

MUCH BIRCH NEIGHBOURHOOD DEVELOPMENT PLAN Submission Draft Version

**Neighbourhood Plan Examiner's Questions
by Independent Examiner, Rosemary Kidd**

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Much Birch Neighbourhood Development Plan Examiner's Questions

Following my initial assessment of the Neighbourhood Plan and representations, I would appreciate clarification and comment on the following matters from the Qualifying Body and/or the Local Planning Authority. In order to ensure openness and transparency of the examination process, these questions and the responses should be published on the Council's website.

May I thank the Parish Council for their very helpful comments in responses to the representations. Further to these comments, I would welcome confirmation or further information on the points set out below. I wish to ensure that the QB and/ or LPA has the opportunity to respond to my concerns, if they wish, in advance of receiving my examination report.

- 1. Policy MB2** I consider that the policy is imprecise and unnecessary as it largely repeats part of Policies MB8, MB16 and MB18 and does not add any policy considerations. The supporting text paragraphs 4.9 to 4.12 is helpful in explaining to plan users the plan's approach to selecting locations for development, although paragraph 4.11 would benefit from a cross reference to Policies MB16 and MB18. I am recommending that the policy itself should be deleted and paragraphs 4.9 – 4.12 retained and revised. Would the QB confirm that the following is acceptable:

Revise the second sentence of paragraph 4.11 to read: “Policy MB16 sets out the requirements that will be considered in assessing new or improved community facilities. These should be located in or adjacent to the development boundaries.”

Add the following to the end of paragraph 4.11: “Policy MB18 sets out criteria that will be used in considering proposals for new or expanded business development.”

- 2. Policy MB3 (3)** states that a TPO will be made on any tree affected by the development that has amenity value. This is a very prescriptive requirement and there may be other factors that have to be taken into account when deciding whether to make a TPO. Would HC comment on whether this requirement is deliverable or whether it would be more reasonable to state that conditions will be attached to planning consent to safeguard trees of high amenity value.
- 3. Policy MB4 (1)** calls for “full” archaeological investigations. Would the LPA comment on this in the light of NPPF para 189. I would suggest that it should be revised to read “appropriate”
- I am proposing to include cross references to relevant Core Strategy policies in the justification to **Policies MB3 and MB4**. Would the QB confirm acceptance.
- I am proposing to add the following to the end of the final paragraph of **Policy MB6** to ensure that it reflects NPPF paragraph 143 on Green Belts “**except in very special circumstances.**” Would the QB confirm acceptance of this.

6. I am concerned about the use of the words “restricted to “and “permitted” in **Policy MB8**. There is no need to refer to development complying with other policies in this plan. In any case it should be “the development plan”. Should reference to Core Strategy Policies RA5 and H2 also be included? Would the QB and LPA comment on the following revised wording:

“New housing development will be supported within the development boundaries of Much Birch, King’s Thorn, Wormelow and The Cleaver, as shown on the Policies Maps. Land outside the development boundaries will be regarded as countryside, where new housing development will only be supported where it complies with Core Strategy Policies RA3, RA5 or H2.

Revise the development boundary at Much Birch to include the sites with planning permission under 170308/F and 200975/F.

(See also the revision proposed under Policy MB12)

Would the LPA confirm whether there any other sites that have received planning permission that should be included in the development boundaries?

7. The sites in **Policy MB9** are described as housing commitments in the justification, although the policy title is Housing Site Allocations. As the sites have planning permission there is no requirement to include them in a policy. Would HC comment on whether the inclusion of commitment sites is usual practice in their NPs. If the policy is to be retained, I would suggest that the first line of the policy should be revised to: **“The following sites are included as housing commitments:”**

8. Policy MB9

- a) Would the QB confirm whether or not any of the commitment sites in **Policy MB9** were assessed in the Sites Assessment Report and SEA and explain why only the three commitment sites were included in the Plan?
 - b) Would the LPA confirm the status of the three sites included in Policy MB9. IN the light of comments made in the representation by Plainview Planning, are they all considered to be deliverable? Was the commitment site at Tump Lane approved as a Rural Exceptions Site?
 - c) Would the LPA provide me with the updated figures for Table 1.
 - d) Will the LPA confirm the status of the planning application at the Pilgrim Hotel.
9. **Policy MB10** – is there a word or phrase missing from the first sentence of this policy after, ...and, in particular,....”? Was a Parish Housing Needs Survey undertaken as part of preparing this NP? If so, what were the findings?
10. **Policy MB11** is a local lettings policy concerned with managing the letting of affordable housing. It is not appropriate to include such a policy in the NDP. If the QB wish to retain it in the document I will recommend that it should be moved to the section on Community Actions and introduced with text on the lines of : *“The Parish Council will work with HC Housing Services to agree a local lettings connections policy as follows:.....”*. Would the QB and HC confirm that this is acceptable.
11. **Paragraph 6.21** could be added to the justification to Policy MB10 and revised to refer to the Community Action.

12. **Paragraph 6.22** relates to design considerations and could be added to the justification to Policy MB12. The reference to complying with other policies in the NDP should be revised to refer to the “development plan” to accord with NPPF para 2.
13. **Policy MB12 criterion 9** concerns the location of new development rather than the design of new housing. It is suggested that it may be better placed at the end of Policy MB8. Would the QB confirm that this is acceptable.
14. The title of **Policy MB13** refers to Housing but the first sentence of the policy states “any development”. Would the QB confirm their acceptance to the following revision of the first sentence: “...footprint of *new housing development*.”
15. **Policy MB14** is considered to be a Community Action and should be moved in that section of the NDP.
16. **Policy MB15 criterion 6** cannot be used to resolve existing on-street parking problems. I am proposing to revise it to read: “***Proposals should provide adequate on-site parking in accordance with Herefordshire Council’s parking standards.***” Would the QB confirm this is acceptable.
17. **Policy MB16.** I have a number of concerns about this policy:
 - a) Planning policies cannot safeguard services and reference to them should be deleted.
 - b) The policy refers to open spaces but these are not included in the list of community facilities and are in any case safeguarded under Policy MB6 as Local Green Spaces. The justification refers to the lack of open spaces but the policy and the plan as a whole propose nothing to address this need. As there are no proposals for open space improvements, I am suggesting that reference to open spaces should be deleted from this policy.
 - c) The justification refers to the need for parking at the school, but it is not included in the list of community facilities. Does the QB wish to include the school in the list?
 - d) It is not clear how existing facilities are to be protected other than by the provision of alternative facilities. I am proposing that the policy should be revised to refer to Core Strategy Policy SC1 which provides clearer guidance on how proposals that would result in the loss of community facilities would be considered. I am proposing to recommend the deletion of the first and third paragraph of the policy and their replacement with the following. Would the QB comment on this.

“The following existing community facilities will be retained in accordance with Herefordshire Local Plan Core Strategy Policy SC1:”

18. **Policy MB18** - I have concerns about the grammar of the opening sentence and of criterion 8. Would the QB confirm that the following revisions would be acceptable:

Revise the first sentence of the policy to read: “Proposals for the creation of new rural businesses and the expansion of existing businesses, including the diversification of businesses and the development of tourism related businesses, will be encouraged where they are suitable.....”

Revise criterion 8 to read: “Not generate traffic that *would* adversely affect the amenity of residents or require *highway improvements that would require* the loss of important landscape features.”

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