

For the attention of the Neighbourhood Planning Team:

**The Neighbourhood Planning (General) Regulations 2012
Article 15 Statutory Public Consultation
Fownhope Neighbourhood Plan**

I would like to voice my concerns about the following elements of the proposed Fownhope Neighbourhood Plan (FNP), which together bring into question the viability of the whole plan.

1. The approach to the provision of affordable homes.

Within the recently enacted Community Led Plan, the Fownhope residents identified the need to provide a significant number of homes for those not able to afford the premium market prices that Fownhope generates.

The proposed FNP does indeed include a number of 'affordable' homes, but unfortunately these are part of proposed sites that all have a small number of allocated houses – a number so small that it's doubtful if they are financially viable for any developer, reducing the risk of delivering any at all.

Thus the stated support is either disingenuous or the solution is badly misjudged.

2. The selection and manipulation of the potential housing sites

Along with mysterious and unspecific 'windfall' properties, 4 development sites have been proposed, 3 of which have serious issues that may be impossible to overcome.

B/C - Land at Potato Barn/ Mill Farm

- It is not possible to provide the safe pedestrian access to village facilities without using the main road, which means that this site is unfeasible
- The Potato Barn is currently used as a business and its removal from this site would contravene Policy FW 18 – Supporting Local Businesses.
- By linking these 2 sites, it has validated Mill House Farm as a development site, which if still independent, it would have had little to recommend it.
- It's close to the River Wye SAC and flood plain.
- It's also close to a listed building.

D – Adjacent to Lower House Gardens

- This site is landlocked and relies upon access from an adjoining housing development or third party land in separate ownership.
- It is not possible to provide the safe pedestrian access to village facilities without using the main road, which means that this site is unfeasible.

H - Adjacent to the Medical Centre

- The need to create a new access off Common Hill Lane, which puts in jeopardy the ability to retain the special character of the proposed protected area;
- It is doubtful that the requirement to provide adequate footpath access is achievable;
- The extra volume of traffic using Common Hill Lane will again put at risk the retention of the special character of this area;
- The extra volume of traffic from any new houses at the junction to the B4224 in the village will cause more congestion at a point that is already well-used by patients of the Medical Centre, which will increase even further with the extra services proposed in the CLP and the supported housing and residential care described in FW23;
- This is also a busy and vulnerable point in the village, used by school buses and families taking their children to school as well as the normal traffic. This contravenes one of the FNP's own policies - FW27.

This leaves site A – Mill Field.

This site, being part of a larger field, was the subject of a comprehensive planning application for 33 houses that was recommended for approval by Herefordshire Council Planning Department. The Planning Committee subsequently were of the opinion that, notwithstanding the recommendation for approval, the proposal constituted 'major development' in the AONB, not supported by the NPPF and refused the application.

In support of this site, over 60% of the residents that engaged with the NP process supported the Mill Field application that would have enabled many of the aspirations of the village through section 106. This was ignored by the PC and NP Steering Group.

Included in the Planning Officer's appraisal was the recognition that:

- the proposed landscaping scheme sufficiently mitigated the impact upon the AONB,
- the scheme provided a safe highway access (that could lead to an extension of the 30mph speed limit),
- the scheme provided a safe pedestrian access to the village facilities avoiding the main road,
- the scheme contributed to meeting local housing needs.

All of these mitigating factors continue to apply to the Mill Field site as currently proposed, and it is suggested that an allocation of up to 25 houses could be accommodated on the site, without constituting 'major development' and that would continue to comply with the above requirements. Given that the judgement regarding whether a proposal constitutes major development lies with the decision maker, as enshrined in the NPPF, this site could accommodate 25 houses or perhaps more if the proposal was supported by the Parish Council.

In conclusion, the proposed Neighbourhood Plan is contradictory, inconsistent and incomplete. It should not be approved; it needs to be reviewed, reshaped and reissued.

Latham, James

From:
Sent: 28 August 2015 11:30
To: Neighbourhood Planning Team
Subject: Fownhope Draft Neighbourhood Plan

Good Afternoon,

I just read that comments are open for the draft neighbourhood plan for Fownhope and I have been wanting to share a comment about the process of this plan for quite some time, however have not had an appropriate outlet.

As the family member of landowners who submitted ground to be included, I have found this process to be limited, pushy and difficult. Initially, there was a lot of interest in the ground as it suits a number of needs/preferences. Sadly, however, the committee taking the plan forward was very pushy with how they wanted us to proceed. We have no immediate plans for development and honestly, wouldn't be considering it in the next 5 years - perhaps sometime in the next 5-10 years or longer. Unfortunately, the committee put quite a bit of pressure on us to obtain legal agreements and documents to secure access to the ground (which we agree needs to happen prior to any development) - however, we are not ready to make those agreements as of yet. As a result of their pressure to move things forward at a pace we are not ready for, we dropped out of submitting our ground for the plan. This is very unfortunate, as with it being a 30 year plan, we have now, because of over-zealousness of a few folks, been left with limited options for the near future. So, overall, I am not happy with how the plan was created, did not feel the process was open enough and am left feeling that it was really decided by a few people who are very strong personalities and had their minds made up long ago, before any consultation was "considered".

As this is a small village, will you please keep my comments anonymous.

Thank you,

Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 08 October 2015 23:36
To: Neighbourhood Planning Team
Subject: the form Comment on a proposed Neighbourhood Area was submitted

the form Comment on a proposed Neighbourhood Area was submitted, this is the list of values it contained.

Address:

Postcode:

First name:

Alun

Last name:

Webber

Which plan are you commenting on?:

Fownhope Neighbourhood

Comment type:

Objection

Your comments:

FW2: Does not include alteration promised in the regulation 14 summary.

FW3: Restricting development to flood zone 1 is against NPPF and EA guidance – the NPPF provides a structured policy as to what development is appropriate in each zone.

FW5: The wording of this statement is ambiguous. Prohibition of development within 100m of River Wye SAC will unfairly blight properties within that area requiring property owners to seek planning consent with expensive reports for simple development or repair tasks normally covered by permitted development rights.

FW20: “The Plan will seek to find new uses rather than see buildings fall into neglect.” FW20 as written does not permit old agricultural buildings to be demolished and rebuilt for reuse where conversion/repair is not feasible meaning that these buildings will fall into neglect. FW11 allows for demolition and rebuilding for former houses – this should apply to redundant agricultural building, excluding modern ones.



The Coal
Authority



200 Lichfield Lane
Berry Hill
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NG18 4RG

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Email: planningconsultation@coal.gov.uk

Web: www.coal.gov.uk/services/planning

For the Attention of: Mr J Latham

Herefordshire Council

[By Email: neighbourhoodplanning@herefordshire.gov.uk]

16 September 2015

Dear Mr J Latham

Fownhope Neighbourhood Plan

Thank you for consulting The Coal Authority on the above.

Having reviewed your document, I confirm that we have no specific comments to make on it at this stage.

We look forward to continuing to receive your emerging planning policy related documents; preferably in electronic format. For your information, we can receive documents via our generic email address planningconsultation@coal.gov.uk, on a CD/DVD, or a simple hyperlink which is emailed to our generic email address and links to the document on your website.

Alternatively, please mark all paper consultation documents and correspondence for the attention of the Planning and Local Authority Liaison Department.

Should you require any assistance please contact a member of Planning and Local Authority Liaison at The Coal Authority on our departmental direct line (01623 637119).

Yours sincerely

Rachael A. Bust *B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MRTPI*
Chief Planner / Principal Manager
Planning and Local Authority Liaison

Fownhope Neighbourhood Plan

Regulation 16 – Public Consultation

Submission from: Mr Christopher Whitney

of: [REDACTED]

7th October 2015

Policy FW9 HOUSING NUMBERS

Summary.

Site H should be extended to include Ha. This otherwise excellent Fownhope Neighbourhood Plan (“the Plan”) is fatally marred by the inclusion of two sites: A and B. These two should be removed from the plan; extended site H will compensate. Two planning appeals stopped multi-building development on Site X (see plan below) to protect the approach along the B4224 into the Fownhope Conservation area in the Wye Valley AONB. The present bungalow on site X is still subject to an existing section 106 stopping any further development on the site. An appeal has recently been rejected to develop the field in which site A is situated for similar reasons and also the setting of the listed building as Mill Farm. The Supreme Court has endorsed a judgement that held that where a planning inspector has ruled on a point of significance a local authority is not free to hold to the contrary. Any development on sites A or B would be contrary to the opinions of three planning inspectors on the significant factors concerning the approach to Fownhope. Any development would nullify the reasons for and purpose of the section 106 on site X.



Submissions.

Site H.

1. Extending this site to include Ha would extend it to an existing hedge-line of the present open field. To the writer's personal knowledge it is all in the same ownership. The owner wished to include Ha as an allocated site.
2. The Plan at 14.1 p.27 sets out the requirements of site H. The requirements would not need to be extended if Ha is included.

3. The Plan Annex E p.48 comments on site H:
 - 3.1. to be noted that Ha was included in SHLA 2013.
 - 3.2. The highway requirements would not be increased by extending to Ha. (A greater site area could make a greater financial contribution to any highway improvements. A 20 mph limit could be used)
 - 3.3. Residents survey Nov 2014: 52% 'consider further', 37% don't.
 - 3.4. The Planning Consultant was positive: "not have effect on AONB".
4. The aerial view below indicates that including Ha would 'round off' the modern development. It would only very marginally affect the view from the NE when looking down onto the village.



Sites A and B.

5. In 1988 two applications on site X for several dwellings were refused on appeal. The inspector's decision included – "I consider the main issues in respect of both appeals to be first whether the proposals would harm the appearance and character of this part of the Wye Valley Area of Outstanding Natural Beauty and the Fownhope Conservation Area ... Viewed from the western approach to the village it seems to me that the site forms part of the adjoining countryside extending into the village area. ... In my view such an extension of the built-up area of the village would cause unacceptable harm to the appearance and character of this part of the Conservation Area and the Lower Wye Valley Area of Outstanding Natural Beauty. ... However, for the reasons given above I consider that your client's proposal would cause demonstrable harm. to interests of acknowledged importance the terms of Planning Policy Guidance Note 1 referred to at the inquiry.". See pp, 5-7 hereafter.
6. In 1991 two further applications on site X for several dwellings were refused on appeal. The inspector's decision included - "I consider that the main issues in this appeal are firstly the impact of the proposed dispersment on the character and appearance of the Fownhope Conservation Area and the Wye Valley Area of Outstanding Natural Beauty,... [T]his land is located In an important position at the entrance to the village. If development were permitted its particular rural character would be seriously harmed. Care is needed in dealing with new development in the AONB and failure to deal

sensitively with sites such as this would in my view lead to the erosion of its character. ... I have concluded, however, that the development of any part of this land would conflict with the aims of designation of the Fownhope Conservation Area and would harm the rural appearance of this approach to the village. It would harm the relationship between the village and the countryside at an important point and would thus cause damage to the interests of preserving and enhancing the AONB. ... The adjacent Scotch Firs development was, she [previous inspector] considered, well screened by existing trees and the rural character of the land". See pp, 8-10 hereafter.

7. The factors that determined both the 1988 and 1991 appeals are applicable to sites A and B. Site B is outside the present tree-line boundary before leaving the farmland.
8. As a consequence on 5th August 1992 the late Mr & Mrs P Paton entered into a s. 106 agreement, when seeking planning permission on site X for Westholme. that no further development would take place on the site. The writer was clerk to the Fownhope Parish Council at this time and since before 1988. To his personal knowledge Mr & Mrs Paton - site owners since before 1988 - voluntarily entered into this s. 106 to meet the objections of the above inspectors. The writer advised the parish council that in the light of the s.106 he could not advise objection to the application for a bungalow at Westholme as the site was by then a derelict orchard and vegetable garden and becoming an eye-sore at the entrance to the village and Conservation Area. See pp, 11-14 hereafter for the s.106.
9. After Mr & Mrs Paton had died beneficiaries applied got planning permission for two dwellings on the village side of the Westholme bungalow. This was and remains a very contentious decision.
10. In 2012 in *R(Whitney) v Herefordshire Council* CO.4627.2012 the Council acknowledged in writing that; "1. The Committee Report unfortunately did not make it clear that the application to discharge the obligation only related to the Red land [part of site at Westholme now built on]. This was as a result of a misunderstanding of the extent of the land included in the Obligation. 2. The Obligation was not included in the Planning Register (although it was on the Planning file) The Council therefore apologises for the confusion which has subsequently arisen as a result and the trouble to which you have been put.". The action was withdrawn as the council admitted the s.106 was still in place to protect the western approach to the village and offered to pay costs.
11. The Listed Buildings in Fownhope include Grade II Mill Farmhouse, and its Grade II Barn and Adjoining Granary, These are presently in a rural setting apart from the village and abutting the River Wye. They are to the north-west of sites A & B on the other side of the B4224. Any development on Mill Field would not preserve the rural setting of these listed buildings as required by section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990.
12. In 2015 an appeal was refused concerning the field including site A. The decision letter, as in the previous appeals, refers to the importance of the Wye Valley AONB and the Conservation Area. It also refers to the listed buildings at Mill Farm and the importance of their rural setting. See pp, 15-20 hereafter.
13. *R (ota of Evans) v Attorney General* [2015] UKSC 21 Though not a planning case their lordships considered, "60. ... the question whether Parliament can have intended a member of the executive to be able freely to consider, or reconsider, for himself the very issues, on the same facts, which had been determined by another person or a tribunal.". They answered, "No" and cited three Court of Appeal decisions: including,
 61. In *R v Warwickshire County Council, Ex p Powergen plc* (1997) 96 LGR 617, it was held that a county council, as highway authority, was precluded from refusing to agree to access works to a proposed development on the ground that the access was unsafe, because that was a ground which a planning inspector, after a full enquiry, held that the district council (adopting the view of the county council) had not made out as a reason for refusing planning permission for the development. Simon Brown LJ stated at p 626 that "because of its independence and because of the process by which it is arrived at", the inspector's conclusion had become "the only properly tenable view on the issue of road safety".

14. It is respectfully submitted that the decisions of the three inspectors concerning the importance of the Wye Valley AONB and Conservation area are equally important and of great weight in deciding the merits of including sites A and B. To include these two sites would be against the relevant NPPs for such areas.



Planning Inspectorate
Department of the Environment

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Telex 449321

ADMINISTRATION
DEPARTMENT
Direct Line 272 2188
Switchboard 0272-218811
GTN 2074 28 OCT 1988

PASSED TO: 305
ACKNOWLEDGED:

Mr S L Beaumont MBE LLB
Solicitor
21 Commercial Street
HEREFORD
HR1 2DE

Your Reference:
SLB FCI
Our Reference:
T/APP/A/87/73523/P3
Date: A/88/98292/P3

27 OCT 88

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY MR D MORGAN-REES
APPLICATION NOS: SH 861299PO AND SH 880607PO

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the decisions of the South Herefordshire District Council to refuse planning permission for A. Residential development for 10 2-storey dwellings; and B. Residential development for 6 dwellings; both on OS Parcels Nos 5880 and 6276, land opposite Lower House Farm, Fownhope. I held a local inquiry into the appeals on 2 and 3 August 1988.
2. The site is situated at the north-west end of the village of Fownhope some 5 miles south-east of Hereford. It is located on the north-east side of the B4224 Hereford to Mitcheldean road from which it rises gently to a modern development of houses and bungalows on its north-east and south-east sides known as Scotch Firs. The surrounding area is open countryside and woodland with the River Wye a short distance west of the site.
3. The site consists of a small market garden at its north-west end bounded by hedges along both sides and the rear, and by a low stone wall on the road frontage. The remainder and larger part of the site is an overgrown orchard/paddock bounded by hedges and fencing on its sides, by a tall conifer hedge to the rear, and by a hedge and large mature trees on the frontage. Opposite the site is a large dwelling known as Lower House contained within walled grounds with gardens and outbuildings.
4. From my inspection of the site and its surroundings, and from the representations made at the inquiry and in writing, including the representations made by local residents, Fownhope Parish Council and Colin Shepherd MP, I consider the main issues in respect of both appeals to be first whether the proposals would harm the appearance and character of this part of the Wye Valley Area of Outstanding Natural Beauty and the Fownhope Conservation Area; secondly, whether the proposals would result in loss or damage to trees of significant amenity value harming in consequence the appearance and character of this part of the Conservation Area; and thirdly, whether the proposed developments would increase the risk of accidents on the nearby highway.
5. The site lies within the designated Lower Wye Valley Area of Outstanding Natural Beauty and the designated Fownhope Village Conservation Area. It is also affected



by housing policies in the approved Review of the County Structure Plan. These include the provision that in larger villages, such as Fownhope, new housing will be allowed which falls within the boundary of, or forms a natural extension of, the settlement and is environmentally and aesthetically acceptable; and additional traffic can be accommodated on the road system without undue environmental, operational and safety consequences. The site also lies within an Area of Great Landscape Value proposed in the Structure Plan. The Structure Plan's landscape policies provide for the general enhancement of the Areas of Outstanding Natural Beauty. In addition the trees fronting the site are included in a Tree Preservation Order.

6. On the first issue it was the Council's view that the site lay outside the well defined and established periphery of the village and the development would be environmentally and aesthetically unacceptable. You maintained that the site was unbuilt-on garden and old orchard land within the general area of the village. The proposed development would round off the existing village and integrate it with adjoining residential development. The development would be substantially unseen when approaching the village and would be partly screened from the front and overlooked to some degree by most of the houses in Scotch Firs, surrounding the site on two sides. It would not encroach on to the near edge of the Wye Valley Area of Outstanding Natural Beauty and would in no way diminish the quality of the Conservation Area.

7. I have considered the various points put by you and the Council together with the views of the Parish Council and local residents on this issue. Looked at on the plan defining the boundary of Fownhope's Conservation Area, development of the site would seem in my view to be a rounding off of the village. This is because the residential area of Scotch Firs adjoins the appeals' site on two sides and the line on the plan marking the western end of the Conservation Area appears to coincide with the edge of the village. However, in my opinion the situation is significantly different when considered on the ground.

8. Viewed from the western approach to the village it seems to me that the site forms part of the adjoining countryside extending into the village area. Little is seen of the Scotch Firs development because of its location considerably above the level of the site and the intervening screen of hedging and tall conifers. The rural character of the appeals' site is in my view reinforced by the spacious setting of Lower House opposite the site in grounds with trees and shrubs and with a low ivy-covered wall extending along the road frontage to Penrose Cottage opposite the commencement of the Scotch Firs development. In my view the existing built-up area of the village begins at this point with Penrose Cottage and the village shop on one side of the road and the Scotch Firs development on the other.

9. I consider that the charm of this part of the Conservation Area is its rural character with Lower House adjoined by trees which feature on both sides of this approach to the village from the west. Therefore, while I accept that the dwellings proposed under both schemes would be partially screened by trees on part of the site frontage, subject to my findings on the second issue, in my opinion any buildings on the appeals' site would be open to view from the road and the western approach to the village, and would extend the existing built-up area of the village into the adjoining rural area.

10. In my view such an extension of the built-up area of the village would cause unacceptable harm to the appearance and character of this part of the Conservation Area and the Lower Wye Valley Area of Outstanding Natural Beauty. Furthermore, while I see that it is your client's intention to replace the front hedge further back, construction of the proposed footway along the site frontage would entail the removal of the present established hedge and low wall fronting the site thereby causing in my view further harm to the appearance and character of this part of the Conservation Area.

11. On the second issue the main issue of concern was the effect of the highway visibility requirements on the trees on the site frontage included in the Tree Preservation Order. In my view the visibility requirements are reasonable having regard to the class and nature of the traffic flows along the frontage road, and also reflect national standards. From my consideration of the representations made and my inspection of the site, it is my view that to achieve the visibility splays required by the Highway Authority would involve the felling of at least one tree on the south-east side of the suggested access, namely a lime. I have considered your suggestion of leaving the lime tree within the visibility area, however, while I observed the case you referred to in Hereford, I consider the circumstances of the appeals' site to be significantly different in that it would in my opinion result in an insufficient standard of visibility being achieved on the south-east side of the access.

12. I am however satisfied that the visibility splay on the north-west side of the suggested main access could be achieved without the felling of trees. The main concern here was the effect of the construction works and access drive on the roots of the adjoining copper beech. From my inspection of the site and consideration of the various points made on this issue it seems to me that there is sufficient space for an access to be constructed which, though close to the roots of the copper beech, if suitably protected in the course of construction, and with careful siting of the access and dwellings, need not necessarily be harmed. However, I remain concerned at the likely loss of the lime tree on the south-east side of the suggested main access. In my opinion these frontage trees are an important amenity feature of this part of the Conservation Area and the loss of one of the group would in my view be unacceptable because of the consequential harmful effect on the appearance and character of this part of the Conservation Area.

13. On the third issue I have considered the representations made concerning traffic in the vicinity of the site. While I appreciate the concerns expressed on this issue, having regard to the volume of traffic using this road I consider that the amount of additional traffic likely to be generated by the proposed developments to be such that it would not in my view increase unacceptably the risk of accidents on this part of the B4224 road. In reaching this conclusion I have taken into account the very low accident record in the vicinity of the appeal site over the past 5 years.

14. I have considered all the other matters raised in the written representations and at the inquiry, including the representations made on the need for housing at Fownhope, the history of the appeals' site and other sites referred to in the village and the locality, and the planning appeal and Court of Appeal cases referred to, but I find nothing of sufficient importance to outweigh the considerations which lead me to find your client's proposals unacceptable.

15. While I note the Council's concerns on the acceptability of the layouts shown on the application plans, I am satisfied that the applications are for outline approval only with all matters reserved, including the siting and design of the proposed dwellings. However, for the reasons given above I consider that your client's proposals would cause demonstrable harm to interests of acknowledged importance in the terms of Planning Policy Guidance Note 1 referred to at the inquiry.

16. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals.

I am Sir
Your obedient Servant

MISS E C A PARKHILL BA LLB DipTP MRTPI

Inspector

E. C. Anne Parkhill



Planning Inspectorate

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GTN 1374

COMPLISS	
DDP	9.1
D/CASE	X
A. CULSHAW	

David Edwards Associates
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Your Reference:

DRE

Our Reference:

T/APP/V1830/A/90/152498/P7

T/APP/V1830/A/90/152501/P7

Date:

22 MAY 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEALS BY A P PATON & D MORGAN-REES
PLANNING APPLICATIONS NOS :- SH891774PF & SH891775PF

1. I have been appointed by the Secretary of State of the Environment to determine the above mentioned appeals against the decisions of the South Herefordshire District Council to refuse planning permission for

- A. the erection of a dwelling at parcel 5880 Fownhope and
- B. the erection of two dwellings at parcel 6276 Fownhope.

I held a local inquiry into the two appeals on 19 and 20 March 1991.

2. The appeal sites are two adjacent parcels of land on the north side of the B4224 on the west edge of the village of Fownhope. The site of Appeal A is a small market garden bounded by hedges along both sides and the rear and with a stone wall about 1.2 metres high on the road frontage. The site of Appeal B is a former orchard and paddock bounded by fences and hedges at the sides and rear and with a mixed hedge and mature trees on the road frontage. The proposals would involve joint use of a new single access point onto the main road at a position roughly central on the frontage.

3. The village of Fownhope lies within the Wye Valley Area of Outstanding Natural Beauty and within an area defined in the approved Structure Plan as of Great Landscape Value. The trees on the road frontage are the subject of a tree preservation order. The sites lie within the designated Fownhope Conservation Area. The policies of the approved Structure Plan which was reviewed in 1990 describe Fownhope as a larger village where new housing will be allowed which falls within the boundary of, or forms a natural extension to the settlement and is acceptable in environmental terms. Settlement boundaries and identified natural extensions are normally to be defined in local plans. The Structure Plan also contains provisions the aim of which is to preserve and enhance designated conservation areas and to preserve and enhance the AONB. The council has prepared an Interim Settlement Policy which will in due course be incorporated in a statutory local plan. The settlement boundary for Fownhope in that document excludes the appeal sites.

4. From my consideration of the matters put to me at the inquiry and in writing and from my inspection of the sites and their surroundings I consider that the main issues in this appeal are firstly the impact of the proposed developments on the character and appearance of the Fownhope Conservation Area and the Wye Valley Area of Outstanding Natural Beauty, secondly whether important protected trees would be damaged and finally whether traffic hazards would be harmfully increased.

5. The combined sites were the subject of an earlier planning appeal relating to a proposal for a total of six houses. The Inspector in that appeal identified similar issues. She stated that when viewed from the western approach to the village the sites formed part of the adjoining countryside extending into the village area. The adjacent Scotch Firs development was, she considered, well screened by existing trees and the rural character of the land was reinforced by the spacious nature of the grounds of Lower House on the opposite side of the road.

6. There appear to have been no physical changes to the main elements of that view since then and I agree with that Inspector's assessment. Although as you pointed out the Scotch Firs development to the north of the appeal sites is more prominent when approaching the village such views as are available of the appeal sites at that point are of a green area lined at the roadside by mature trees. As a consequence the eye is drawn towards the heart of the village. Although the settlement boundary prepared by the council is not yet part of a statutory plan or one in the advanced stages of preparation it can be afforded relatively little weight. Nevertheless on the basis of my inspection I do not consider that either of the appeal sites can be regarded as falling within the recognisable limits of the village, nor would they form a natural extension.

7. As one enters the village the appeal land thus makes a contribution to the character of the conservation area by virtue of its open nature. I agree with you that the trees are a most prominent element in the view, but I do not agree that the boundary of the Conservation Area is incorrectly drawn in this respect. In my view the whole area of the two parcels of land the subject of these appeals is important to the character of the Conservation Area.

8. I have had regard to the statutory duty imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I cannot agree with your view that new development on the open land behind the roadside trees would improve their setting and thus enhance the Conservation Area. In my judgement whilst the trees themselves could be preserved along with the stone wall fronting the site of Appeal A the introduction of urban elements into this land would destroy its rural character and amount to an extension of development into the countryside on the edge of the village. The houses proposed might be good examples of their type and the materials appropriate to the village but permanent development of this land in the manner proposed would preserve neither the appearance nor the character of this part of the Conservation Area.

9. Development has taken place over many years in the AONB and indeed built forms are an essential part of its character both within villages and in the countryside. However this land is located in an important position at the entrance to the village. If development were permitted its particular rural character would be seriously harmed. Care is needed in dealing with new developments in the AONB and failure to deal sensitively with sites such as this would in my view lead to the erosion of its character.

10. Considerable evidence was put forward at the inquiry as to the effect of development on protected trees. There were conflicting judgements between witnesses as to whether they would be put at risk either by the works proposed in the two appeals, including the creation of adequate visibility for emerging vehicles, or by other works suggested in the course of the inquiry, notably by the highway authority. The impact on the trees is bound to depend to some measure on the scale of the works involved in creating the new access. Bearing in mind the small number of dwellings involved and the relatively light amount of traffic which would use the new driveway the evidence at the inquiry and my inspection of the appeal sites leads me to the view that extensive works of levelling or surfacing would not be necessary within the areas most likely to contain significant root spread. On balance I consider that if development were to be considered acceptable on the sites a form of vehicular and pedestrian access to the development could be devised which would avoid damage whilst affording adequate standards of road safety.

11. The evidence at inquiry was largely presented on the basis of the merits of the two appeal sites taken together and I agree that although they are separate parcels they naturally fall to be considered together because of their proximity and similar character. Nevertheless I have also considered their individual impact. I have concluded, however, that the development of any part of this land would conflict with the aims of designation of the Fownhope Conservation Area and would harm the rural appearance of this approach to the village. It would harm the relationship between the village and the countryside at an important point and would thus cause damage to the interests of preserving and enhancing the AONB.

12. You pointed out that Fownhope, although classified as a larger village in the Structure Plan and having the benefit of better than average facilities, has less land allocated for development than other comparable villages. You also drew my attention to decisions of the council in respect of other sites on the edge of villages in the AONB which you considered demonstrated a lack of consistency by the council in the application of its policies. I have taken into account all these matters together with the others raised in the inquiry but none of them is of sufficient weight to alter my conclusions.

13. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal.

14. The application by Fownhope Parish Council for an award of costs against the appellant is the subject of a separate letter.

I am Gentlemen
Your obedient Servant



Michael Culshaw MA(Cantab) MA MRTPI
INSPECTOR

S / 113213 / 6

DATED

5th August

1992

ARTHUR PHILIP PATON

and

OLIVE MARGARET PATON

and

SOUTH HEREFORDSHIRE DISTRICT COUNCIL

PAFCE

8.7.92.

PLANNING OBLIGATION

pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended)
in respect of land opposite Lower House Fownhope Hereford
in the County of Hereford and Worcester

M.D. Poole
Solicitor
South Herefordshire District Council
Brockington
35 Hafod Road
Hereford
HR1 1SH



S / 113213 / 6

THIS PLANNING OBLIGATION is made the

11th

day of *November*

One thousand nine hundred and ninety two BETWEEN ARTHUR PHILIP PATON and OLIVE MARGARET PATON of Cedar Lodge Saint Margarets Road Hampton Park Hereford in the County of Hereford and Worcester ('the Owners') of the one part and SOUTH HEREFORDSHIRE DISTRICT COUNCIL of Brockington 35 Hafod Road Hereford in the said County of Hereford and Worcester being the District Planning Authority within the meaning of the Town and Country Planning Act 1990 ('the Council') of the other part

WHEREAS

- (1) This Planning Obligation is entered into by the parties for the purposes of Section 12 of the Planning and Compensation Act 1991 which substitutes the contents of Section 106 of the Town and Country Planning Act 1990
- (2) The Owners are seised (inter alia) in fee simple free from incumbrances of land opposite Lower House Fownhope Hereford ('the property') as shown on the plan attached and edged blue and have agreed with the Council pursuant to the provisions of Section 106 of the Town and Country Planning Act 1990 (as substituted by Section 12 of the Planning and Compensation Act 1991) that the use of the property shall be permanently restricted as hereinafter mentioned

NOW THEREFORE THIS DEED WITNESSETH AND IT IS AGREED by and between the parties hereto as follows:-

Pursuant to Section 106 of the Town and Country Planning Act 1990 the Owners hereby covenants and agrees with the Council as District Planning Authority aforesaid and with the object and intent of binding the property into whosoever hands the same may come that upon the Council granting planning permission for the erection of a bungalow on that part of the property shown on the plan attached and edged red under the Council's Code SH920169PO they will enter into the following Planning Obligation namely that:-

No further dwelling may be constructed nor mobile home intended for permanent occupation sited upon the property



S /113213/6

IN WITNESS whereof the Owners have hereunto set their hands and the Common Seal of the Council was hereunto affixed the day and year first before written

SIGNED AS A DEED by
the said ARTHUR PHILIP PATON
in the presence of:-

A.P. Paton

~~DAVID M. HALPERN LLB~~
SOLICITOR
36/37, BRIDGE STREET,
HEREFORD, HR4 9DJ.

SIGNED AS A DEED by
the said OLIVE MARGARET PATON
in the presence of:-

O. M. Paton

~~DAVID M. HALPERN LLB~~
SOLICITOR
36/37, BRIDGE STREET,
HEREFORD, HR4 9DJ.

THE COMMON SEAL of SOUTH
HEREFORDSHIRE DISTRICT COUNCIL was
hereunto affixed in the presence of:-

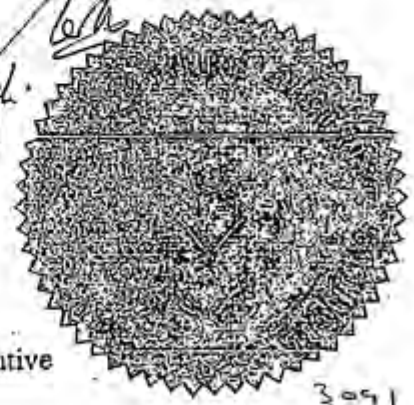
S. Whitley
[Signature]

Associate

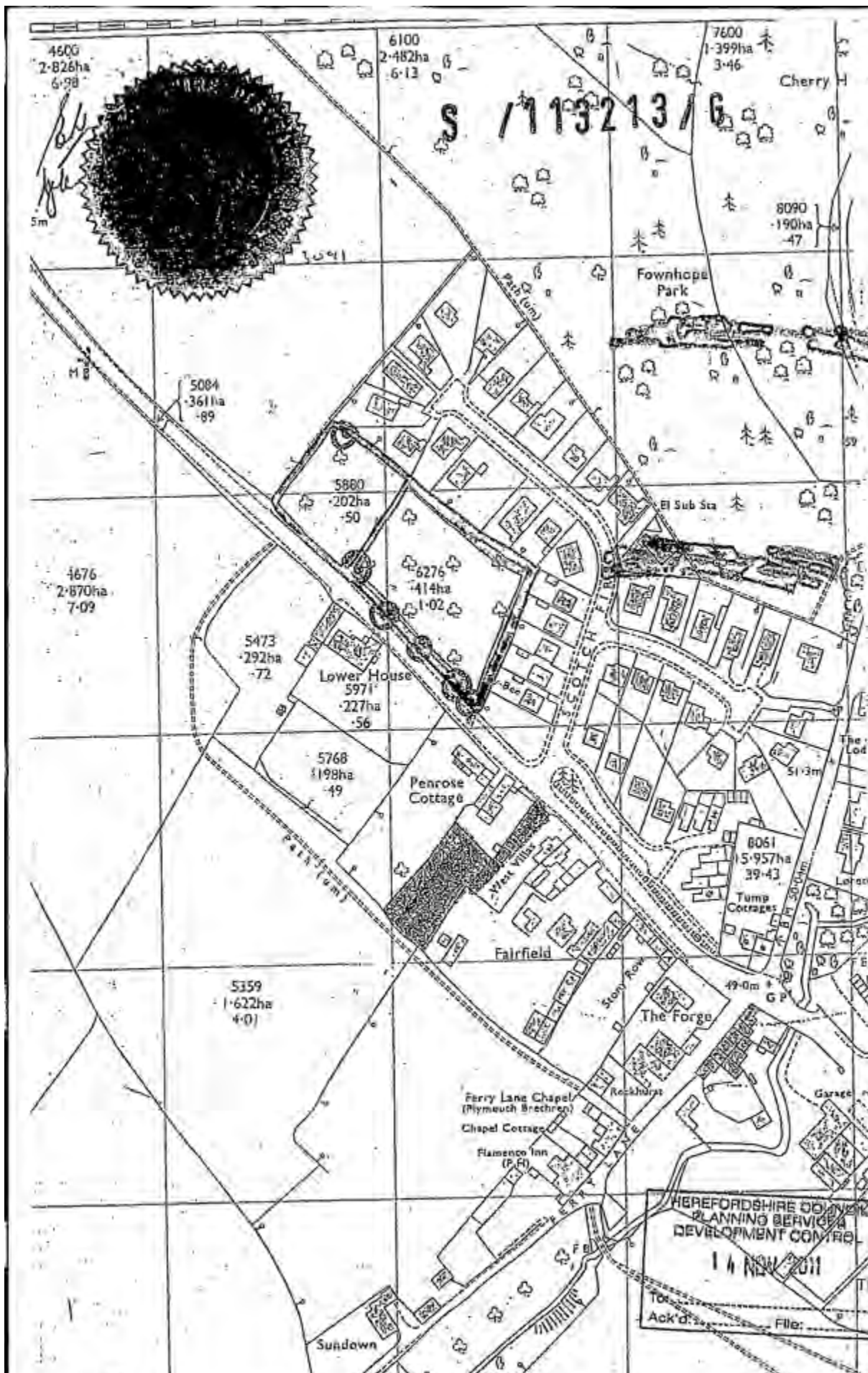
[Signature]

Chairman

Chief Executive



3091



Appeal Decision

Site visit made on 7 July 2015

by **Elizabeth Hill BSc(Hons) BPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 July 2015

Appeal Ref: APP/W1850/W/15/3005138

Mill Field, Fownhope, Hereford

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by S C Hardwick & Sons against the decision of Herefordshire Council.
 - The application Ref 141828, dated 18 June 2014, was refused by notice dated 11 February 2015.
 - The development proposed is residential, comprising 22 open market family homes and 11 affordable homes for local occupation.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. A unilateral undertaking was submitted with the appeal, which seeks to secure 11 affordable housing units and provides financial contributions towards education, libraries, enhanced recycling, off-site play equipment and sustainable transport infrastructure, together with on-site open space. However, although the Council's view is that the undertaking meets the relevant tests, they have not withdrawn their second reason for refusal. I consider this matter further in the second main issue.

Main Issues

3. The Council has stated that it does not have a five-year housing land supply and, under paragraph 49 of the National Planning Policy Framework (NPPF), that the relevant saved policies for the supply of housing in the Herefordshire Unitary Development Plan 2007 (HUDP), including the settlement boundary (policy H4), are out-of-date. The emerging Herefordshire Local Plan (HLP) has been examined but there are unresolved objections to the published Main Modifications proposed to the plan and the Council's view is in these circumstances the HLP has limited weight. As such, the application is required, under paragraph 49 of the NPPF, to be considered in the context of the presumption in favour of sustainable development, in paragraph 14 of the NPPF.
4. The site lies within the Wye Valley Area of Outstanding Natural Beauty (AONB). Paragraph 14 of the NPPF states that, for decision-taking, this means where the development plan is out-of-date, granting planning permission unless (in the second bullet) specific policies in the NPPF indicate that development

should be restricted, with Footnote 9 stating that this relates to protected sites, including AONBs.

5. Therefore the main issues in this case are:

a) the location of the proposed development having regard to national policy on development in AONBs; and,

b) whether the proposal makes adequate provision for the provision of affordable housing and infrastructure through the submission of the unilateral undertaking.

Reasons

AONB

6. Paragraph 115 of the NPPF gives great weight to conserving the landscape and scenic beauty of AONBs. In addition, paragraph 116 states that planning permission should be refused for major developments in AONBs except in exceptional circumstances and where it can be demonstrated that they are in the public interest. It goes on to set out what should be considered in considering such applications. Although there is a saved policy (LA1) of the HUDP which covers development in AONBs, the Council has not relied on this policy, since an appeal decision (Ref: APP/W1850/C/13/2206638) concluded that it lacked elements of the policy in paragraph 116 of the NPPF, and hence would only be given limited weight by paragraph 215 of the same document.
7. The site is at the edge of the developed area of the village, the oldest part of which lies along the main road (B4224) through the village with more modern, small, estate-style development to the rear, upslope of the older village. The Fownhope Conservation Area boundary covers the older areas of the village and partly abuts the boundary of the site. The site itself is currently a large open field, with a cereal crop. The woods of Cherry Hill, which is also a Site of Special Scientific Interest (SSSI) and Special Wildlife Site as well as being categorised as ancient woodland, are on its north eastern boundary, and the cluster of buildings at Mill Farm, which are Grade II listed, are on the opposite side of the road. There are public footpaths on the edge of the field along the main road, on the other side of the field boundary to Cherry Hill and partly along the field boundary with Scotch Firs, a modern estate.
8. The development would be for 33 dwellings on a site of about 4.6ha. Although being classified as a "main village" in the Herefordshire Housing Market Area Study, an addition of this size would represent a sizeable amount of new development, which is not proposed to be phased, and would represent an 11% addition to the size of the village in the Council's estimate. The emerging HLP is looking for about 18% additional housing to 2031 for main villages, applied across the parish. When existing permissions and windfalls are taken into account, the proposal would constitute a major area for expansion of the village over the plan period. In addition, the site is at the entrance of the village on the main road through it and the new development would be a large addition to the existing village form. Therefore I consider that within the local context the proposal would represent major development and therefore it is necessary to consider if there are any exceptional circumstances and if the development would be in the public interest.

9. Whilst the applicant has submitted another recent appeal decision in Malvern Hills District (Ref: APP/J1860/A/14/2217413), the application was smaller, for 24 units, and, in the Inspector's view fitted in with the existing scale and form of the village of Welland and therefore would not be major development in an AONB. Evidence has also been provided by the AONB Unit of an appeal in the Forest of Dean (Ref: APP/P1615/A/13/2204158) for 14 houses and a High Court Decision (Ref: CO/6597/2013) concerning a site in Cornwall for 31 houses, which were both considered to be major development. Planning Practice Guidance (PPG) says that whether developments are "major" is a matter for the decision-taker, taking into account the proposal in question and the local context (paragraph 8-005-20140306). As such, I have assessed this proposal on its own merits.
10. In terms of the need for the development, it would provide 11 affordable units. The Council's housing needs survey indicates a current need for 8 units in the village with further affordable housing required over the HLP plan period to 2031. The proposal would make a significant contribution to fulfilling this need and there is strong support in representations from local residents on the need for affordable housing. It would also make a substantial contribution to the requirement of a general uplift in housing in the village required in the emerging HLP.
11. There is no evidence that there would be any national considerations in either permitting or refusing the development. The construction of the dwellings would provide some limited, temporary employment and there would be some additional support for existing services and businesses in the village from the increased population. However, there is no indication that any harm would result to the local economy as result of not permitting the development.
12. Paragraph 116 also requires the decision-maker to consider whether the development could be developed elsewhere outside the designated area or meeting the need in some other way. However, no analysis of any alternatives outside the AONB has been submitted by the appellant. A Neighbourhood Plan is being prepared for Fownhope and a draft plan including proposed sites for housing has recently been the subject of consultation. This includes a smaller development on Mill Field on the part of the site closest to the village, which was also proposed for about 20 houses in the Council's 2012 Strategic Housing Land Availability Assessment. This assessment found the site to be constrained, in common with other sites in the village, and put forward the view that its development should be later in the HLP period. Although many representations refer to the need for new housing to come forward as part of the neighbourhood plan process, that plan is at such an early stage that it can have only limited weight and there is no certainty, at this stage, whether the other sites identified in the consultation draft of the neighbourhood plan would come forward to meet the housing requirements for the village. However, should this application not be granted planning permission, on the adoption of the HLP later this year there will be a 5-year housing land supply, in the Council's view, and there is an alternative mechanism though the neighbourhood plan for the local allocation to meet the housing requirement set out in the HLP.
13. In terms of the impact on the environment, landscape and recreational opportunities, a landscape character and visual analysis and a landscape report with addendum have been submitted by the appellant. The site is within the

South Herefordshire and Over Severn Landscape Character Areas, influenced by the woodlands of the Woolhope Dome and the Wye valley. The Council's view is that the site is part of the Principal Settled Farmlands, the key characteristics of which are settlement in small villages and dispersed farmsteads and fields having hedgerows as boundaries. However, it also lies partly in the Riverside Meadows landscape type, which comprises largely pastoral areas with little settlement. The Council's analysis shows the site to be an area of high sensitivity in landscape terms, with the woodland to the north east being the least resilient to change.

14. In the current landscape, the open field acts as a transition between the river meadows and the steep wooded slopes of the Woolhope Dome, with a break of slope across it which accentuates the transition and emphasises the differing characters of the two areas. Any development would need to address the high sensitivity of the surrounding areas, including Cherry Hills SSSI. The development would be set below the break in slope with the single-storey dwellings on the higher parts of the slopes, to lessen any impact. However, the open field is seen from the opposite side of the river, including distant views from Holme Lacy House and the 13th century church of St Cuthbert, and in views at close quarters from footpaths FWB8 and FWB9 which enter the field at the southern tip and run into Scotch Firs and parallel to the main road, respectively. The scale of the proposed development, spread over a large area of the field, would be obvious in views to the entrance of the village, with two storey houses close to the road and the footpath, as a large area of housing within the currently open transitional space in the landscape. There would be some screening of the proposal by hedgerows which would be strengthened with further hedging and specimen trees but there would also be a significant adverse impact on the hedgerow, through the removal of part of it for the access, and the re-grading works. In addition, the landscaping would take some time to become established and would provide significantly less screening than the appellant's photomontages suggest, especially when there were no leaves on the vegetation. During that time, the harm to the landscape would be apparent.
15. The 1887 map in the Landscape Character and Visual Analysis shows part of the site planted as an orchard, which were once widespread in Fownhope, but any trace of any orchard on the site has long since gone. The proposed planting of an orchard as landscaping for the housing and mitigating the effects of the development on the landscape would place regimented rows of trees in the currently-open field, which serves to differentiate the two landscape types. The development, the proposed orchard and other landscaping might disguise the edge of the modern development at Scotch Firs but the bungalows on the edge of the development have little impact on the overall approach to the village given their size and height. The main characteristic of the local landscape is the openness of the countryside on the approach to the village which would be eroded by the development and the proposed orchard setting. As such, the proposed development would have an adverse effect on the landscape of the AONB, even with the proposed mitigation in place.
16. The proposal would provide a surfaced footpath along the edge of the main road, where none exists at present. However, for most of its length along the site it would be between hedgerows proposed to be between about 1.5-2m high. The height of the hedging and the relatively narrow space for the footpath would largely prevent any views of the AONB from it and hence would

diminish the recreational experience of footpath users. The footpath link through to Scotch Firs would be improved, although it would not provide a direct route to the village which largely negates any benefit to existing footpath users walking into the village.

17. There has been no objection by Natural England in respect of the nearby River Wye Special Area of Conservation (SAC) and the River Wye Site of Special Scientific Interest (SSSI) and no objection in respect of Cherry Hill SSSI, subject to conditions. As such, impacts of the proposal on biodiversity would be capable of being effectively managed and would be neutral in the balance. Other concerns such as flood risk, drainage, traffic matters and infrastructure are also capable of being managed through the imposition of conditions and the planning obligation and are also neutral in the balance.
18. The proposed layout of the development is at relatively low density, and would not be in keeping with the character, especially the grain, of the existing built-up area of the village, which is generally at much higher density. The Fownhope Conservation Area boundary abuts the site and it is necessary to have regard to the impact of the proposal on its setting and also on the setting of the group of listed buildings at Mill Farm, opposite the site. The village and its Conservation Area are also entirely within the AONB and it is important that the impacts on the historic landscape are also considered as part of the assessment under paragraph 116 of the NPPF. I am also aware of my statutory and non-statutory responsibilities in such a case.
19. I have already stated that the proposal would have an adverse effect on the landscape which forms part of the setting of the Conservation Area. However, it would also erode the open approach to the village, which benefits both the setting of the Conservation Area and the listed buildings, and replace it with large-scale (relative to the village), low density, suburban style development, having an adverse effect on the character of their settings. However, any harm to the significance of the heritage assets would be less than substantial, given the effects of screening and the potential use of a sympathetic palette of materials, secured by condition. In such circumstances, paragraph 134 of the NPPF requires an assessment against the public benefits of the proposal, which is similar to the public interest assessment required by paragraph 116 of the same document.
20. Having regard to the consideration of this application under paragraph 116 of the NPPF, I conclude that no exceptional circumstances have been put forward in support of the proposal and, whilst there would be some public benefit in terms of the provision of affordable and market housing and marginal benefit in terms of the local economy, this would be more than outweighed by the harm to the landscape and recreation. Therefore the proposal would not comply with national policy on the location of development in AONBs set out in paragraph 116 of the NPPF. Neither would it comply with paragraph 134 of the NPPF, on heritage, in which the public benefits of the proposal need to be weighed against the less than substantial harm to the significance of designated heritage assets. In this case the public benefit would not outweigh the harm to the setting of the Conservation Area and the listed buildings.

Affordable housing and infrastructure

21. The submitted unilateral undertaking, detailed above, would need to be necessary, directly related and fairly and reasonably related in scale and kind

to the development to comply with paragraph 204 of the NPPF, PPG and the Community Infrastructure Levy (CIL) Regulations 2010.

22. The undertaking would provide for 11 affordable housing units (about 35% of the development) with their subsequent transfer to a Registered Provider and the requirements for occupancy, to ensure local use, which is considered above as a benefit of the proposal. It also provides for on-site recreational land to be transferred to Fownhope Parish Council and sets up a management company to manage open space land including a sustainable drainage system. The undertaking also provides various contributions to a tariff to address other impacts of the proposal, based on projected household size. The Council has confirmed that no other pooled contributions have been made for the specific infrastructure projects identified.
23. From the information provided, the unilateral undertaking has been drawn up in accordance with the tests in the CIL Regulations 2010 as amended, saved Policy DR5 of the HUDP, paragraph 204 of the NPPF and the PPG and would be capable of taking effect. Therefore it would be capable of delivering the affordable housing which is a benefit of the scheme, if planning permission were to be granted, and mitigate the impact on infrastructure as a result of the scheme.

Conclusions

24. The proposal would provide both market and affordable housing, the latter being secured through the unilateral undertaking, when there is currently no 5-year housing land supply in the area. Since I have already concluded that the proposal would be major development in the AONB and there are no exceptional circumstances and the balance is that it would not be in the public interest, it would not comply with paragraph 116 of the NPPF. As such, the paragraph states that planning permission should be refused. Under paragraph 14 of the NPPF and Footnote 9 to the paragraph, the presumption in favour of sustainable development would not apply. In any event, the balance carried out in respect of paragraph 116 of the NPPF, above, indicates that the proposal would not be sustainable development, since the environmental harm would outweigh any social or economic benefit.
25. I have had regard to supporting representations and other matters put to me but they do not give me cause to reach any other conclusions from those set out above. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

E A Hill

INSPECTOR

The Clerk,
Rugden House,
How Caple,
HR1 4TF

Enquiries: Rhys Evans/Ryan Norman
0800 917 2652

25th June 2015

Dear Sir,

PUBLIC CONSULTATION ON FOWNHOPE NEIGHBOURHOOD DEVELOPMENT PLAN – MAY 2015

I refer to your email dated the 13th May 2015 regarding the above consultation. Dŵr Cymru Welsh Water (DCWW) appreciates the opportunity to respond and we offer the following representation:

Given that the Fownhope Neighbourhood Development Plan has been prepared in accordance with the emerging Herefordshire Local Plan Core Strategy, DCWW are supportive of the vision, objectives and policies set out.

However, we do not feel the wording within Section 8 (Environmental Management) is wholly accurate, specifically, with regard to supporting text at paragraph 8.1, Policy FW4 (Sewage Treatment Works) and the associated supporting text at paragraph 8.2:

Paragraph 8.1. - We require the reference to “**...outflow of untreated sewage onto the streets...**” be removed.

Paragraph 8.2 – We suggest this paragraph is reworded to read as follows:

8.2 Fownhope Wastewater Treatment Works (WwTW) was upgraded in 2006 as part of the Dŵr Cymru Welsh Water (DCWW) Asset Management Plan 4 (AMP4) Capital Investment Programme. At present, there is hydraulic capacity at the WwTW and within the public sewerage network to accommodate the growth proposed in the Neighbourhood Plan, but there will come a time when improvements are required. Any required future improvement will be subject to being approved by Ofwat as part of future AMP programmes. DCWW will continue to undertake operational work on the Fownhope WwTW and/or public sewerage network as and when required.

Policy FW4 Sewage Treatment Works – We suggest this policy is reworded to read as follows:

Policy FW4 – Fownhope Wastewater Treatment Works

Developments that may result in the capacity of Fownhope WwTW and/or the public sewerage network being hydraulically overloaded will not be permitted.

Developers will have to show that their proposals will not hydraulically overload the Fownhope WwTW and/or the public sewerage network, or

- **That they will work with DCWW to fund appropriate upgrades; or**
- **Will provide alternative arrangements for the treatment and discharge of foul flows.**

Works to upgrade the quality and capacity of the WwTW and/or public sewerage network will be supported where they are required by DCWW and/or to meet the level of development set out in the Neighbourhood Plan.

Annexe E Glossary of Terms Used - We suggest "Welsh Water" is reworded to read as follows:

Dŵr Cymru Welsh Water (DCWW) – Statutory water and sewerage undertaker responsible for providing a supply of drinking water and taking away, treating and disposing of the wastewater that is produced.

For the specific potential development sites set out, please find our comments below:

Mill Field (12 units); Potato Barn (8 units); Rear Lowerhouse (8 units); Ferry Lane (5 units); Adjacent to Medical Centre (7 units).

Water

There are no issues in providing a supply of water to these proposed sites. However, off-site mains may be required.

Sewerage

No problems are envisaged with the public sewerage system for accepting the domestic foul flows from these proposed sites. However, off-site sewers may be required.

Sewage Treatment

No problems are envisaged at the receiving Fownhope Wastewater Treatment Works (WwTW) to accommodate the domestic foul flows from these proposed sites.

We hope that the above information will assist you as you continue to progress the Fownhope Neighbourhood Plan. In the meantime, should you require any further information please do not hesitate to contact us at Forward.Plans@dwrcymru.com or via telephone on 0800 917 2652.

Yours faithfully,



Rhys Evans

**Lead Forward Plans Officer
Developer Services**

Latham, James

From: clerk@dormingtonmordifordgroup-pc.gov.uk
Sent: 22 September 2015 10:19
To: Neighbourhood Planning Team
Subject: Re: Fownhope Regulation 16 Neighbourhood Development Plan consultation

This is to confirm that Dormington and Mordiford Group Parish Council do not have any comments to make on the Fownhope Neighbourhood Development Plan.

Chris

Chris Bucknell
Clerk to Dormington and Mordiford Group Parish Council
Tel: 07777 669 662

From: [Neighbourhood Planning Team](#)
Sent: Thursday, 27 August 2015 14:00
To: [undisclosed-recipients;](#)

Dear Consultee,

Fownhope Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link: <https://www.herefordshire.gov.uk/planning-and-building-control/neighbourhood-planning/draft-plans-regulation-14-and-submitted-plans-regulation-16/fownhope-1>

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 27 August 2015 until 8 October 2015.

If you wish to make any comments on this Plan, please do so by e-mailing: neighbourhoodplanning@herefordshire.gov.uk <<mailto:neighbourhoodplanning@herefordshire.gov.uk>> , or sending representations to the address below.

If you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the Neighbourhood Development Plan, please indicate this on your representation.

Kind regards

James Latham
Technical Support Officer
Neighbourhood Planning, Strategic Planning & Conservation teams
Herefordshire Council
Planning Services
PO Box 230

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ldf@herefordshire.gov.uk<mailto:ldf@herefordshire.gov.uk> (for Strategic Planning enquiries)

Web:

www.herefordshire.gov.uk/neighbourhoodplanning<http://www.herefordshire.gov.uk/neighbourhoodplanning> (Neighbourhood Planning)
www.herefordshire.gov.uk/local-plan<http://www.herefordshire.gov.uk/local-plan> (Strategic Planning)
www.herefordshire.gov.uk/conservation<http://www.herefordshire.gov.uk/conservation> (Conservation)

Any opinion expressed in this e-mail or any attached files are those of the individual and not necessarily those of Herefordshire Council.

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26th September 2015

To:
Neighbourhood Planning Team
Planning Services
PO Box 230, Hereford HR1 2ZB

Dear Sirs

Fownhope Neighbourhood Plan, submission version August 2015

My wife and I have followed the processes of the Community-led Plan and now the Neighbourhood Plan in detail, taking part in the CLP creation and then contributing carefully at each stage of the FNP. Fownhope has developed within a natural topographical setting – a vale between the River Wye and the hills of the Woolhope Dome and Caplor, leading to distinctive borders and thus the cohesive identity which is the special characteristic of our community. We have now read the latest draft of this document and overall, it goes a long way to providing a good balance which can be achieved between the need for additional housing stock and the need to preserve the current character of the village and parish as a whole. However, we have some comments, aimed at preserving that identity:

- 1 Policy FW9 – This policy is crucial, and we are disappointed to see that the total number of dwellings has increased from 60 to ‘a minimum of 70’. We do not understand how this plan can set a minimum number of houses to be built, which depends on factors beyond council control – primarily economic circumstances, can this statement be qualified by adding ‘the potential for’ before ‘a minimum’? Further, this increase has not been explained in any way, as the rest of the wording has not changed, can an explanation be included? The earlier draft included a ‘Proposals’ map (Page 23), which helped the identification of the various sites which will contribute to the total and was helpful, but which seems to have been replaced with a Policies map on Page 25, which is still titled ‘Proposals’ at the bottom – is this correct?*
- 2 We believe that the biggest single threat to the special character of our village is the impact of ever-increasing traffic volumes, bearing in mind that the B4224, which runs through the centre, brings a great deal of through traffic, which, if the proposed eastern Hereford by-pass route is pursued, will increase greatly. Pedestrian safety is already being compromised at times by traffic volumes and speed. We understand that this situation, when considered on its own, is not a planning matter and is*

therefore outside the scope of the FNP, but the additional vehicle movements which will, inevitably, arise from development, can only worsen that situation if they are simply poured onto the main road. The impact of traffic on the community attracted 45% response in the CLP consultation and we would like to see Policy FW27 strengthened by insisting that any new development which increases traffic flow onto the B4224 ensures an orderly integration of the extra traffic, by including measures to avoid conflict such as a mini-roundabout, a light-controlled crossroads, change in priorities, or similar.

- 3 We are not sure why Para 2.3 draws attention to just two specific age ranges. This seems to be an irrelevance and should be struck.*
- 4 Vision statement and Objectives - we would like to see the gradual, 'organic', integration of newcomers into the village made more central to these sections, perhaps in Objective 5.2(1:) or (4:). This is a key issue in the aims of sustainable growth. Also, 5.2(9:) should be strengthened to include increasing footways, which are absent on many routes.*
- 5 We are concerned that Policies FW1 (b) and (f) do not stress that a legal responsibility must be placed on a developer to carry out any measures to mitigate adverse effects on landscape, which are included in a planning proposal and/or permission, such as tree and hedge planting, orchard creation, wildlife protection, etc.*
- 6 Policy FW2 (g) also needs strengthening to avoid differences of interpretation regarding a 'public benefit' which would allow a major development inside the AONB. Can this phrase be defined?*
- 7 The 'dark skies policy' referred to in Paragraph 29, and which is very important to the character of the village, is not listed as an adopted policy anywhere in the Plan, and it should be.*
- 8 However, there are many aspects of the Plan with which we thoroughly agree - Para 20, which allows for phased organic integration of new houses and the people who occupy them into the village community. Policy FW16, a very good policy, particularly the fourth bullet. Policy FW17 – very important, agreed.*

We hope these comments help create a final Plan which satisfies all needs, as far as that can be achieved.

Yours sincerely,

E R and H White

Mr. James Latham
Neighbourhood Planning Team
Herefordshire Council
PO Box 230
Blueschool House
Blueschool Street
Hereford
HR4 2ZB

Our ref: SV/2010/103979

Your ref:

Date: 07 October 2015

Dear Mr.Latham

FOWNHOPE NEIGHBOURHOOD PLAN – REGULATION 16 SUBMISSION

I refer to your email of the 27 August 2015 in relation to the above Neighbourhood Plan (NP) consultation. We have reviewed the submitted document and would offer the following comments at this time.

As part of the recent Herefordshire Council Core Strategy submission updates were made to both the Strategic Flood Risk Assessment (SFRA) and Water Cycle Strategy (WCS). This evidence base ensured that the proposed development in Hereford City, and other strategic sites (Market Towns), was viable and achievable. The updated evidence base did not extend to Rural Parishes at the NP level so it is important that these subsequent plans offer robust confirmation that development is not impacted by flooding and that there is sufficient waste water infrastructure in place to accommodate growth for the duration of the plan period.

Policy FW1- Sustainable Development: As part of an overarching sustainability policy we welcome reference to the need (point g) for development to be undertaken within the capacity of essential infrastructure. Similarly (point h) having no built development in areas identified as flood risk. We welcome the re-wording of this point which confirms that all built development will be located within Flood Zone 1 (Low Risk Zone). It may be prudent to change 'will' to 'should' as there may be justifiable instances where small-scale development has to be located within Flood Zones 2 and 3 (Commercial or domestic extension for example). This point is elaborated upon below.

Policy FW3 – Flooding: As stated in the NP Fownhope has been impacted by flooding, primarily from the Tanhouse Brook (Ordinary watercourse) which bi-sects the Parish. It is therefore important that development throughout the plan period does not exacerbate flood risk in the Parish with options to reduce flooding where possible.

Environment Agency
Hafren House, Welshpool Road, Shelton, Shropshire, Shrewsbury, SY3 8BB.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

In conformity with both the National Planning Policy Framework (NPPF), Herefordshire Councils Emerging Core Strategy (Policy SD3) and their current Unitary Development Plan (Policy DR7) we would expect adherence to a sequential approach with all built development being located within Flood Zone 1, the low risk Zone.

Whilst we would expect to see all allocated sites in Flood Zone 1 (as proposed) there may be instances, as stated above, where small scale development has to be located within Flood Zones 2 and 3. This may be acceptable where an applicant has considered the Sequential Test and demonstrated that the proposals are safe and will not increase flood risk to third parties. Examples of this include a commercial/domestic extension or a small agricultural unit. Therefore, whilst all built development should be located in Flood Zone 1, there may be instances where this is not viable. The following text, for your consideration, addresses, and could replace, points 1 and 2 of Policy FW3:

Development should be located within Flood Zone 1 (Low Risk) and accord with National Planning Policy Guidance (NPPG) and Herefordshire Council's Core Strategy (Policy SD3 - Sustainable Water Management). Where small-scale development is deemed necessary (with consideration of the Sequential Test) within Flood Zones 2 and 3 we would expect the proposals to demonstrate that they are safe and will not increase flood risk to third parties, with flood-risk betterment provided where possible.

The above seeks to ensure that all built development is located within Flood Zone 1 but that, in accordance with the NPPG and Herefordshire Councils own flood risk Policy, where it is sequentially demonstrated that such development has to be within Flood Zones 2 or 3, any proposals will be safe and not increase flood risk.

Policy FW4: We welcome this Policy which seeks to ensure that development within Fownhope will not impact upon the Sewage Treatment works. As stated within the associated Environmental Report (May 2015) 'New development proposed through the Fownhope Group NDP should be assessed against the capacity of local infrastructure'.

In this instance we would expect consultation with Welsh Water to ensure that the scale of development can be accommodated over the plan period. As part of the Water Cycle Study (WCS) update/addendum, an assessment of Sewage Treatment Works within the County was undertaken with data collated by both Welsh Water and ourselves. The Plan should make reference to this information to provide re-assurance that there is adequate foul infrastructure to accommodate growth throughout the plan period.

14 – Housing sites: Section 14 of the NP has been revised, partly in consideration of our previous comments on the Ferry Lane site. Of the remaining sites Potato Barn and Lowerhouse Gardens lie immediately adjacent to the River Wye floodplain. As stated in our previous response, and in the absence of a fully comprehensive and up to date SFRA, the Neighbourhood Planning team have been investigating the possibility of producing further SFRA updates to consider the NP areas. We would recommend you contact their team to discuss this to ensure they are satisfied that the Potato Barn and Lowerhouse Gardens sites can safely accommodate the proposed level of housing without increasing flood risk to third parties.

Water Framework Directive (WFD): The EC Water Framework Directive European Union 2000 Commits all EU member states to achieve good qualitative and quantitative status of all water courses by 2027 Aims for 'good status' for all ground and surface waters (rivers, lakes, transitional waters, and coastal waters) in the EU.

The River Wye (Main River), which flows along the west of Fownhope is currently at 'good status'. In line with the above we would expect development in Fownhope to have no detrimental impact on the watercourse and, where possible, aid in it achieving 'good status' by 2027.

I trust the above is of assistance at this time. We would be happy to co-operate further on the areas detailed above prior to the proposed Neighbourhood Plan adoption. Please can you also copy in any future correspondence to my team email address at SHWGPlanning@environment-agency.gov.uk

Yours faithfully

Mr. Graeme Irwin

Senior Planning Advisor

Direct dial: 02030 251624

Direct e-mail: graeme.irwin@environment-agency.gov.uk

Latham, James

From: Turner, Andrew
Sent: 05 October 2015 16:22
To: Neighbourhood Planning Team
Cc: James, Nick
Subject: RE: Fownhope Regulation 16 Neighbourhood Development Plan consultation

Dear Neighbourhood Planning Team,

I refer to the above and would make the following comments with regard to the proposed development areas identified in the 'Fownhope Neighbourhood Development Plan':

Having reviewed Ordnance survey historical plans, I would advise that the four proposed housing sites indicated in brown within section 14 of the plan, have all been historically used as orchards. By way of general advice I would mention that orchards can be subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination and any development should consider this.

General comments:

Developments such as hospitals, homes and schools may be considered 'sensitive' and as such consideration should be given to risk from contamination notwithstanding any comments. Please note that the above does not constitute a detailed investigation or desk study to consider risk from contamination. Should any information about the former uses of the proposed development areas be available I would recommend they be submitted for consideration as they may change the comments provided.

Finally it should be recognised that contamination is a material planning consideration and is referred to within the NPPF. I would recommend applicants and those involved in the parish plan refer to the pertinent parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development.

These comments are provided on the basis that any other developments would be subject to application through the normal planning process.

Kind regards

Andrew

From: Neighbourhood Planning Team
Sent: 27 August 2015 13:59
Subject: Fownhope Regulation 16 Neighbourhood Development Plan consultation

Dear Consultee,

Fownhope Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link: <https://www.herefordshire.gov.uk/planning-and-building-control/neighbourhood-planning/draft-plans-regulation-14-and-submitted-plans-regulation-16/fownhope-1>

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 27 August 2015 until 8 October 2015.

If you wish to make any comments on this Plan, please do so by e-mailing: neighbourhoodplanning@herefordshire.gov.uk , or sending representations to the address below.

If you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the Neighbourhood Development Plan, please indicate this on your representation.

Kind regards

James Latham
Technical Support Officer

Neighbourhood Planning, Strategic Planning & Conservation teams
Herefordshire Council

Planning Services

PO Box 230

Blueschool House

Blueschool Street

Hereford

HR1 2ZB

Tel: 01432 383617

Courier code : H31

Email: jlatham@herefordshire.gov.uk

neighbourhoodplanning@herefordshire.gov.uk (for Neighbourhood Planning enquiries)

ldf@herefordshire.gov.uk (for Strategic Planning enquiries)

Web: www.herefordshire.gov.uk/neighbourhoodplanning (Neighbourhood Planning)

www.herefordshire.gov.uk/local-plan (Strategic Planning)

www.herefordshire.gov.uk/conservation (Conservation)

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Historic England

James Latham
Technical Support Officer
Neighbourhood Planning
Herefordshire Council
Hereford
HR1 2ZB

Our ref: 1506

Your ref:

Telephone
0121
6256887 Fax

01 October 2015

Dear Sirs

FOWNHOPE NEIGHBOURHOOD PLAN – REGULATION 16 CONSULTATION

Thank you for the invitation to comment on the Fownhope Neighbourhood Plan. We have no substantive comments to add to those conveyed in our earlier consultation response (24th June 2015). That is, we are supportive of the content of the document, particularly the comprehensive treatment of the wider historic environment including non-designated heritage assets and its' emphasis on local distinctiveness and design issues. We are gratified to note that our earlier comments have been accommodated in this iteration of the Plan.

Overall, therefore, Historic England consider the Plan to be a well-considered, concise and fit for purpose document that effectively embraces the ethos of "constructive conservation" and is a very good example of community led planning.

I hope you find this advice helpful. If you have any queries please do not hesitate to contact me.

Yours faithfully

Pete Boland



Historic England, 8th Floor, The Axis, 10 Holliday Street, Birmingham B1 1TG

Telephone 0121 625 6870 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



Historic Places Adviser

E-mail: peter.boland@english-heritage.org.uk



Historic England, 8th Floor, The Axis, 10 Holliday Street, Birmingham B1 1TG

Telephone 0121 625 6870 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 08 October 2015 15:15
To: Neighbourhood Planning Team
Subject: the form Comment on a proposed Neighbourhood Area was submitted

the form Comment on a proposed Neighbourhood Area was submitted, this is the list of values it contained.

Address:

Postcode:

First name:

Helen

Last name:

Lohan

Which plan are you commenting on?:

•Fownhope Neighbourhood Development Plan

Comment type:

Objection

Your comments:

I am concerned that this plan has been submitted with drawings outlining the proposed new settlement boundary, to include the proposed sites for potential new housing. However, this does not reflect the exact extent of the proposed sites as were on display at all exhibitions. My worry would be that this new village boundary become a binding village envelope.

The site known as Mill Field, which is on the north side of the village, has had planning permission refused and an appeal against that decision has also been turned down for the reasons stated in the Village Plan. From the standpoint of the site being so prominent, not only as the entrance to the village on the B4224 but also from Holme Lacy and Ballingham, and in the middle of the Wye Valley ANOB and adjacent to the SSSI woodlands I question why it is in the Neighbourhood Plan at all.

The original plan for 33 houses was refused for being too large and in the Plan a suggested number of 12 houses sitting low down in the field is deemed acceptable by the local committee, but without specific drawings to view. Additionally there appears to be an arbitrary straight line from the B4224 directly up towards the woods - it is very hard to support this vague ambiguous boundary. This is also the case for the Potato Barn/Mill Farm, it looks like the proposed building, settlement/boundary line extends to the flood plain and river.

Latham, James

From: Crane, Hayley
Sent: 09 September 2015 13:41
To: Neighbourhood Planning Team
Subject: RE: Fownhope Regulation 16 Neighbourhood Development Plan consultation

Hi

I've just read through the Fownhope report and have a few comments again.

Policy FW13

It doesn't comply with the LDF, they are suggesting a minimum of 40% to be made available for affordable, we would request 35%.

They have listed what they feel is a local connection which is contrary to the local connection criteria used by the local authority. Their connection is far too restrictive which will mean that they possibly won't be housing some of their local people, the cascade mechanism will then kick in and cascade out of the parish.

I can't agree with the two points above.

Regards

Hayley

Hayley Crane

Commissioning Officer (Housing Development) | Housing Partnerships

Adults and Wellbeing Directorate | Commissioning, Adults' Well-Being & Independent Living Service

Herefordshire Council

County Offices, Plough Lane

Hereford, HR4 0LE

Tel: 01432 261919



From: Neighbourhood Planning Team
Sent: 27 August 2015 13:59
Subject: Fownhope Regulation 16 Neighbourhood Development Plan consultation

Dear Consultee,

Fownhope Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link: <https://www.herefordshire.gov.uk/planning-and-building-control/neighbourhood-planning/draft-plans-regulation-14-and-submitted-plans-regulation-16/fownhope-1>

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 27 August 2015 until 8 October 2015.

If you wish to make any comments on this Plan, please do so by e-mailing: neighbourhoodplanning@herefordshire.gov.uk , or sending representations to the address below.

If you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the Neighbourhood Development Plan, please indicate this on your representation.

Kind regards

James Latham
Technical Support Officer

Neighbourhood Planning, Strategic Planning & Conservation teams
Herefordshire Council
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neighbourhoodplanning@herefordshire.gov.uk (for Neighbourhood Planning enquiries)
ldf@herefordshire.gov.uk (for Strategic Planning enquiries)

Web: www.herefordshire.gov.uk/neighbourhoodplanning (Neighbourhood Planning)
www.herefordshire.gov.uk/local-plan (Strategic Planning)
www.herefordshire.gov.uk/conservation (Conservation)

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Comments on Fownhope Neighbourhood Plan, Submission Version, August 2015

I am a Fownhope resident and wish to comment principally on the sections of the Submission Version of the Fownhope Neighbourhood Plan (the Plan) dealing with housing (Sections 13 - 18). I also comment on Section 12 (Common Hill area of special character).

In summary, I believe the proposals for housing development have emerged from a seriously flawed public consultation process, and will lead, whether by accident or design, to an outcome in which fewer houses will be built than the village can comfortably accommodate, and in which the supply of affordable properties will be far fewer than the estimated requirement. Since Herefordshire Council has a strong interest in these matters, I would urge the Council to require these aspects of the Plan to be reconsidered.

1. Housing Policy (Sections 13 - 18)

Sections 13 – 18 of the plan sets out a range of policies in respect of housing provision. The most important sections, on which my comments focus, are those dealing with the total number of houses to be built (Section 13); with policies on affordable housing (Section 18); and with the sites identified as candidates for future development (Section 14).

1.1 The total number of houses

Para 13.2 of the Plan notes that the Herefordshire Core Strategy (HCS) calls for an increase of around 18% between 2011 and 2031 in the overall stock of housing units in the Hereford Rural Area in which Fownhope is located. This would imply an increase in housing stock in Fownhope parish of some 83 units over this period. Since 16 units have either been completed or have been given planning permission between 2011 and 2015, there is an outstanding requirement of around 67 units in respect of the indicative HCS target.

The Plan proposes the construction of 39 homes over the period from 2015 to 2031 on the 4 housing sites identified in Section 14 as being worthy of further consideration. In addition to these, the plan estimates that around 16 infill or windfall homes will be built during the period. The Plan thus anticipates that around 55 units will be constructed over the period, 12 fewer units than the indicative HCS target.

The total number of houses that will be built in Fownhope over the period to 2031 will inevitably be constrained by the availability of suitable sites, given Fownhope's location in an AONB, and by its geography, but it is also significantly affected by the policies described in the Plan in relation to the scale of development to be allowed on each site.

Three of the four sites identified in the Plan are by their nature, small sites, each of between 0.6 and 0.9 ha, with the potential to construct 10 or fewer houses on each site. However,

one of the sites, Mill Field, is far larger, 4.6 ha, and could accommodate significantly more houses than the 12 units identified in the Plan.

The relatively small scale of development proposed for Mill Field flows from the Plan policy to permit only small scale development on **any** site in the village. It is claimed that this element of policy has been endorsed in the public consultation process, and in official planning decisions.

The consultation process included a Residents Survey, referred to in para 13.5 of the Plan, in which respondents were invited to express preferences regarding the maximum scale of development they wished to see on any individual site. However, the question was asked without the provision of the information required to enable respondents to make a properly informed choice on the issue. This information would have included a description of the possible advantages of allowing at least a modicum of larger scale (more than 20 units) development. In the Fownhope context, these would have included a *guaranteed* supply of affordable housing, together with relatively generous contributions from developers towards the costs of upgrading village services, such as schools, arising from application of Section 106 conditions.

Thus as part of the scheme for building 33 houses on Mill Field, referred to in the para 13.5 of the Plan, the developer committed not only to include 11 affordable units, nearly 70% of the 16 units needed in Fownhope in the period to 2013 according to para 13.4 of the Plan, but also to contribute nearly £150,000 to Herefordshire Council to provide for enhanced expenditure on local schools, including the Fownhope village primary school, and a further £41,000 towards enhanced play facilities in the existing neighbourhood play area in Fownhope. Had residents been properly informed about these benefits **as part of the consultation process**, it is at least arguable that a majority would have supported the particular proposal, despite a general preference for smaller scale development.

It is true that the Mill Field scheme as proposed by the owners of the site was rejected (against the advice of officials) by Herefordshire Council Planning Committee, mainly because of, (a) the opposition of Fownhope Parish Council, on the grounds that this was a major development, and, (b) the fact that the neighbourhood planning process had not been completed. The subsequent appeal against the HC decision was also rejected, on the grounds that the scheme constituted a major development. As such, it could only be considered in areas designated as AONBs in “exceptional circumstances”, which were not claimed by the developer.

However, the inspector’s report gave no guidance as to what would constitute a major scheme, and the inspector’s reasons for determining that the scheme was “major” only serve to highlight the lack of any firm basis or criteria for determining what might or might not constitute a major development. Given this lack of clarity on a fundamental aspect of planning policy in rural areas, it is perfectly possible that a revised scheme for development

of Mill Field, offering, say, 25 or even more houses, would not be considered a major scheme, especially if the scheme was supported by the Parish Council. Given such local support, then it might well be acceptable to Herefordshire Council, whose officials had supported the original application.

The Plan should therefore be modified to make provision for the larger scale development of Mill Field, as close as possible to the level sought in the original planning application. This would address the significant shortfall in the total number of houses to be built under the Plan relative to the HC Core Strategy target for villages such as Fownhope in the period to 2031, particularly if one or more of the other preferred sites fails to obtain planning permission (see 1.3 below).

1.2 *The supply of affordable homes*

Increasing the scale of development on Mill Field would also greatly reduce the risk that the number of affordable homes will fall far short of the number envisaged in the Plan. The Plan quite rightly emphasises the importance of ensuring an adequate supply of affordable housing in Fownhope and identifies a need for an additional 16 affordable homes over the period to 2031. Recognising that very small scale windfall and infilling developments are unlikely to yield any affordable homes, the Plan proposes that the required supply of such properties will be met by constructing 16 affordable houses on the four preferred sites.

The Plan notes (para 13.4) that the Herefordshire Local Plan Core Strategy sets an indicative target that 35% of new homes constructed on sites in the Hereford Rural Area with 10 or more dwellings should be affordable. Strict application of this target would therefore require the construction of 30 or more “market” homes in order to support construction of 16 affordable units, implying a total build of 46 homes on sites identified in the Plan, 7 more than the Plan envisages. The Plan’s authors square this particular circle by assuming that 16 of the 39 units to be built will be affordable, and in particular, that one site (Site H – rear of Medical Centre) will consist mainly of affordable units. However, the Plan indicates that development on this latter site will be restricted to just 7 units in total. Not only is the proportion of affordable units called for in the Plan far in excess of the Core Strategy guideline, but the scale of development on the site is below the threshold at which the 35% requirement is applicable. Because these features are at odds with current county planning policy, the practical effect of this will be that Herefordshire Council will be disinclined to refuse planning permissions for a scheme that did not make the level of affordable housing provision sought in the Plan for this site, but even if it did, then such a refusal would very likely be overturned on appeal.

There are additional downside risks to the Plan’s proposals for affordable housing. First, the Plan envisages that 4 affordable homes will be built alongside 6 market homes on two of the

sites (B/C - Potato Barn/Mill Farm, and D – rear of Lowerhouse Gardens). In both cases, there will be a strong incentive for both the landowner/ developer to apply for a smaller number of homes, taking the total build below the 10 unit threshold at which Section 106 obligations can be sought by planning authorities. There will also be a strong incentive, on both these sites and on the Mill Field site, to push back on the 40% requirement for affordable homes, on the basis that such a target would make the site unviable. There is now a specific mechanism for making claims of this kind, in the form of Financial Viability Assessments. A recent (26 May) BBC programme entitled “The Affordable Housing Crisis” reported that 60% of housing schemes which included an affordable housing element failed to meet the initial LPA target.

It is true that national planning policy with respect to the affordable homes threshold is in a state of some disarray following a recent High Court decision.¹ The Department of Communities and Local Government has indicated that it intends to appeal against the ruling, but even if a lower threshold is eventually adopted in national and local planning policies, there is no guarantee that a 35% requirement for affordable homes will be applied to very small sites. One local authority has adopted an affordable homes target of just 20% for very small sites.²

What all this highlights is that in a context of great uncertainty over future planning policies, there are very significant downside risks to the policy set out in the Plan to rely *entirely* on development of very small scale sites to achieve the required target number of affordable homes.

Allowing development on the Mill Field site on a scale as close as possible to what was originally proposed would be by far the best means of ensuring an adequate supply of affordable homes given the uncertainties surrounding local and national planning policies, strongly reinforcing the case for altering this element of the Plan.

1.3 Comments on particular sites – Site H (Common Hill/rear of Medical Centre)

There are two important issues with this site. The first is road access, which the Plan indicates will be from Common Hill Lane. This will require the lane to be widened for a considerable distance beyond the entrance to the Medical Centre, and development of the site will lead to an increase in the amount of traffic using the junction with the B4224 at the end of Common Hill Lane. This is already a dangerous junction, and will become even more so, as it seems certain that the scale of activity and traffic to and from the Medical Centre

¹ See <http://www.builderandengineer.co.uk/news/high-court-ruling-section-106-s106-affordable-housing-rules-will-heighten-housing-crisis-says-f/>; see also <http://www.lgcplus.com/news/dclg-loses-high-court-battle-over-section-106-exemptions/5089398.article>

² See London Borough of Merton, Explanatory Note on calculating s106 Affordable Housing Contributions for developments of 1 - 9 dwellings, February 2014.

will increase further in the future. The potential difficulties with traffic access are somewhat cryptically recognised in the Plan when it states that the development is contingent on “highway assessment of capacity of Common Hill Lane”.

A development on the opposite side of Common Hill Lane, that was floated at one of the exhibitions held as part of the consultation process, was opposed by the large majority of the respondents at the exhibition, largely on the grounds of the problems over highway access. Inclusion of site H in the list of preferred sites is clearly at odds with the importance attached by respondents to the Residents Survey (Plan para 13.7) to safe highway access to sites.

Development of this site, and the related works in Common Hill Lane, are also quite clearly inconsistent with the proposal in Section 13 of the Plan to designate Common Hill as an area of special character. The present layout of the stretch of Common Hill Lane beyond the Medical Centre, where it runs between hedgerows, which would have to be removed to accommodate the road widening, is an integral part of the Common Hill landscape, and should be retained in the interests of maintaining the special character of Common Hill.

The site should therefore be removed from the list of preferred sites.

2. Common Hill as an Area of Special Character (Section 13)

Section 13 of the Plan proposes that Common Hill should be designated as an “Area of Special Character”. Given the very restrictive policies with respect to housing development set out elsewhere in the Plan, and the general safeguards stemming from AONB status, it is not clear precisely what this element of the Plan is designed to achieve. However, if the policy is adopted, the western boundary of the area thus designated should be extended to the existing settlement boundary running north from the Medical Centre, thereby safeguarding the hedgerows and fields on either side of Common Hill Lane, which form an integral part of the landscape of Common Hill. Such an extension would introduce an additional safeguard against development of the kind proposed for Site H.

Ian Jones

15 September, 2015

Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 06 October 2015 18:17
To: Neighbourhood Planning Team
Subject: the form Comment on a proposed Neighbourhood Area was submitted

the form Comment on a proposed Neighbourhood Area was submitted, this is the list of values it contained.

Address:

Postcode:

First name:

Ian

Last name:

Staniforth

Which plan are you commenting on?:

Fownhope Neighbourhood Plan 2011-31

Comment type:

Objection

Your comments:

I am writing to state my objection to the “Mill Field” and “Mill Farm north of Potato Barn” housing sites put forward for consideration within the Fownhope Neighbourhood plan dated August 2015.

I consider a number of the housing sites put forward for consideration within the Fownhope Neighbourhood Plan (FNP) (August 2015) to be unsuitable for development. It is my view that the sites put forward would have a negative impact on both Fownhope and the wider AONB within which Fownhope is situated.

The “Mill Field” (FNP Ref A) and “Potato Barn / Mill Farm” (FNP Ref B/C) sites would have a particularly negative impact on the Northern approach to Fownhope village. I draw the councils’ attention to the assessment made by the Inspector for the Secretary for State with respect to the “Mill Field” site. The inspector dismissed an appeal to permit development of this site for what was considered by the Inspector to be a ‘major development’. This dismissal was based on a number of considerations including:

- * Other less contentious sites may meet the housing needs for Fownhope
- * The site is in an area of high sensitivity in landscape terms, with the woodland to the north east being least resilient to change
- * Any development in this location will need to address the high sensitivity of the surrounding areas, including Cherry Hills SSSI
- * The development would have a negative visual impact on the AONB including the main characteristic of the local landscape which is the openness of the countryside on the approach to the village

I also believe any development of either of these sites is likely to encourage further additional development at the Northern edge of Fownhope both along the main road (B4224) and adjacent to the Cherry Hills SSSI. This will radically change both the visible footprint of the village and the character of the village entrance at the Northern end of the village. As such any development of these sites will negatively impact this part of the Wye Valley AONB and would not be in keeping with paragraph 115 in the NPPF which gives the highest status of protection in relation to landscape and scenic beauty.

Your Sincerely
Ian Staniforth

Latham, James

From: Jodie Broad
Sent: 08 October 2015 20:08
To: Neighbourhood Planning Team
Subject: {Spam?} Fownhope Neighbourhood Plan - Common Hill

Dear Sir / Madam

I am writing regarding the Fownhope Neighbourhood Plan and in particular Common Hill. I am concerned that there is a conflict within the plan, in that whilst there is a wish to preserve Common Hill as an area of Special Character, there is suggestion that it would be appropriate to build housing above the Medical Centre. The construction of these properties would not only erode the wonderful views from Common Hill across the Wye Valley, but would necessitate the removal of a large quantity of hedging and redevelopment of the first section of Common Hill Lane. I believe that the area of Common Hill to be included within the Area of Special Character should include the area above the Medical Centre, where Common Hill Lane begins.

Yours Sincerely,

Jodie Broad

Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 06 October 2015 18:19
To: Neighbourhood Planning Team
Subject: the form Comment on a proposed Neighbourhood Area was submitted

the form Comment on a proposed Neighbourhood Area was submitted, this is the list of values it contained.

Address:

Postcode:

First name:

Kirstin

Last name:

Hart

Which plan are you commenting on?:

Fownhope Neighbourhood Plan 2011-31

Comment type:

Objection

Your comments:

Dear Sirs

Subject: Objection to Fownhope Neighbourhood Plan.

I am writing to state my objection to the housing site put forward for consideration on Mill Field, (FNP Ref A) which stands outside the village boundary of Fownhope.

This piece of land has already been looked at by an Inspector appointed by the Secretary of State, albeit under a different planning application Ref 141828, dated 18 June 2014, and has been rejected. Many of the reasons for it's rejection will be the same for any future building proposals on this land. These being

* Changing the character of the entrance to the village which would seem to negatively impact the AONB within which Fownhope stands

* Filling in a specific type of landscape which forms a transition area between the riverside meadows and the SSSI woodland, Cherry Hill, behind the Mill Field site. This is the only field in the area around the village which performs this function and therefore should not be reduced in any way.

* Significantly altering the visual aspect of Fownhope and the AONB from surrounding countryside, including distant views from Holme Lacy house, and the opposite side of the valley. It also impacts negatively on views of the AONB from adjacent local footpaths enjoyed by locals and visitors alike. Fownhope is not in need of so many new houses. It is not appropriate to increase the size of a village in an AONB. Fownhope is the only village in Herefordshire standing within an AONB and should be protected because of this unique position.

The character of the village will be spoilt by development on the edge of the village and filling in all green spaces.

Any straightening of the A4224 from the Mordiford direction will increase traffic speed into the village which is a major problem already, especially with ever increasing traffic volume. The naturally evolved landscape of hedge, road and verges is very much part of the reason this area is within the Wye Valley AONB. The rural character of the area makes Fownhope important to local tourism and a place where local residents actually enjoy living.

Allowing for any development in Mill Field will go against the decision of the Secretary of State with regards to its very special position within the AONB and abutting a woodland of SSSI status. It

therefore should not be included in the Neighbourhood Plan in any form.

Yours faithfully
Kirstin Hart

Latham, James

From: Roger Guy
Sent: 30 September 2015 21:15
To: Neighbourhood Planning Team
Cc: marclark47@hotmail.co.uk
Subject: FOWNHOPE Neighbourhood Plan
Attachments: response form v3 final.doc

Importance: High

We support the development of land at Mill Field and Mill Farm in order that appropriate future housing needs are met in Fownhope. We do not agree with the consultant who considers that the Mill Field site is unacceptable in view of its elevation and its perceived visual impact upon this AONB. The precedents have already been set by the construction of Scotch Firs and Nover Wood Drive in the '60's and '70's respectively. Future development of the proposed sites would certainly extend the village boundary but would result in the least impact upon the existing community. We do not perceive a problem regarding footpath access into the village from the Mill Field site as there is a long-standing public footpath already in place connecting the site to Scotch Firs. We implore you to look favourably upon these potential development areas. We have no vested interests regarding these sites.

We object strongly to any development in the vicinity of Fownhope Medical Centre. Such development would, in our opinion, create disproportional risk in relation to road traffic at the junction with the B4224 adjacent to the Church. Additionally, Common Hill Lane is too narrow to accommodate extra traffic with an unculverted stream on one side and it is extraordinarily difficult to widen owing to the proximity of existing housing. One proposal for development at the rear of our property involves the conversion of the existing bridle path into an access road for a new site. This would result in us having a road in front of us and also one at the rear. We would fight such a proposal vigorously. We are in a position to advise that, following local discussions, many of our neighbours would also be opposed to such development.

We **attach copy** of our earlier consultation reply to the Parish Council, for your information, and **request that you keep us advised of your decision at your earliest convenience.**

Thank you.

Margaret & Roger Guy.

copy attached.



DRAFT FOWNHOPE NEIGHBOURHOOD PLAN Public Consultation 18th May – 30th June 2015

RESPONSE FORM

Please:

1. Use this form to comment on the Draft Fownhope Neighbourhood Plan.
2. give your name and address. The plan will be amended to reflect the views of those who live or work in the parish, as well as key partners who provide advice and services locally. We are interested in other views but it will be Fownhope residents who decide the Plan!
3. Note that all forms will be available for public inspection.
4. Return the form to Fownhope Neighbourhood Plan Steering Group either by:
 - o post: to The Clerk, Rugden House, How Caple, HR1 4TF
 - o by email: to fownhopeclerk@hotmail.com
 - o by hand: drop box in St Mary's Church, box at West End shop, or to 2 Ringfield Drive,

Thank you

All responses received by June 30th will be considered by the Fownhope Neighbourhood Plan Steering Group and will help shape the revised Neighbourhood Plan which will be produced by August. A Consultation Statement, including a summary of all comments received and how these were considered, will be made available along with the amended Neighbourhood Plan

Your details

Name	Margaret and Roger Guy			
Address				
Email address <i>(only if you wish to be kept updated)</i>				
<i>resident</i> √	<i>local business</i>	<i>local organisation</i>	<i>key partner</i>	<i>agent</i>

Please tick

ALL RESPONSE FORMS MUST BE RETURNED BY 5.00 pm TUESDAY 30TH JUNE 2015

Please turn over

If you would like to comment on a particular policy then please state the policy number, indicate whether you agree or disagree, and add your comments and/or suggested changes.

Policy Number	Do you agree or disagree ?	Comments and/or suggested changes. If you disagree, what changes would you suggest we make?
FW2(d)	disagree	Whitebeam trees in Nover Wood Dr. cause serious problems. Extension should be primarily in fields & woods.
FW3/4	agree	Virtually all sewage is pumped to sewage works. Sewerage system unable to cope in adverse weather.
FW7	agree	Recent modern buildings in core of village spoil character. i.e. opposite New Inn & at entrance to village.
FW9	disagree	60 homes is excessive
FW13	disagree	50 % affordable homes too high. Recommend lower %age. (Have experience of new developments in Worcester area.)
FW27	agree	Safe access onto B4224 from Common Hill Lane cannot be provided. All development adj Medical Centre must be avoided.
FW		

Additional Comments: (If referring to specific text, please quote the page number)

Further to attending the two presentations at the Village Hall we wish to offer our views regarding the Fownhope Neighbourhood Plan particularly with respect to the proposed housing development sites that are currently under consideration. We accept that future development of the village will occur and confirm that we do not object to the construction of new housing sites provided that such development does not adversely impact upon the current village environment and its residents.



Fownhope more than doubled in size over the last 50 years. It is now imperative that future development is constrained. Total new houses and / or bungalows should not exceed 30 / 40 properties (i.e. 9 – 12% increase approximately). They should blend aesthetically with the present character of the village and should be situated in locations that do not impact excessively upon existing properties, residents and local amenities / services. Some new builds in the core of the village contradict the declared conservation policy.

In consideration of the above we propose that the Mill Field, and possibly Mill Farm and Lwr. House Gardens, provide the most favourable locations for development. Both sites are on the edge of the village yet readily linked to the present infrastructure and the community. We hold the view that the latter two sites should comprise primarily of affordable housing and that Mill Field ought to consist of a proportion of bungalows and open market housing – although this idea would perhaps not be favoured by developers or the planners.

We would object to any development off Common Hill Lane primarily owing to access problems: -

- 1 The lane affording access is narrow and almost impossible to widen.
- 2 This access is already fully utilised by the bus service, residents of Common Hill, Nover Wood Drive, Church Croft, Court Orchard and other linked housing sites.
- 3 It is also used extensively by visitors to Fownhope Medical Centre and the School.
- 4 The junction with the B4224 is dangerous owing to poor visibility and existing high traffic volume. The situation ought not to be exacerbated, putting more lives at risk.

We would further wish to comment on a specific site: -

One of the proposals located adj. to the Medical Centre involves using the existing bridle path adjacent to Nover Wood Drive as an access road to service the development. We object to this proposed change of use. One of the resulting aspects of this development is that we, and our neighbours, would then suffer the effects of having roads both directly in front and to the rear of our properties. We would also advise that as we occupy a bungalow we would be obliged to object to any proposal to build houses that would overlook our property.

We believe that the existing sewerage system may be overloaded unless development is limited and managed effectively. The major restriction in the system is believed to be the pumping station in Ferry Lane although main sewers leading from any new site will need to be examined and upgraded as necessary.

Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 06 October 2015 15:43
To: Neighbourhood Planning Team
Subject: the form Comment on a proposed Neighbourhood Area was submitted

the form Comment on a proposed Neighbourhood Area was submitted, this is the list of values it contained.

Address:

Postcode:

First name:

Margaret

Last name:

Clark

Which plan are you commenting on?:

Fownhope Neighbourhood Plan 2011-31 Submission Version

Comment type:

Comment

Your comments:

I support the policies for Sustainable Development (FW1), for safeguarding the AONB (FW2), and for conservation of Fownhope's historic character (FW7). Also for biodiversity (FW5) and Countryside Access (FW6) and supporting retail and other businesses (FW 18).

The policy for phasing of any housing developments is vital (FW15). Maximum number of housing as proposed should be no more than 70 (FW9) and fewer would be even better. The provision for affordable housing is very good if the four sites eventually go ahead. (FW9, 14.2 and FW13)

The idea of a Community Trust to secure the affordable housing in perpetuity is excellent (FW14 and para18.3)

All four sites have problems with pedestrian access to village at present, or problems with an increase of traffic on Common Hill Lane for site near to Medical Centre.

The Proposals map in the draft Plan named each of the allocated sites and indicated boundaries. The Policies map on p25 however does not distinguish each of the sites. It should do. Part of site BC, Potato Barn, is shown to be within the flood risk zone. That part should be excluded. Likewise site A, Mill Field, extends to the boundary of the Cherry Hill SSSI. Clearly in the light of the inspector's decision on the Mill Field application, this northerly part of the site should not be developed.

Overall, I would support the Plan as submitted.

Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 14 September 2015 10:39
To: Neighbourhood Planning Team
Subject: the form Comment on a proposed Neighbourhood Area was submitted

the form Comment on a proposed Neighbourhood Area was submitted, this is the list of values it contained.

Address:

Postcode:

First name:

Michael

Last name:

Ibbotson

Which plan are you commenting on?:

Fownhope Neighbourhood Plan submitted August 2015

Comment type:

Objection

Your comments:

Support Policy FW8 Common Hill Area of Special Character, but the boundary should be widened e.g S.W. to Medical Centre

Object to Policy FW9 Housing Numbers on Site H -Rear Medical Centre with access on to Common Hill Lane

* Most common quoted important view in consultation meetings was view towards village and hills from footpath on Common Hill.

* This view will be seriously compromised if 7 houses are built behind Medical Centre

* The suggestion that tree planting would be reinforced to protect view is an indication of the view's importance-also no use in winter.

* If decision to build some houses on Site H was approved (though I hope not), then access should NOT be from Common Hill Lane, since this would ruin its character-better to access from Green Lane.

Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 04 October 2015 22:52
To: Neighbourhood Planning Team
Subject: the form Comment on a proposed Neighbourhood Area was submitted

the form Comment on a proposed Neighbourhood Area was submitted, this is the list of values it contained.

Address:

Postcode:

First name:

M

Last name:

Simmons

Which plan are you commenting on?:

Fownhope Neighbourhood Plan

Comment type:

Support

Your comments:

I strongly support this plan. The working group has worked tirelessly to produce a plan which, I believe, accurately reflects the views and wishes of the community. There have been well attended consultation events and exhibitions and the careful refining process that has taken place over the months shows just how much the views of the community have been listened to.

Date: 08 October 2015
Our ref: 164216
Your ref: Fownhope Neighbourhood Development Plan



Mr J Latham
Herefordshire Council
Planning Services,
Blueschool House,
Blueschool Street
Hereford,
HR1 2ZB

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Mr Latham

Re: Fownhope Neighbourhood Development Plan (NDP), SEA and HRA- Regulation 16

Thank you for your consultation on the above dated and received by Natural England on 27 August 2015.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Fownhope Draft Neighbourhood Development Plan (NDP)

We note that on the whole the NDP has been revised to reflect the changes we advised at Regulation 14 stage in our response dated the 30 June 2015. There are a few further changes we would advise are made to ensure clarity within the NDP.

Policy FW5 Biodiversity

We support this policy and note that our previous advice at Regulation 14 has been on the whole adopted. We would however suggest that the words “designated sites” should be added to the wording below for clarity.

- “Development can only proceed where any adverse effects can be avoided or mitigated.”

Furthermore, we advise expanding on the second part to include more about [green infrastructure](#), to protect existing green infrastructure within the boundary of the plan area and to promote creation of new green infrastructure if new development proposals come forward. We advise including policy to protect specifically [priority habitat](#) for example the traditional orchards and deciduous woodland which are around the village of Fownhope and other environmental assets in the area to preserve the existing eco-system network.

Multi-functional green infrastructure is important to underpin the overall sustainability of a development by performing a range of functions including flood risk management, the provision of accessible green space, climate change adaptation and supporting biodiversity. An example of a green infrastructure provision is sustainable drainage systems. These can deliver benefits for people and for wildlife and make a valuable contribution to the local green infrastructure network. Actions such as re-naturalising watercourses can also bring multifunctional benefits, including benefiting flood attenuation.



You may find it helpful to refer to the [Herefordshire Green Infrastructure Study \(2010\)](#).

Policy FW9 Housing Numbers

For clarity we advise adding the site references (referred to in the table on page 26) to the map (p25) to help the reader identify the different proposed housing sites.

Habitats Regulations Assessment (HRA) Report and Addendum

Following the changes made to the NDP, we agree with the conclusion of the Addendum that the NDP will not have a likely significant effect on the River Wye SAC.

Fownhope Environment Report

Natural England welcomes the production of an Environmental Report. Having reviewed the report Natural England confirms that it meets the requirements of the Strategic Environmental Assessment (SEA) European Directive and national regulations, and that we concur with its conclusions.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Gillian Driver on 0300 060 4335. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully

Gillian Driver

Miss Gillian Driver
Planning Adviser
South Mercia Team

Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 03 September 2015 11:48
To: Neighbourhood Planning Team
Subject: the form Comment on a proposed Neighbourhood Area was submitted

the form Comment on a proposed Neighbourhood Area was submitted, this is the list of values it contained.

Address:

Postcode:

First name:

Peter

Last name:

Green

Which plan are you commenting on?:

Fownhope

Comment type:

Comment

Your comments:

Fownhope requires low cost affordable housing 1,2,and 3 bed. With the cost of building land this can only be achieved on a development where 30 to 40 houses can be built, like Mill Field. The neighbourhood plan has highlighted other sites where higher cost small developments could be built. Wherever you build in Fownhope it will have an impact on an AONB but if hedges on the roadside are left in place Mill Field would have less impact on the approach to the village than Scotch Firs open plan.

Having just read Hereford times 3/9/15 it appears that decisions on the Fownhope plan have already been made and the chances of local children being able to afford a home in Fownhope has been lost.

Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 05 October 2015 12:31
To: Neighbourhood Planning Team
Subject: the form Comment on a proposed Neighbourhood Area was submitted

the form Comment on a proposed Neighbourhood Area was submitted, this is the list of values it contained.

Address:

Postcode:

First name:

Richard

Last name:

Gee

Which plan are you commenting on?:

Fownhope Neighbourhood plan

Comment type:

Objection

Your comments:

While I support much of what is what is in the neighbourhood plan,I feel I must object to the proposal for development on Mill Field, on the western edge of the village.This is a very prominent and visible site on the main approach to the village. It would have a major visual impact on the area and significant impact on amenity. Within the Wye valley AONB this would detract detract significant from the natural beauty of the area, contrary to government policy, and the best interest of the neighbourhood.

Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 07 October 2015 14:19
To: Neighbourhood Planning Team
Subject: the form Comment on a proposed Neighbourhood Area was submitted

the form Comment on a proposed Neighbourhood Area was submitted, this is the list of values it contained.

Address:

Postcode:

First name:

Robert

Last name:

Hungerford

Which plan are you commenting on?:

Fownhope Neighbourhood Development Plan

Comment type:

Objection

Your comments:

Fownhope Neighbourhood Development Plan Section 13 Meeting Housing Needs & Section 14 Housing Sites

In section 13.5 there is mention of the Mill Field planning application for 33 homes which was refused in 2015 on the grounds that it constituted a major development which was inappropriate in an AONB. That refusal was upheld on appeal with the Inspector asserting the importance of AONB status in protecting the setting of Fownhope.

However the Mill Field site is still included in the Fownhope Neighbourhood Development Plan under proposed housing sites in section 14. The map on page 25 clearly shows Mill Field shaded in brown on the northern side of the village to the east of the B4224. Section 14.2 shows 12 dwellings for Mill Field and states that there are 4 requirements needing to be satisfied. Annexe E on page 45 also details the Mill Field site.

I find it incredulous that this site is still included in the Fownhope Neighbourhood Development Plan at all when clearly planning applications have recently been refused and further upheld on appeal! Two of the main reasons for the Inspectors decision were:

“The site is at the edge of the developed area of the village, the oldest part of which lies along the main road (B4224) through the village with more modern, small, estate-style development to the rear, upslope of the older village. The Fownhope Conservation Area boundary covers the older areas of the village and partly abuts the boundary of the site. The site itself is currently a large open field, with a cereal crop. The woods of Cherry Hill, which is also a Site of Special Scientific Interest (SSSI) and Special Wildlife Site as well as being categorised as ancient woodland, are on its north eastern boundary, and the cluster of buildings at Mill Farm, which are Grade II listed, are on the opposite side of the road. There are public footpaths on the edge of the field along the main road, on the other side of the field boundary to Cherry Hill and partly along the field boundary with Scotch Firs, a modern estate.”

“In terms of the impact on the environment, landscape and recreational opportunities, a landscape character and visual analysis and a landscape report with addendum have been submitted by the appellant. The site is within the South Herefordshire and Over Severn Landscape Character Areas,

influenced by the woodlands of the Woolhope Dome and the Wye valley. The Council 's view is that the site is part of the Principal Settled Farmlands, the key characteristics of which are settlement in small villages and dispersed farmsteads and fields having hedgerows as boundaries. However, it also lies partly in the Riverside Meadows landscape type, which comprises largely pastoral areas with little settlement. The Council's analysis shows the site to be an area of high sensitivity in landscape terms, with the woodland to the north east being the least resilient to change."

Furthermore the shaded plan area on page 45 shows the "proposed site" extending from the B4224 to the north east boundary of the site which clearly "flies in the face" of the Inspector's views as the site would be clearly visible in the AONB from village approach and also from the western side of the river. No attempt has been made in the Plan to satisfy the access requirements, either vehicular or pedestrian.

I therefore conclude that I cannot support the Plan unless there are amendments in respect of this site.

Latham, James

From: Susan Gough
Sent: 08 October 2015 17:27
To: Neighbourhood Planning Team
Subject: Comments on Fownhope neighbourhood plan
Attachments: Comments on Neighbourhood Plan.docx

Please see attached my comments on this plan.

Comments on Fownhope Neighbourhood Plan

1) Possible Sites for further Housing Development Proposal FW9

The proposed site adjacent to the Medical Centre (Site H) should be considered unsuitable as it would:

- a) Impact on the views from Common Hill which is to be considered as an area of Special Character. This site is too close to Common Hill to avoid having an adverse impact.
- b) The width of Common Hill Lane makes it unsuitable to carry more traffic (which will want to access this development not only from the B4224 but also from over Common Hill), without substantial modification e.g. widening /removal of hedges.
- c) The junction of Common Hill Lane/B4224 is extremely dangerous, with very poor visibility for traffic exiting the lane. As mentioned elsewhere within the plan it would be difficult to radically improve this without major works due to the close proximity of existing buildings. We would also object to any further extension of the Medical Centre for the same reasons. Traffic, including delivery vehicles, going to / from the Medical Centre already makes the use of Common Hill Lane, particularly by pedestrians, hazardous.

2) Common Hill as a Site of Special Character Proposal FW 7

Referring to Common Hill Policies Map p 21

Certainly the village envelope should be close to medical centre and any special character for Common Hill needs to maintain it as a separate settlement from Fownhope village. The views and fields are part of the character and when the owner of Highland Cottage was asking for the road access, there was great concern about the wildlife status of the bank adjacent to it.

The boundary should be extended below the track leading to Highland Cottage to include the fields down to the bend in Common Hill Lane. It should also extend south of Common Hill Lane to include the fields, orchard, stream and pond between Nursery Cottage (Now known as September Cottage) and the Pump, as these areas are an important part of the views from / setting of the hill.

3) Existing Settlement Boundary Proposal FW17

In line with proposal FW7 the boundary on Common Hill Lane should be much closer to the Medical Centre, at least no further than the bend on Common Hill Lane above the Medical Centre.

4) Telecommunications FW25

These need to be improved for all Fownhope residents not only those in the village centre.

5) House Extensions should not lead to creation of separate dwellings FW12

6) Whilst it may be desirable to support local businesses and working from home, this should be respectful of the neighbours' amenity and not create excessive noise & repeated access by delivery vehicles. This is particularly detrimental on the narrow lanes around Fownhope.

Susan Gough

Comments on Fownhope Neighbourhood Plan

1) Possible Sites for further Housing Development Proposal FW9

The proposed site adjacent to the Medical Centre (Site H) should be considered unsuitable as it would:

- a) Impact on the views from Common Hill which is to be considered as an area of Special Character. This site is too close to Common Hill to avoid having an adverse impact.
- b) The width of Common Hill Lane makes it unsuitable to carry more traffic (which will want to access this development not only from the B4224 but also from over Common Hill), without substantial modification e.g. widening /removal of hedges.
- c) The junction of Common Hill Lane/B4224 is extremely dangerous, with very poor visibility for traffic exiting the lane. As mentioned elsewhere within the plan it would be difficult to radically improve this without major works due to the close proximity of existing buildings. We would also object to any further extension of the Medical Centre for the same reasons. Traffic, including delivery vehicles, going to / from the Medical Centre already makes the use of Common Hill Lane, particularly by pedestrians, hazardous.

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The boundary should be extended below the track leading to Highland Cottage to include the fields down to the bend in Common Hill Lane. It should also extend south of Common Hill Lane to include the fields, orchard, stream and pond between Nursery Cottage (Now known as September Cottage) and the Pump, as these areas are an important part of the views from / setting of the hill.

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These need to be improved for all Fownhope residents not only those in the village centre.

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- 6) Whilst it may be desirable to support local businesses and working from home, this should be respectful of the neighbours' amenity and not create excessive noise & repeated access by delivery vehicles. This is particularly detrimental on the narrow lanes around Fownhope.

From: James Spreckley <james@jamesspreckleyltd.co.uk>
Sent: 07 October 2015 15:32
To: Neighbourhood Planning Team
Subject: Fownhope Neighbourhood Plan
Attachments: PastedGraphic-1.tiff

For the attention of the Neighbourhood Planning Team:

The Neighbourhood Planning (General) Regulations 2012 Article 15 Statutory Public Consultation Fownhope Neighbourhood Plan

Please find following a consultation response to the draft Fownhope Neighbourhood Plan, restricted to the section related to proposed housing growth and allocations:-

Policy FW9 HOUSING NUMBERS

Is the proposed provision of a minimum of 70 new homes compliant with the Herefordshire Core Strategy target for housing growth applicable to Fownhope parish?

Fownhope village Policies Map

The map contains no annotation or labelling to enable identification of each of the proposed housing sites identified in para 14.2 and given the site references A, B/C, D and H. It is not possible for representors to be able to comment accurately on the proposed housing sites given that they are not identified on the Map. Is the current process thereby safe from challenge?

14. HOUSING SITES

The plan lists a number of requirements for each proposed housing site as follows:-

A. Mill Field

- • ***Finding ways of resolving objections to the ‘significant environmental effects on AONB and Conservation Area***
- • ***Finding a safe highway access closer to the village***
- • ***Achieving a safe pedestrian access to village facilities – access by way of the main road is not considered sustainable or safe***
- • ***Contributing to meeting local housing needs***

This site, being part of a larger field, was the subject of a comprehensive planning application for 33 houses that was recommended for approval by Herefordshire Council Planning Department. The Planning Committee subsequently were of the opinion that, notwithstanding the recommendation for approval, the proposal constituted ‘major development’ in the AONB not supported by the NPPF and refused the application.

Included in the Planning Officer’s appraisal was the recognition that

- the proposed landscaping scheme sufficiently mitigated the impact upon the AONB,
- the scheme provided a safe highway access (that could lead to an extension of the 30mph speed limit),
- the scheme provided a safe pedestrian access to the village facilities avoiding the main road,
- the scheme contributed to meeting local housing needs.

All of these mitigating factors continue to apply to the Mill Field site as currently proposed, and it is suggested that an allocation of up to 25 houses could be accommodated on the site, without constituting 'major development' and that would continue to comply with the above requirements. Given that the judgement regarding whether a proposal constitutes major development lies with the decision maker, as enshrined in the NPPF, this site could accommodate 25 houses or perhaps more if the proposal was supported by the Parish Council.

B/C. Land at Potato Barn/ Mill Farm

- ● *Assessing highway access either by existing farm access (which will need to be retained), or by shared access with Lowerhouse Gardens. Access from the drive to Mill Farm is not considered acceptable.*
- ● *Impact on Conservation Area and AONB*
- ● *Achieving a safe pedestrian access to village facilities – access by way of main road is not considered sustainable or safe*
- ● *Contributing to meeting local housing needs*

This site has no means of achieving a safe pedestrian access to village facilities without using the main road, which means that this allocation is flawed and therefore not sound.

D. Adjacent to Lowerhouse gardens

- ● *Assessing highway access by way of Lowerhouse Gardens, subject to highway assessment of safety of visibility to cope with additional traffic, and*
- ● *Provision of safe pedestrian access to village facilities – access by way of main road is considered neither sustainable nor safe*
- ● *Assessing flood risk*
- *Impact on conservation area and AONB*
- *Contributing to meeting local housing needs*

This site is landlocked and relies upon access from an adjoining housing development or third party land in separate ownership. Furthermore it is not possible to provide the safe pedestrian access to village facilities without using the main road, which means that this allocation is flawed and therefore not sound.

H. Adjacent to Medical Centre

- ● *The site will contribute primarily to meeting local housing needs*
- ● *With an element of market housing to provide any necessary cross-subsidy*
- ● *Achieving new access off Common Hill Lane whilst respecting the character of the lane*
- ● *Highway assessment of capacity of Common Hill Lane*
- ● *Footpath to north to link with Green Lane to reach bus stop,*
- ● *Seek provision of allotments and or play area on part of field,*

- ● *Scope for some of the social housing to be supported housing for young and old, which could be in collaboration with the Surgery*
- ● *Reinforce tree planting to protect views from public footpaths between village and Common Hill*

There is no satisfactory and safe means of access to this site, as confirmed in the 2013 Strategic Housing Land Assessment which stated

'The green lane (FWA10) is not suitable as a means of access. The alternative U72214 Common Hill Lane is not suitable due to narrowness, lack of footways and the poor junction with the B4224. There is a roadside brook that would constrain widening for part of the lane's length.'

This allocation is therefore flawed and not sound.

COMPLIANCE WITH THE CORE STRATEGY

The Neighbourhood Plan relies upon the premise that it can impose a far higher proportion of affordable housing on the allocated sites to achieve the required delivery of affordable homes in excess of the 40% in the Core Strategy. Furthermore the Neighbourhood Plan proposes to impose the delivery of affordable housing on the allocated sites even if they do not reach the threshold of more than 10 houses as contained in the Core Strategy.

Both of these proposals are not sound as they do not comply with the Core Strategy, and would be likely to be challenged by future developers of the allocated sites. The practical effect of this would be the lack of delivery of much needed affordable housing. This could be overcome if the NP allocated a larger number of houses, in excess of the threshold of 10, to a site that had sufficient capacity, such as the Mill Field. If Mill Field were allocated 30 houses this would result in the delivery of 12 affordable homes in compliance with the Core Strategy.

I would be grateful if the LPA would keep me informed of the progress of this Consultation, and their decision under Regulation 19.

Yours faithfully,

James Spreckley MRICS

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Neighbourhood Development Plan – Conformity Assessment

Name of NDP: ***Fownhope Neighbourhood Development Plan***

Date: 07.09.15

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
FW1 Sustainable Development	SS1, SS2, SS5, SS6, SS7	Yes	<p>Point c) states that the scale and phasing of development should enable new residents to be absorbed into the community.</p> <p>This is a fairly ambiguous policy priority. The scale should be appropriate to the needs of the local community and phasing the release of land would ensure that necessary infrastructure is in place to support new development or safeguard protected areas from significant adverse effects.</p> <p>Point f) states that “site measures will encourage...”The sense could be improved by stating that “Good practice such as ... will be encouraged”</p>
FW2: Safeguarding the Wye Valley Area of Outstanding Natural Beauty	LD1, LD4, SS6	Yes	None
FW3: Flooding	SS7, SD3	Partial conformity	<p>Bullet point 1: this does not appear to be in general conformity with the Core Strategy (modified) nor the NPPF; since the former states that where no reasonable sites are available within Flood Zone 1, the Exception Test may be applied. Certain forms of development may be permitted in Flood Zones 2 and 3, depending upon their level of vulnerability. These are identified in the Technical Guidance to the NPPF. A NDP policy cannot be more restrictive than national policy.</p> <p>As a general point, it is of note that the Core Strategy provides a significant level of detail on the issues surrounding flooding and water management. Policy FW3 sets out fairly limited guidance. Perhaps another option to consider may be to omit Policy FW3 and simply retain the justification text with added</p>

			words on how the NPPF and Core Strategy provide detailed guidance to developers.
Final sentence para 8.2: <i>“Action will be needed by Herefordshire Council to address the land drainage issue to prevent surface water getting into the sewers.”</i>			Although this is not technically a conformity issue, I think that the inclusion of this sentence may need to be investigated further. Sam; would contacting Steve Hodges be useful?
Policy FW4: Sewage Treatment Works	SD4, SS7	No/Partial conformity	<p>The first bullet point seems to be out of place, since it is stating that certain development will not be permitted, then, subsequently, the policy goes on to address what will be required if a development is likely to over load the sewerage system.</p> <p>The policy should be re-worded to ensure that it makes sense and is enforceable and in conformity. The Core Strategy provides very detailed guidance to developers on wastewater treatment and river water quality in paragraphs 5.3.55 to 5.3.70 and through policy SD4.</p>
Policy FW5: Biodiversity	LD2, SS6, SD4	No/Partial conformity	The statement that no development should be permitted within 100m of the SAC is not in conformity with the Core Strategy. What is the justification for the 100m? Policy LD2 and paragraphs 5.3.13 guide development in close proximity to internationally designated areas. It is the second sentence of Policy FW5 which is more in line with the Core Strategy. To include a section on the NMP in this policy seems a little out of place and has more affinity with Policy FW4. In addition, this is merely repeating text from the Core Strategy rather than adding any meaningful local guidance.
Policy FW6: Countryside access	E4	Yes/Partial	It is of concern that the first line of FW6 states that certain developments will be resisted, but then goes on to say that such developments can be mitigate any adverse effects. This is a non-sequitur. Wording should seek to ensure that the guidance provided is clear and unambiguous.
Policy FW7:	LD1, LD4	Partial	Point a); this policy is not enforceable since it

Conservation of Fownhope's Historic Character		conformity	is not possible to define views and vistas valued by residents (one may like a view, and another may not). It is a subjective matter. Policies should be clear, unambiguous and enforceable.
Policy FW8: Common Hill 'Area of Special Character'	RA5	Partial conformity	It is of concern that this policy is too restrictive; seeking to prevent certain types of development. Another approach would be to identify what considerations should be prioritised by prospective developers seeking to apply for planning permission in this area. See para. 60 of the NPPF. It is considered that this policy imposes some unsubstantiated requirements and prescriptions.
Policy FW9: Housing Numbers	RA2, SS2, SS3	Yes	The numbers within the policy seem well considered however; I am unable to check actual figures.
Policy FW10: Housing Infill	SS1, SS6, RA2, H3	Yes	
Policy FW11: Housing in the countryside	RA3, RA5	Yes	
Policy FW12: Extensions to Dwellings			No relevant Core Strategy policy.
Policy FW13: Affordable Housing	H1	No	Modifications to Core Strategy state that policy H1 (affordable housing) now applies to all new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1,000m ² .
Policy FW14: Rural Exception Sites	H2	Partial conformity	Bullet point one: the affordable homes do not necessarily have to be for rent, they can be available for purchase. Bullet point 5: these should be identified clearly in the policy as market houses. Note need for financial appraisal as per CS policy H2.
Policy FW15: Phasing of Development	SS3	Yes	It is of note that the release of specific sites may be phased or delayed to ensure that necessary infrastructure is in place to support the new development or in order to safeguard the integrity of the River Wye SAC from significant adverse effects. In Fownhope the

			capacity of and planned upgrades to the sewerage treatment works may be of particular significance to phasing of residential development.
Policy FW16: Design Criteria for Housing	SS6, SS7, SD1, SD3, LD4, LD3, LD2, LD1, H3	Yes	
Policy FW17 Settlement Boundary	RA2, LD1	Yes	
Policy FW18 Supporting Local Businesses	LD1, E4, E2, E1, MT1	Yes	
Policy FW19 Working from Home	E3	Yes	
Policy FW20 Redundant Rural Buildings	RA5	Yes	
Policy FW21 Retail Services	RA6	Yes	
Policy FW22 Retaining Community Assets	RA5, SC1	Yes	
Policy FW23 Medical Services	SC1	Yes	
Policy FW24 Community Buildings	SC1	Yes	
Policy FW25 Telecommunications	SS5, LD2	Yes	
Policy FW26	SD1, SD2	Yes	
Policy FW27 Highways and Infrastructure	MT1	Yes	In the justifying text preceding Policy FW27, the statement that new roads will normally be subject to a 20mph restriction needs to be checked with the highways team to ensure that this is acceptable.
Policy FW28 Green Spaces	OS3, OS2	Yes	

Other comments/conformity issues: Ensure that the modified text of the Core Strategy is considered. Inspector's Report is due imminently.

Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 08 October 2015 17:31
To: Neighbourhood Planning Team
Subject: the form Comment on a proposed Neighbourhood Area was submitted

the form Comment on a proposed Neighbourhood Area was submitted, this is the list of values it contained.

Address:

Wye Valley AONB Office
Hadnock Road
Monmouth

Postcode:

NP25 3NG

First name:

Andrew

Last name:

Blake

Which plan are you commenting on?:

Fownhope Neighbourhood Plan 2011-2031

Comment type:

Objection

Your comments:

These comments are made on behalf of the Wye Valley Area of Outstanding Natural Beauty (AONB) Partnership. We are broadly supportive of the general direction of the Fownhope Neighbourhood Plan and welcome the recognition of Fownhope Parish being embedded in the Wye Valley AONB and references to the AONB in FW1 & FW2. However we OBJECT to the complete lack of reference to the statutory Wye Valley AONB Management Plan in the documentation. The AONB Management Plan under Section 89 of the Countryside and Rights of Way Act "formulates local authority policy and action in relation to the management of the AONB" and is a material consideration under the NPPG (Natural Environment / Landscape / para 004) "local planning authorities and neighbourhood planning bodies should have regard to AONB management plans, as these documents underpin partnership working and delivery of designation objectives. The management plans highlight the value and special qualities of these designations to society and show communities and partners how their activity contributes to protected landscape purposes. National Parks and AONB Management Plans do not form part of the statutory development plan, but may contribute to setting the strategic context for development by providing evidence and principles, which should be taken into account in the local planning authorities' Local Plans and any neighbourhood plans in these areas. National Parks and Areas of Outstanding Natural Beauty management plans may also be material considerations in making decisions on individual planning applications, where they raise relevant issues."

The current adopted Wye Valley AONB Management Plan 2009-14 will shortly be superseded by the 2015-2020 version which is in the Post SEA & HRA draft and is likely to be formally adopted by Herefordshire Council before the end of the year. Most of the issues in the 2009-2014 Plan are still relevant, and the 2015-2020 Plan aims to build on and develop the approach of the previous one.