

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area – Titley Neighbourhood Area

Parish Council – Titley and District Group Parish Council

Draft Consultation period (Reg14) – 29 August to 10 October 2022

Submission consultation period (Reg16) – 19 January to 2 March 2023

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

<p>The plan contains no 'excluded development'?</p> <ul style="list-style-type: none"> • County matter • Any operation relating to waste development • National infrastructure project 	1990 61K / Schedule 1	Yes
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
<p>Is this a first time proposal and not a repeat?</p> <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	Not a first time proposal - previous NDP failed at referendum on 6 May 2020.

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

Herefordshire Council	Comment made
Strategic Planning	<p>Conformity issue between Policy TG2 and Policy H1/H3 of the Herefordshire Core Strategy.</p> <p>Full details within appendix 1</p>
Environmental Health (contamination)	<p>Policy TG4: Land at Titley Farm</p> <p>Historic agricultural use, could be uncontrolled burial of wastes, pesticides or herbicide.</p> <p>Policy TG6 – Land opp Old Court Cottage</p>

Herefordshire Council	Comment made
	<p>Indicated as an orchard, could have been subject to agricultural spraying</p> <p>Policy TG7 – Land west of Jacobs Oak</p> <p>Former Saw mill – could be unforeseen contamination</p> <p>Policy TG7 – Land east of Old Vicarage</p> <p>No previous know issues</p>
Transportation	<p>Objectives – no mention of active travel in the objectives. Suggest rewording last objective to: “Supporting high quality <i>sustainable</i> design solutions that make a positive contribution to local character and distinctiveness, <i>with development supported by appropriate infrastructure</i>”</p> <p>Policy TG16 – update to Building Regs making it a requirement for all new residential buildings to have electric car charging points. Suggest wording is updated to include this</p> <p>Section 7.11 – could mention Herefordshire’s Highway Design Guide for New Developments and a Transport Assessment.</p> <p>Policy TG10 – should mention a Transport Assessment</p> <p>Policy TG12 - Suggest adding that development proposals for the enhancement of community facilities will be supported as long as sufficient provision is made for cycle parking, and full use is made of the available opportunities to improve access on foot, by cycling or by public transport</p>
Development Management	A number of comments made to policies – See appendix 2 for full details

Table 2 – comments made by statutory consultees

Statutory Consultee	Comment made
Coal Authority	No specific comments to make
Historic England	Supportive of the content, vision and objectives. The plan reads as a well-considered, concise and fit for purpose document which we consider takes a suitably proportionate but very thorough approach to the historic environment of the Parish
Natural Resources Wales	No comments to make
Natural England	No further comments

Statutory Consultee	Comment made
Environment Agency	Site allocations are entirely within Flood Zone 1 Land east of the Old Vicarage is within closer proximity to the River Arrow but confirm with within Flood Zone 1. Welcome Policy TG14
NHS CCG	No direct comment to make by welcome the community actions to improve broadband
Network Rail	No comments to make as no rail infrastructure within the plan area.

Table 3 – comments made by members of the public

Herefordshire Council	Comment made
Mr J Forbes	Committee have refused to amend the NDP to include the proposed development at Titley Court Barns (P193183). Not willing to engage and the site should not influence any other potential development site in the village. Development would tidy up an already very sympathetic and considered development. Rebuilding an old ugly building constructed from breeze blocks. Will have an impact on current planning application and phosphate credits Site for two 3 bed units, good access, connections to services and utilities, brownfield site

Officer appraisal

All the consultation requirements of Regulation 14 were undertaken by the parish council and all the required documentation was submitted under Regulation 16.

This plan has met the requirements of the regulations as set out in the table above. A previous NDP was not successful at referendum on 6 May 2020.

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 23, and has 9 commitments, 14 completions (as of April 2022) and has site allocations for 13 dwellings and an expected windfall allowance of 13 within the NDP.

The plan includes four settlement boundaries for the identified settlement of Titley and Staunton on Arrow. Not all of the commitments are contained within the defined settlement boundaries.

12 representations were received during the submission (Reg16) consultation period. 8 external, 4 from internal service providers at Herefordshire Council, one comment was submitted by members of the public.

The external and Statutory Consultees had no objections to the plan, and mostly provided general and supportive comments to the plan.

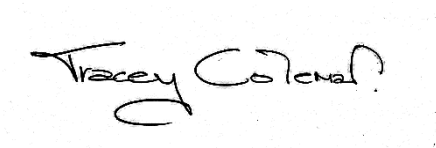
Strategic Planning have indicated that one policy (TG2) is not in conformity with the Core Strategy but the reminding policies are. Development Management have indicated a number of policy wording that would need addressing to aid implementation but these can be considered as part of the examination process.

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

Service Director's comments

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

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

A handwritten signature in black ink that reads "Tracey Coleman". The signature is written in a cursive style with a large, looped 'C' at the end.

Tracey Coleman

Interim Service Director – Planning and Regulatory Services

Date: 07.03.2023

Appendix 1
Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Titley Group Regulation 16 NDP

Date: 28/02/2023

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
TG1: Sustainable development	SS1; SS2; SS4; SS5; SS6; RA2; RA6; MT1; E3; LD1	Y	
TG2: Housing needs and requirements	H1; H3	N	As it stands, the wording of the reg16 NDP (policy or justification) cannot be considered compliant with the adopted Core Strategy or NPPF as it is not about whether Titley is designated as a “rural settlement” but whether it lies within a “designated rural area” under the Housing Act 1985. Suggest the policy needs to be amended to indicate that the thresholds of policy H1 of the Core Strategy will continue to be applied unless and until Titley falls within a designated rural area.
TG3: Rural exception housing	SS2; H1; H2	Y	
TG4: Land at Titley Farm	SS1; SS2; RA2	Y	
TG5: Titley settlement boundary	SS2; RA2	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
TG6: Land opposite Old Court Cottage/Newton, Staunton-on-Arrow	SS2; RA2	Y	
TG7: Small sites at Staunton-on-Arrow	N/A	Y	
TG8: Staunton-on-Arrow settlement boundary	SS2; RA2	Y	
TG9: Economic development in Titley Group	E1; E3; E4; RA4; RA5; RA6	Y	
TG10: Infrastructure	SS1; SS5; E3	Y	
TG11: Renewable energy	SS7; SD2	Y	
TG12: Community facilities	SC1	Y	
TG13: Landscape	LD1	Y	
TG14: Natural Environment	LD2	Y	
TG15: Historic environment	LD4, SS6	Y	
TG16: Design and access	SS1; SS4; SS6; SS7; MT1; SD1; SD2;	Y	

Appendix 2

Neighbourhood Development Plan (NDP) – Development Management Comments

Draft Neighbourhood plan policy	Comments
TG1: Sustainable development	Net gains biodiversity – is this same metric as expected nationally? How will that be measured in advance of requirement for net gain coming in?
TG2: Housing needs and requirements	Point 6 – Seeks to impose a lower threshold for affordable housing. Does not align with NPPF or CS. Seeking to use NPPF para 64, but this lower threshold only applies in designated areas - National Parks, Areas of Outstanding Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985. Policy not in accord with local or national policy as far as we are aware.
TG3: Rural exception housing	<p>Rural exception housing policy. Generally reiterates H2.</p> <p>Perhaps needs more supporting text to qualify how 'proven local need will be assessed'.</p> <p>At face value, this policy does not add anything that is not already set out in H2. The only difference is that it seeks proposals "to be agreed with Parish Council". This is not appropriate, consultation with the PC should be encouraged, but ultimately they are not the decision making body.</p>
TG4: Land at Titley Farm	<p>Effectively an allocation policy for 6 units</p> <p>Only 0.175ha of the site will be assigned for housing. This leads to a density equivalent to of ~35 units per hectare. This is much higher than the rest of the village and particularly at odds with the site's immediate setting; which is low density and has very open feel.</p> <p>The policy sets out very prescriptive requirements – some of which contradict with each other. For instance, orientation to street scene vs solar gain.</p> <p>Overall it is considered it would be difficult to achieve an acceptable form of development within the parameters set by the policy.</p>
TG5: Titley settlement boundary	<p>Balance Farm omitted – should be included. Well known issue.</p> <p>Clearly the PC hope is that the Balance Farm outline will lapse and by not including it within boundary there will be no presumption to grant permission again. Would suggest that should this happen, site will need to be considered on its merits. Issues such as highways safety would need to be considered for instance and if</p>

Draft Neighbourhood plan policy	Comments
	<p>not achievable then being within boundary wouldn't mean that permission will necessarily be granted.</p> <p>Also unclear why there is a very narrow 40m separation between the boundaries to the north-east and south-west parts of the village. Does this frontage gap have particular value? If not, it would appear as a logical infill plot.</p> <p>The strategy counts sites 'held with phosphate' towards its housing numbers, but is advocating a settlement boundary which would mean the principle of development on these sites would no longer be acceptable if NDP adopted. Eg. 193183 at Titley Court would be outside the boundary if plan adopted and therefore refused. If the parish seek to rely on these sites to meet needs and find them acceptable, then they should be included within the boundary.</p> <p>Would it not be logical to include the barn conversions at Titley Court and 193183 within the settlement boundary, given they are contiguous with the allocated site?</p> <p>Boundary is generally quite tightly drawn. Would question whether a windfall allowance is achievable given limited opportunities for infilling.</p> <p>Policy needs to include clause along lines of 'outside of these boundaries, new housing will be limited and only be supported in accord with RA3'</p> <p>The policy seeks to ensure external walls are stone/timber/slate (point 9.) Has justification been shown for this? In our opinion, these materials do not particular define Titley. There is a large variety in the palate of materials seen throughout the village.</p>
<p>TG6: Land opposite Old Court Cottage/Newton, Staunton-on-Arrow</p>	<p>This is an aspirational policy which may prove difficult to deliver.</p> <p>To place a policy requirement on a scheme for 5 units to provide a large area of community open space and village car park is quite onerous. Also setting the threshold that only 25% of the site can be used for dwellings, gardens, garages, parking and access arrangements is very prescriptive and it will likely be difficult to produce a scheme that meets other design requirements whilst keeping to these parameters.</p> <p>The requirement to position dwellings to the rear of the site would be at odds with the prevailing pattern of development, which is wayside.</p> <p>Again requirement for materials to be stone/timber/slate. Has justification been shown for this?</p>

Draft Neighbourhood plan policy	Comments
TG7: Small sites at Staunton-on-Arrow	<p>What is meant by 'sympathetically-designed individual dwellings'? Does this mean each site is effectively 'allocated' for a single dwelling each, or could the sites support more than one dwelling – provided they are individually designed? Would suggest the intended quantum of development on each site needs to be clarified (if applicable) and the wording of the policy tightened up</p> <p>Again requirement for materials to be stone/timber/slate. Has justification been shown for this?</p>
TG8: Staunton-on Arrow settlement boundary	<p>Unsure of justification for small break in settlement boundary splitting village into two parts? Is the gap is particularly important to the character of the village?</p> <p>Policy needs to include clause along lines of 'outside of these boundaries, new housing will be limited and only be supported in accord with RA3'</p> <p>Again requirement for materials to be stone/timber/slate. Has justification been shown for this?</p>
TG13: Landscape	Does this need more clarity on important views? Can these be defined better?
TG14: Natural Environment	Point 5 – is this effectively a neutrality clause? Is that appropriate or informed by current SAC issues? Maybe overreaching?
General comment	Has it been considered whether Stagg Meadow could be allocated local green space?