

PYONS GROUP REVIEW NDP

SUGGESTED AMENDMENTS TO THE EXAMINER TO BE CONSIDERED WITHIN THE EXAMINATION PROCESS

Regulation 16 - response

It is observed that the majority of comments from the Regulation 16 process are supportive of the aims and intent of the Review. Notwithstanding this it is noted that a number of amendments are required. In addition, a number of comments and observations need to be recorded and addressed. These are detailed below.

Suggested amendments

Page 27: Amend settlement boundary of Westhope to fully include boundary of planning application 193195 (amended map attached).

Page 25 - PG1 Development Strategy: Para 2, line 3 delete " roadworks" insert " road networks"

Page 32 – PG2 Housing. Delete: "Proposals for self-build housing projects in the Parish will be encouraged. " Insert: "Proposals for self-build in appropriate locations will be encouraged."

Page 33 – PG2 Housing. Amend point 4 of policy to read: "Proposals for the conversion of redundant or disused buildings in the countryside to provide an equivalent replacement residential dwelling will be supported where they meet the criteria set out in the Core Strategy Policies RA3 - Herefordshire's Countryside and RA5 - re-use of rural buildings."

Page 41 - PG4 Waste water and sewerage: Amend point 2 to read: "New development in Canon Pyon which relies on the Waste water Treatment Works will only be supported where the capacity of the existing sewerage works and any other drainage is sufficient, or where the WwTW has been sufficiently upgraded to a) support new development and b) service new housing developments that have already come forward."

Page 47 – PG6 Protecting and Enhancing the Natural Environment. Point 2, second sentence. Amend to read: "Tree planting and woodland creation should focus on screening of new developments, as well as expanding and connecting existing ancient woodland sites."

Page 54 – PG8 Rural Enterprise and Tourism. Amend point 1 to read: "Consider the sensitive conversion and re-use of agricultural buildings in the wider rural area, or comprise small scale new development or the conversion of existing buildings within the settlement boundaries in accordance with Policy PG1 Development Strategy."

Page 60 - PG 11: Safeguarded Land for Proposed Relocation of Canon Pyon Church of England Academy Primary School: Amend second sentence, first paragraph to: "To support the viability of a new school, the site could also accommodate a small-scale housing development (up to 2 houses), for example for caretaker accommodation."

Page 68 – PG13: Promoting Sustainable Design and Resilience: Delete point 4

Page 69 – PG14: Community Energy Schemes and Solar Farms. Delete both paragraphs and replace with:

Small-scale community led renewable energy schemes will be supported in Pyons Group Parish, where it can be demonstrated that the proposal will not have an adverse impact on local character, landscape, environment and ecology. Any potential adverse impacts are to be avoided or mitigated by siting, design and landscaping.

Proposals for large scale commercially led renewable energy schemes will be supported within the Parish only where it can be demonstrated that the proposal will not involve the loss of economically important agricultural or horticultural land, orchard or woodland. Moreover, proposals should avoid or mitigate against adverse effects on the local characters, landscape, environment and ecology.

Response to Other Comments

Kings Pyon

The comments from residents of Kings Pyon have been very supportive, in particular with regard the inclusion of a settlement boundary. Community facilities in the hamlet are limited to the church and infrastructure is also limited; for example, it is served by narrow C and U class roads, no street lighting and no mains foul drainage. This severely limits the scope for development. However, it is recognised that the issue of future development in Kings Pyon will need to be considered on future NDP's in order to prevent the hamlet becoming moribund. Notwithstanding this, it is also recognised that any such development will be very limited in scope.

Proposed School Site

The safeguarded site is an inherited policy using land that has been promised in principle, by the landowner. It has been suggested by a respondent that the site could move to the west of the playing field and served by Church Road (C1092). This was considered, but moving the site to the west could raise issues over access (the C1092 is narrow, and the junction onto the A4110 has poor visibility). In addition, the land to the west would need to be purchased, increasing the potential costs, for what is at present a longstanding aspiration. It is recognised that part of the proposed site is at risk of flooding, however it is felt that this could be mitigated by investment in upstream drainage, landscaping, or land use.

It was concluded that no further action is required until such time proposal is either progressed or withdrawn.

Site C

Two respondents raised the issues of the status and feasibility of the former Yeomans Bus Depot, Site C. One respondent is believed to be a developer; neither are believed to be residents. This site has outline planning permission by HC (P202218 and consequent applications) and it is felt that this status has to be recognised and must take precedence. Moreover, as HC have granted outline permission, PGPC is not in a position to change this status. It is also believed that this application remains extant.

Both respondents have raised the issue of the site being at risk of fluvial flooding, and this is reflected in the EA Flood Risk Map. This assessment has been strongly challenged by an independent hydrologist on behalf of the agent. Moreover, the occupants of the Laurels, a property (built circa 1960's) in the southern corner of the site, and within the EA's Zone 3, have stated (to BBLP) that they have not been flooded. Notwithstanding this, it is reiterated that any decision to go ahead with development is in the remit of the local authority.

It is therefore concluded that no further action is required at present or until such time proposal is either progressed or withdrawn.

Site D

The removal of Site D was challenged by a representative (an agent) of the developer, the part owner of the site and his partner.

The agent has claimed that the Review conflicts with para 29 of the NPPF. Although the agent did not state the specific wording it is assumed that this comment refers to *"Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies."* This point is fully accepted, but as recent development has more than exceeded the strategic minimum target, it is not believed that this comment is valid. In addition, para 16 c of the NPPF states (planning) *"be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees."* The review has been produced after extensive consultation in the community, has taken into consideration these views, and has assessed the viability of the proposed site.

On the question raised by the developer that no evidence has been presented to support the removal of Site D. The evidence considered by the Steering Group includes:

Welsh Water (DCWW) 6 Oct 21)) have stated that *"the proposed development (Site D) is in an area where there are water supply problems for which no improvements are planned within our Capital Investment Programme. Any increased demand will exacerbate the situation and adversely affect our services to existing customers and potential users of this proposed development."* In addition, DCWW also stated the proposed development would *"overload the WwTW. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme."* This correspondence is available on HC's planning website relating to the current application. It is also noted that HC's own 2015 SHLAA noted that the WwTW in Canon Pyon had *"limited capacity at present."* This report also identified that there were issues with water supply. Since that report, the village has grown by some 60% placing further pressure on waste water disposal and drinking water supply. It is also viewed that any development should not be to the detriment of existing residents.

It is noted that paragraph 11 of the NPPF states that:

"All plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects." It is observed that given the comments by DCWW that local infrastructure and the development is no longer aligned.

The 2012 SHLAA rejected the site (Site Reference P842/2), stating *“The U93412 is only single track and not suitable for access without widening and footway provision, which would require third party land.”* This report also stated that *“this is also a comparatively shallow site with residential development to the immediate east. Development would be contrary to the linear pattern of development.”* Since the publication of this SHLAA, the gable end of a new property built on land previously part-owned by the applicant would prevent widening to a two-lane road with separated pedestrian walkway without the demolishing of this house.

On 2 October 2019 HC Planning officer, quoting a highways officer who at the time of the SHLAA stated *“(The) U93412 would need widening to 5.5m from access to junction with A4110 and footway provision on development side. Visibility at junction with A4110 looking south passes over third party land over a low wall and needs improvement to the north as only 45m is currently achievable.”* Since this report, visibility has been further constrained by the placing of a BT Cabinet on the apex of the junction. If the junction were to be widened, it is considered that this cabinet would need to be moved.

The Dec 2020 AECOM report (site reference PGNP02 which is available to the respondents) reiterate the points made in the SHLAA but also raised the observation of overlooking of existing properties to the west (some of which are bungalows). It is also noted that one commentator claimed that the AECOM report was based on a table top exercise. This claim is incorrect (para 2.6 states *“completion of the site proformas was done through a combination of desktop assessment and site visits”*). The same paragraph also states *“the site visits allowed the team to consider aspects of the site assessment that could only be done visually.”*

In respect of Site D, the AECOM report states (page 19):

- *“The site is situated within a larger open field with its northern boundary marked by a Public Right of Way, without a natural boundary feature. A number of adjacent dwellings overlook the site, giving it sensitivity in terms of neighbouring residential amenity.*
- *While the site’s existing access through a narrow, single-track lane could potentially support a limited number of dwellings, there is no safe pedestrian access. Provision of footways would require third party land. In addition, the junction of the lane with the A4110 has restricted visibility due to placement of existing buildings and there is limited potential to provide an additional entrance. Development at this location is therefore unsustainable and would be in contrary to Policy SS7 of the Herefordshire Local Plan Core Strategy.”*

HC Transport Department have stated (15 Sep 21) that Mill Road (93419) which serves the proposed site is *“very narrow and unsuitable for intensification”*, and again identifies issues with access (vehicle and pedestrian) and the potential safety with pedestrians having to walk in the carriageway.

It is felt that this information, which is available to the developer provides sufficient evidence for the Steering Group to recommend the exclusion of Site D.

Furthermore, it is noted that the section of road between the A4110 and the site does not have the benefit of street lighting. Moreover, due to the narrowness of the road, any

proposal to install street lighting would require the use of third-party land. Moreover, adjacent to the junction is the entrance to the Nags Head PH (entrance is on Mill Road). It can be inferred that this would attract both pedestrian and vehicle traffic during the hours of darkness, with implications for road safety that should not be ignored.

One of the commentators has stated that the site does not flood. This is correct. The issue raised in representations to the planners is that the road serving the proposed site floods, at the junction with the A4110 and further down Mill Road at Kinford Bridge. In flood events this would result in the site becoming isolated. Flooding in Canon Pyon has been a long-standing issue in the community and evidence is available on the PGPC website.

Finally, these concerns were reflected in PGPC's objection to the development dated 8 November 2021. The PC also reflected strong opposition and representations from local residents (some 190 residents objected either to the proposal directly, or signed two local petitions), as well as concerns over over-development). In this case, it is believed that para 16 of the NPPF applies. PGPC's representation also provides a link to the AECOM report, reinforcing the availability of the evidence. The report is also available on the PC's website.

In principle it is agreed that the NDP should not promote less development than set out in any strategic policy unless there are specific reasons to do so. However, taking into consideration the issues over infrastructure, access, road safety, and the level of local opposition, supported by the evidence above, there are specific evidence backed reasons to exclude development. Until such time that the restrictions identified opposite are addressed, the decision to remove Site D remains valid.

Comments Not Adopted

There were a number of comments made that were considered by the Steering Group but for the reasons stated below, have not been adopted.

PG1: HC raised the observation that PG1 Development Strategy relates to proposals within the settlement boundary but elements of the policy are broader and relate to development outside of the settlement boundary. The Steering Group took into consideration the comments but also the impact of any further development on infrastructure. For example, only one of the five settlements is served by mains foul drainage, there are concerns over fresh water supply, and that just two of the settlements are supported by a main road (and in the case of Bush Bank, this only applies to a small part of the settlement), all others are served by C and U class roads. It is also observed that there are potential sites within the Group's area that could support small scale development, spreading the load on infrastructure, and not significantly causing further loading in Canon Pyon. It was therefore concluded that the current wording allows for small scale development not restricted to the confines of the settlements and is in line with the intent of PG1.

Ledgemoor Boundary: HC observed that the proposed settlement boundary for Ledgemoor could allow double-depth development. It is observed that there is already double depth development in the hamlet. In addition, careful consideration was given to existing property boundaries, which being a rural hamlet, will include adjoining paddocks, orchards etc. It is also felt that the boundary not only follows the built form, it takes into consideration existing planning approvals in principle, and was drawn in consultation with local residents. Excluding some areas would have led to a complex and fiddly boundary that would be very

hard to justify, bearing in mind the size of the hamlet and limited scope for any development. It was therefore considered that no change to the proposed boundary is required.

Kings Pyon Boundary: HC observed that the proposed boundary for Kings Pyon included a farm on the southern boundary. The farm, which includes residences forms part of the built form of the hamlet. Another farm in the settlement is also included as it is felt that both offer scope for very small-scale development, bearing in mind that due to the geography of the hamlet, the availability of suitable land is very limited. It was therefore decided that no change to the proposed boundary was necessary.

PG5: HC observed that in PG5 River Wye SAC Part 1 states that “*clear and convincing*” justification is required. HC went on to observe that the terminology used should be “*consistent with wording in the Habitat Regulations.*” Unfortunately, the commentator did not provide any further advice. The wording for PG5 followed the advice of HC and this was agreed before the Submission Review was submitted. In addition, the proposed policy PG5 also states “reference should be made to Herefordshire Council’s Phosphate calculator and associated guidance.” It is observed that when considering development, HC’s policies take precedence, and as the proposed policy is thus subservient. It is also observed that this issue is evolving and changing and it would be unrealistic for a policy set out in an NDP to keep pace. As Policy PG5 sets out the principles and refers to those of the LA, who have ownership of the issue, it has been concluded that no change is required.

PG7: HC felt that part 22 of PG7; Built Environment which refers ‘wider rural area’ should be removed. Part 22 reads “*In the wider rural area development will be much more limited. Sensitive conversion of former agricultural buildings for new businesses and residential use is supported, provided that designs are sensitive to the existing character and use traditional local materials and detailing whenever possible.*” Taking into consideration the issues with infrastructure, the intent of the Review is to not to exclude the wider rural area from development. As Part 22 supports this intent, it was concluded that no change is required.

PG9: HC observed that PG9: Polytunnels could be expanded to include associated development, such as ancillary agricultural structures or workers accommodation. This policy followed NFU guidelines. This was discussed and it was felt that there was a risk of conflating a policy covering temporary structures, with development that will, by its nature, be permanent. It was therefore decided that no change in the policy is required.

Review NDP Steering Group

15 March 2023

Approved by Pyons Group Parish Council 4th April 2023, minute ref: 2023/12