herefordshire Council</p> <p>Para 5.5 and 5.6 it is nonsense to include the term 'around'</p> <p>Para 5.15 it is not clear where the evidence is for 0.65 hectares when the draft indicated 0.44 hectares</p> <p>Settlement boundary on plan 4 and 5 are incorrect as does not include 27 houses at Millpond</p> <p>Housing in School Road is in the wrong place, there are too many issues (landscape, flooding and heritage). Clear that the village do not want the housing there.</p>

Officer appraisal

All the consultation requirements of Regulation 14 were undertaken by the parish council and all the required documentation was submitted under Regulation 15.

This plan has met the requirements of the regulations as set out in the table above. No concern has been raised from internal consultees with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy. The parish has a minimum proportional growth requirement of 43 with 19 commitments, 7 completions and a site allocation of 6 within the NDP (as at April 2020).

The plan includes three settlement boundary for the identified settlements of Tarrington and Little Tarrington. This takes into account existing commitments and proportional growth requirements of dwellings. The plan also allows for windfalls and some capacity within the settlement boundary and rural windfall. Therefore it is likely that Tarrington NDP will continue to provide opportunities for growth in the plan period.

17 representations were received during the submission (Reg16) consultation period. 4 external and 2 from internal service providers at Herefordshire Council. The external consultees had no objections to the plan, and mostly provided general and supportive comments to the plan. Natural England raise a technical point regarding the reliance on the Nutrient Management Plan which is addressed below.

Statutory Consultees have raised no concerns regarding the site allocations or objectives and policies contained in the neighbourhood plan.

Counsel advice received following both the 'People over wind' case and the 'Dutch Nitrogen' case confirmed that site allocations within a neighbourhood plan do not give a green light to development and that the inclusion of Policy SD4 within the Core Strategy removed any likely significant effects. The fully application of Policy SD4 means that NDPs will not breach regulation 63(5) and do not rely on the Nutrient Management Plan as mitigation.

Strategic Planning have confirmed that the policies within the plan are in general conformity with the Core Strategy

8 local residents have objected primarily to the inclusion of the School Road site within the plan and the level of consultation and involvement of the local community in decision making and plan formulation. The Consultation Statement details the community involvement undertaken and how issues raised have been addresses as part of the process.

The landowner of the site allocation has supported its inclusion within the plan but raised some concerns about specific development criteria requirements.

Overall it is considered that there are no fundamental issues relating to this plan which would prevents its progress to examination.

Assistant Director's comments

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

It is recommended that the Tarrington Neighbourhood Plan **does** progress to examination at this stage.

A handwritten signature in blue ink, appearing to read 'R. Gabb', is written over a horizontal line. The signature is stylized and somewhat cursive.

Richard Gabb

Programme Director – Growth

Date: 16 November 2020



Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy
Conformity Assessment