

EXAMINATION OF THE TARRINGTON NEIGHBOURHOOD DEVELOPMENT PLAN 2011-2031

Examiner's comments and questions

I have completed my initial appraisal of the submitted Tarrington Neighbourhood Development Plan ('the TNDP') along with other submitted and evidence base documents. I have also read the written representations made in response to the Regulation 16 consultation. From this appraisal I have identified some issues upon which I require clarification and to this end I pose a number of questions to which I require responses by the Tarrington Parish Council (TPC) as the 'Qualifying Body' for the preparation of this plan or, if appropriate, the Herefordshire Council (HC) as the Local Planning Authority.

In this note I set out the background considerations leading to my questions by the use of *italic script*. Where appropriate I indicate the representation which has given rise to a particular comment and question. I raise an issue only where I consider it possible that I may need to recommend that the plan be modified in order that it fully satisfies the basic conditions.

The italicised comments in this document give an indication of my preliminary views on the listed topics. The questions are then posed in such a way as to provide the TPC with an opportunity to respond either to the questions themselves or to my preliminary view(s) should that be considered appropriate. My final conclusions and recommendations will be given in my formal report to the Herefordshire Council at the end of the examination. It is important that the examination is undertaken in an open and fair manner and any important documents will be made available on the Herefordshire Council website for this plan.

The legislation provides that, as a general rule, the examination is to take the form of the consideration of written representations but an examiner must cause a hearing to be held should it be considered necessary to ensure adequate examination of an issue. I will confirm the position on that following receipt of the written responses to the questions which follow.

John R Mattocks, BSc DipTP MRTPI

Examiner

18 January 2021

The written response by the TPC to the Regulation 16 representations, provided to me with other plan documentation, is a useful starting point in that it identifies the key issues raised in those representations. In addition, where a Regulation 16 representations repeats a point made in response to the pre-submission (February 2019) draft plan I have referred to the TPC response to that representation contained in the submitted 'Consultation Statement'. Despite this there remain aspects of the plan upon which I require some additional information or clarification. I deal firstly with general issues, secondly with specific points relating to the site allocation at School Road and, thirdly, with certain aspects of policy wording.

1. Public consultation. *Although this is covered in the Consultation Statement it is not clear what happened after the steering group was wound up in early 2017 and the production of the Regulation 14 consultation draft plan in February 2019.*

- a. *Would the TPC please provide further information on the work done in that period and also clarify what was the status of a draft plan dated September 2018 which is still available on the web.*

Representations suggest a degree of dissatisfaction as a result of a lack of public opportunity to influence emerging plan content during 2017-18.

- b. *Is the approach taken considered compatible with Planning Practice Guidance paragraph 41-047?*

2. Adequacy of the evidence base. *It is suggested in representations that there is 'no evidence' to support certain provisions of the site allocation at School Road under Policy TAR8. However, I note that the TPC responses to representations at both Regulation 14 and 16 stages include references to documents which are not listed as part of the evidence base in the NDP itself. These appear to be documents prepared in connection with the outline planning applications (refs. 171165 and 181943) made for development on the School Road site. If the TPC wishes to rely on such documents in support of the NDP they need to be made available online as part of the plan evidence base and listed as such in the plan.*

Would the TPC please provide a list of additional documents which are to be relied upon as evidence in support of the plan.

3. The School Road housing site allocation (Policy TAR 8).
- a. *A specific point raised in the Regulation 14 representations on the School Road allocation was that the 2015 and 2018 Site Assessment reports refer to a site area regarded as suitable for development of 0.44 hectare, but in the February 2019 draft plan it is stated to be 0.65 hectare and the northern site boundary shown on the NDP policies map reflects that. The point is not addressed in the summary at Table C of the Consultation Statement. The point has been repeated at Regulation 16. Is there evidence to support the site area of 0.65 ha. and the settlement boundary line on the northern edge of the allocated site as shown on the Policies Map? If so, where is that evidence to be found?*
- b. *Policy TAR 8 states that the site is allocated for 'around six dwellings', a change from Regulation 14 draft which indicated a minimum of six. In the Consultation Statement it is indicated that the change was made because there was no longer a shortfall against the strategic housing requirement and that it 'will enable a design-led solution to come forward which is appropriate in terms of character whilst ensuring the effective use of land.' Point 2 in the TPC response to the Regulation 16 representation by Rural Solutions includes the statement that 'there is no cap on development'. It appears from the Site Assessment work that the estimated site capacity of six dwellings was based on a site area of 0.44 ha. If there is no intended cap on development and there is emphasis on a design-led solution, is it considered appropriate to include the figure of 'around six dwellings' as part of the policy itself rather than including it in the accompanying text as an estimate of capacity if policy criteria are met?*
- c. *Policy criterion 6. 'Provision of 2 m. wide footway along School Road'. It appears that the footway would replace part of the existing grass verge.*
- i. *Would the footway be on highway land or within the allocated site?*
- ii. *If within the allocated (current planning application) site, how is it envisaged that such a requirement might be delivered? If by condition would it be necessary and reasonably related to the development permitted or, if by means of a planning obligation would the statutory tests set out in paragraph 56 of the NPPF be likely to be met?*
- iii. *Bearing in mind that the existing grass verge is identified as Local Green Space under policy TAR13(5) is the perceived need for a footway such as to amount to the 'very special circumstances' needed to justify permitting what would not be 'appropriate development' within an LGS? The last sentence in para. 7.6 is noted.*

d. Proposed footway link and bridge to School Road. *Saying that 'consideration' be given to something is not a policy statement. It does not meet the requirements of paragraph 41-041 in the Planning Practice Guidance because it is not clear how a decision-maker should apply such a provision when determining a planning application.*

- i. Is it the case that to provide such a link would involve crossing third party land?
- ii. Is it a viable proposition?
- iii. Is this not more in the nature of a 'community aspiration' which should be treated differently in accordance with Planning Practice Guidance paragraph 41-004?

4. Other plan policies (in plan order)

a. Paragraph 5.3, Housing Requirements. Is information now available to enable an update of the figures in Table 1 to an April 2020 base date? If so, could those figures be provided?

b. Policy TAR 5(2). What is meant by the term 'infill' in this context? Should the term be defined? Might there be any opportunities within the settlement boundaries for development which is more than 'one or two dwellings within a substantially built-up frontage'. *Core Strategy Policy RA2 refers more generally to scale and character.*

c. Policy TAR 6. Settlement boundary at Little Tarrington. *It is explained in paragraph 5.10 that the settlement boundary has been drawn to reflect the permissions granted for developments at Stocks Field and Garbrook but the Policies Map shows straight line boundaries around the Stocks Field. Should the boundary be redrawn to enclose only the area with permission for development?*

d. Policy TAR 7.

- i. Is it considered that this policy is sufficient clear to be of value in determining planning applications?
- ii. Does the use of the word 'include' mean that only a proportion of the homes provided need meet local housing needs?
- iii. The evidence base on local needs is now 7 to 8 years old are the assumptions made considered to be still valid?
- iv. Should there be reference to Core Strategy Policy H3 on the provision of affordable housing?

- e. Policy TAR13. Having regard to paragraph 101 of the NPPF is it considered that, in line with the national policy for development in green belts, as stated in paragraph 143 of the NPPF, the word 'inappropriate' should be inserted in the first line of the policy before 'development'?

 - i. Is there any more detailed analysis available which assesses the areas identified as Local Green Space in the NDP against the criteria mentioned in paragraph 7.7 of the plan?
 - ii. *The highway verges at School Road and Church Lane are not identified on the Policies Map.* Are the areas to which the policy is intended to apply sufficiently obvious on the ground for there to be no doubt about their extent?

- f. Paragraphs 7.12 and 7.13. CIL. *These paragraphs read as if a CIL scheme is definitely to be introduced in Herefordshire but there is no indication on the Herefordshire Council website that that is the case. There are also current proposals by Government for changes in the legislative basis for CIL.* What is the current position of Herefordshire Council on this matter? Should there be reference to the statutory limitations on the spending of CIL money, being directly related to development.
- g. Policy TAR 15. What is meant by 'diversification proposals' in the last sentence of this policy?
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