

Tarrington Neighbourhood Development Plan

Response by Tarrington Parish Council to Neighbourhood Plan Examiner's Questions

9 February 2021

This document sets out the response of Tarrington Parish Council (the Qualifying Body, QB) to matters raised by the Independent Examiner following initial assessment of the Neighbourhood Development Plan and representations.

1. Public consultation

- a. **Would the TPC please provide further information on the work done in that period [early 2017 to February 2019] and also clarify what was the status of a draft plan dated September 2018 which is still available on the web.**

QB response: during this period work on the plan was progressed by means of consideration at the regular bi-monthly and other meetings of the Parish Council. These were advertised via the Parish Council website and on five public notice boards throughout the parish. They were well-attended by parishioners, with opportunity provided in the public comment sessions to give views on all aspects of the NDP as it progressed. Minutes of all Parish Council meetings can be viewed on the website. From these it can be seen that the opportunity to raise NDP-related issues in the public comment sessions was frequently taken up. In addition, regular Parish Council updates are included within the widely-distributed Tarrington Tatler magazine.

The emerging NDP was discussed and/or considered at 16 meetings of the Parish Council in the period January 2017 to February 2019. These meetings were attended by between three and 19 members of the public, with an average attendance of over 10.

The key issue addressed in this phase of plan-making was the final selection of a site to meet the housing requirement set in the Local Plan Core Strategy. This was in the context of pending planning applications on part or all of both candidate sites, known as sites 6 and 8. Initially, the QB paused work on the plan whilst awaiting their determination. One of the applications (LPA ref P171777/F, on part of site 8) was the subject of a Herefordshire Council Planning Committee resolution to approve in November 2017. It was decided in January 2018 to continue work on the plan. The QB recognised that the issue of new housing was understandably contentious, particularly in respect of the Church Road site (site 6), and was keen to take consistent and evidence-led decisions. To that end an update to the original Housing Site Assessment was commissioned and provided in April 2018. It was decided at the Annual Parish Council meeting on 14 May 2018 to include both candidate sites in the plan and a draft NDP was prepared on that basis.

The draft plan (dated September 2018) was an initial version which was considered at the Parish Council meeting on 12 November 2018 when changes were agreed to be required. The amended draft NDP was further considered at the Parish Council meeting on 11 February 2019. It was presented to that meeting by the planning consultant, who answered questions from members of the public, 16 of whom attended. It was then approved for the purposes of the Regulation 14 consultation.

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

QB response: the QB considers that the statutory requirements have been fully met and that the approach taken is compatible with Planning Practice Guidance paragraph 41-047. In terms of the four criteria (in bold below) set out in that paragraph for involving the wider community:

- **kept fully informed of what is being proposed:** this has been achieved through 26 meetings of the Steering Group, open to all residents; regular discussion and consideration at Parish Council meetings, as explained above; the posting of material to the Parish Council website (including the September 2018 draft of the NDP); updates in the Tarrington Tatler; and the Regulation 14 consultation on the draft plan.
- **able to make their views known throughout the process and opportunities to be actively involved in shaping the emerging neighbourhood plan:** this has been achieved through the drop-in event; the residents' questionnaire survey (response rate 60%); 26 meetings of the Steering Group, open to all residents; two Open Days to explore issues and options including for planning policies; questionnaire survey on the School Road site (response rate 69%); regular consideration at Parish Council meetings; and the Regulation 14 consultation on the draft plan.
- **made aware of how their views have informed the draft neighbourhood plan:** this has been achieved by the feedback provided at Parish Council meetings; updates in the Tarrington Tatler; and in the Consultation Statement.

2. Adequacy of the evidence base

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

QB response: the documents to be referred to are the following Herefordshire Council internal consultation comments on planning application P181943/O, available on the Herefordshire Council website at [Planning Search – Herefordshire Council](#):

- the comments of the Historic Building Officer dated 13 September 2018.
- the comments of the Landscape Officer dated 11 September 2018 and 23 November 2018.
- the comments of the Area Engineer (Highways) dated 20 September 2019.

3. The School Road housing site allocation (Policy TAR8)

a. Is there evidence to support the site area of 0.65 ha. and the settlement boundary line on the northern edge of the allocated site as shown on the Policies Map? If so, where is that evidence to be found?

QB response: this point is addressed in the Consultation Statement at Table C pages 25-26 under "Policy TAR8: extent of the allocation site". Studies undertaken for the NDP show that landscape and heritage factors are important determinants of the area that is suitable for development. Whilst these studies supported a site allocation of some 0.44 hectares, in finalising the extent of the site allocation the QB also had regard to evidence provided by the heritage and landscape internal consultation comments on the current planning application P181943/O, available on the Herefordshire Council website at [Planning Search – Herefordshire Council](#). These are:

- the comments of the Historic Building Officer dated 13 September 2018. This confirms the withdrawal of a previous objection, as revisions to the scheme (by the removal of land in the north) means that the housing proposed would not adversely affect the setting of listed buildings.
- the comments of the Landscape Officer dated 11 September 2018 and 23 November 2018. These also welcome the revisions to the scheme resulting in built form being brought back off the northern section of the site. The Landscape Officer notes that the layout of the northern boundary is “rather awkward”, and suggests revision of the boundary line in order that a hedgerow could be planted to resemble a linear field boundary. This has been given effect in the proposed site allocation, by rendering this boundary in linear form as illustrated by the dotted line in the image below and requiring hedgerow planting (policy TAR8 criterion 4).



The site allocation is also consistent with the Parish Council’s support for planning application P181943/O.

- b. If there is no intended cap on development and there is emphasis on a design-led solution, is it considered appropriate to include the figure of ‘around six dwellings’ as part of the policy itself rather than including it in the accompanying text as an estimate of capacity if policy criteria are met?**

QB response: the indicative capacity figure has been included in the policy to give as much certainty and clarity as possible on this matter, reflecting the fact that the number of dwellings to be achieved on the site is the subject of much local interest. Planning Practice Guidance says that NDP site allocation policies should indicate the quantum of development appropriate for the site and any appropriate design principles that the community wishes to establish (paragraph 41-098). However, it is acknowledged that moving the estimate of capacity to the accompanying text would introduce an element of flexibility which could be

to the benefit of a design-led solution, and the QB would welcome a modification to this effect.

Policy criterion 6. 'Provision of 2 m. wide footway along School Road'.

i. Would the footway be on highway land or within the allocated site?

QB response: The requirement is for a footway along the frontage of the larger field, a distance of 144m. It is envisaged it will be adjacent to the carriageway and the QB understands within highway land. A previous such footway provided pedestrian access to the former village school (now the Lady Emily Community Hall), and which can be seen in the image below looking west along the site frontage at the time of World War I.



Photograph courtesy of Robert Hodges (photographer unknown) c. 1910-1920.

ii. If within the allocated (current planning application) site, how is it envisaged that such a requirement might be delivered? If by condition would it be necessary and reasonably related to the development permitted or, if by means of a planning obligation would the statutory tests set out in paragraph 56 of the NPPF be likely to be met?

QB response: it is envisaged that the requirement would be secured by a planning condition. Such a condition would be necessary and reasonably related to the development, because it would support achieving safe and suitable access to the site for all users. Whilst representations to the Regulation 16 consultation suggest that such safe means of passage for pedestrians are already available in the form of the grassed verge, the QB notes this remains a concern of the Council's Area Engineer (Highways) in his internal consultation response to P181943/O dated 20 September 2019. The proposed footway will address this issue. The QB notes a recent example of a planning condition being used in this way on appeal to secure a footway link in the nearby village of Bartestree (LPA ref P140757/O, APP/W1850/W/15/3003191; condition no.8).

iii. Bearing in mind that the existing grass verge is identified as Local Green Space under policy TAR13(5) is the perceived need for a footway such as to amount to the 'very

special circumstances’ needed to justify permitting what would not be ‘appropriate development’ within an LGS?

QB response: as the Examiner notes, the NDP addresses the relationship between the Local Green Space designation and the footway at paragraph 7.6. The intent of this provision is to give priority to the footway. The QB considers that the need for such a footway does amount to very special circumstances, in that will help enable the delivery of housing on the only site allocation in the NDP, and which itself is required to meet strategic requirements in the Local Plan Core Strategy. The QB also notes that policies for managing development within Local Green Space should be consistent with those for Green Belt (National Planning Policy Framework paragraph 101) and that local transport infrastructure is a “not inappropriate” form of development in Green Belt (ibid., paragraph 146).

c. Proposed footway link and bridge to School Road.

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

QB response: this proposal arose in the July 2016 Landscape Assessment of the land at School Road (paragraph 4.63). No further work to ascertain its feasibility (including whether any third-party land would be crossed) or viability has been undertaken. The current wording in policy TAR8 reflects this. Taking into account the Examiner’s comments and the fact that feasibility has yet to be demonstrated, the QB acknowledges that the proposal is better addressed as a community aspiration rather in policy. This could be achieved by:

- Deleting the last bullet point in policy TAR8 criterion 6.
- Deleting the reference to the proposal in the last sentence of paragraph 5.22.
- Inserting a new paragraph after 5.22 to read: “The Parish Council controls land and a car park opposite the allocated site, across the local watercourse. The potential for a footway link from the site to the car park, and thence to Church Road, has been identified in preparing the NDP. The feasibility and viability of such a link remain to be demonstrated, including whether any third-party land would be required. However, the Parish Council considers it would foster pedestrian connectivity and supports further investigation of its potential. This proposal does not form part of the statutory development plan.”.

4. Other plan policies (in plan order)

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

QB response: the QB has liaised with Herefordshire Council on this matter and agrees with the following April 2020 baseline, namely:

Completions (net) 2011-2020: 9 dwellings

Commitments (net) as at 1 April 2020: 31 dwellings

This equates to a remaining shortfall of three dwellings against the proportionate housing requirement of 43. This will be more than met by the proposed site allocation and windfall allowance. Table 1 in the NDP can now be updated and the separate entry therein for planning permission LPA ref P184506/O removed (the ten units involved are now included in the commitment figure). An amended table is included below.

Number of new houses required to 2031 (min)	Housing completions (net) 2011-2020	Housing commitments (net) as at 1 April 2020	Housing remaining to be delivered
43	9	31	3

- b. Policy TAR 5(2). What is meant by the term ‘infill’ in this context? Should the term be defined? Might there be any opportunities within the settlement boundaries for development which is more than ‘one or two dwellings within a substantially built-up frontage’.**

QB response: the QB recognises the value of this suggestion which will help decision makers apply the policy consistently and with confidence when determining planning applications. It will also aid the application of Core Strategy policy RA2 and add detail by giving an indication of the locally-appropriate scale of such development. A suitable modification would therefore be welcomed, such as amending the third sentence of paragraph 5.6 to read:

“Such dwellings may arise within the settlement boundaries on suitable infill sites, defined as sites for one or two dwellings within a substantially built-up frontage, or outside the boundaries where they meet the requirements of Local Plan Core Strategy policies RA3, RA4 and RA5.”.

- c. Policy TAR 6. Settlement boundary at Little Tarrington. Should the boundary be redrawn to enclose only the area with permission for development?**

QB response: the settlement boundary at Little Tarrington south of the railway line is based on the red line areas of two planning permissions, LPA ref P171777/F and P184506/O (it is noted that the settlement boundary as drawn around P184506/O regularises the extent of this permission, which is actuality is somewhat irregular on its northern and eastern edges). Herefordshire Council guidance recommends including sites which have recently received planning permission within settlement boundaries. In the case of Little Tarrington, the two commitment sites in question include land proposed for various open space uses such as informal recreation, orchards, and an attenuation basin. The QB would welcome a modification to remove such open space areas from the settlement boundary, which would then include only the permitted built form and associated private gardens as these are indicated on the permitted plans. The opportunity could also be taken to ensure the settlement boundary associated with dwellings permitted under P184506/O accurately reflects the extent of this outline planning permission.

- d. Policy TAR 7.**

- i. Is it considered that this policy is sufficient clear to be of value in determining planning applications?**

QB response: this policy has been reviewed in the light of the Examiner's questions. The QB considers that greater clarity would be provided to decision makers if the policy included more detail, drawing on the evidence set out in paragraphs 5.12 and 5.13 of the NDP. The QB suggests the following revised wording for the policy to that end:

“Proposals for new housing must demonstrate, subject to viability considerations, that they provide dwellings of a type, size and tenure that positively contribute to meeting the latest assessment of housing needs, and include affordable housing in accordance with the requirements of Local Plan Core Strategy policy H1. There is a particular requirement in the Neighbourhood Area for:

- **Housing with two- or three-bedrooms.**
- **Housing designed to meet the needs of older people including bungalows.**
- **Starter homes and other affordable routes to home ownership.”**

- ii. **Does the use of the word ‘include’ mean that only a proportion of the homes provided need meet local housing needs?**

QB response: the intent is that all new housing should meet local housing requirements. This is addressed in the proposed modification to the policy set out above.

- iii. **The evidence base on local needs is now 7 to 8 years old are the assumptions made considered to be still valid?**

QB response: the QB considers this to be the case and is not aware of any evidence to the contrary.

- iv. **Should there be reference to Core Strategy Policy H3 on the provision of affordable housing?**

QB response: the QB notes that it is Core Strategy policy H1 which addresses affordable housing and that this is referenced in the policy. Core Strategy policy H3 deals with ensuring an appropriate range and mix of housing although it mainly applies to schemes of more than 50 dwellings and is therefore likely to be of limited relevance in the Neighbourhood Area. Nonetheless it does establish the principle that residential developments should provide a range and mix of housing units, and that the evidence for this in terms of house types and sizes should be drawn from the latest Local Housing Market Assessment (which remains that produced in 2013). The QB agrees that reference to this policy context could usefully be included in the explanatory text to policy TAR7.

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

QB response: the QB agrees with this suggestion.

- i. **Is there any more detailed analysis available which assesses the areas identified as Local Green Space in the NDP against the criteria mentioned in paragraph 7.7 of the plan?**

QB response: a table has been prepared to assess the proposed Local Green Spaces against the criteria mentioned in paragraph 7.7 of the NDP, and is set out in Appendix 1.

- ii. ***The highway verges at School Road and Church Lane are not identified on the Policies Map. Are the areas to which the policy is intended to apply sufficiently obvious on the ground for there to be no doubt about their extent?***

QB response: the QB considers this to be the case.

- f. **Paragraphs 7.12 and 7.13. CIL. What is the current position of Herefordshire Council on this matter? Should there be reference to the statutory limitations on the spending of CIL money, being directly related to development.**

QB response: the first question has been responded to by Herefordshire Council. In respect of the second question, paragraphs 7.12 and 7.13 seek to explain how CIL money may be spent, i.e., to support the development of the Neighbourhood Area by funding the provision, improvement, replacement, operation or maintenance of infrastructure or anything else that is concerned with addressing the demands that development places on an area (CIL regulation 59C). The QB would support any additional clarification thought necessary.

- g. **Policy TAR 15. What is meant by 'diversification proposals' in the last sentence of this policy?**

QB response: the QB has reviewed this provision and concluded that it does not meet the tests in Planning Practice Guidance paragraph 41-041, particularly that policies in neighbourhood plans should be clear and unambiguous. It is suggested that the final sentence of the policy be deleted.

Tarrington Parish Council
9 February 2021

APPENDIX 1

Table assessing the proposed Local Green Spaces against the criteria mentioned in paragraph 7.7 of the NDP, prepared in response to Examiner's question 4 e i.

Close proximity to the community	Reasons for being demonstrably special and holding a particular local significance	Local in character and not an extensive tract of land
<p>Lady Emily Community Hall field, children's play area and garden</p> <p>Situated on the edge of the village of Tarrington to the rear of the Community Hall.</p>	<p>Recreational value and tranquillity.</p>	<p>Open space areas associated with the Community Hall. Area 0.42 ha.</p>
<p>St. Philip and St. James churchyard and access</p> <p>Situated in the village of Tarrington.</p>	<p>Beauty, historic significance and tranquillity.</p>	<p>The churchyard in the centre of the village. Area 0.34 ha.</p>
<p>Green spaces and children's play area at Barrs Orchard, Pound Close and Garbrook</p> <p>Seven areas of open space within areas of village housing.</p>	<p>Recreational value and visual amenity.</p>	<p>Closely associated with village housing. Area in total 2.21 ha., the largest single area being that at Garbrook (0.88 ha.).</p>
<p>Jubilee Green</p> <p>Open space adjacent to village housing.</p>	<p>Recreational value, tranquillity and visual amenity.</p>	<p>Closely associated with village housing with the Church opposite. Area 0.11 ha.</p>
<p>Highway verges at School Road and Church Lane</p> <p>Situated in the village of Tarrington.</p>	<p>Visual amenity.</p>	<p>Highway verges adjoining the village road. Being by their nature of restricted width and length, they do not represent an extensive tract of land.</p>