

Wyeside Neighbourhood Development Plan (NDP) 2011-2031

WYESIDE NEIGHBOURHOOD PLAN 2011-2031 EXAMINATION APRIL 2018

THE RE-EXAMINATION of THE PLAN

The Wyeside Neighbourhood Plan was subject to an independent examination during the summer of 2017, and the examiner's recommendations issued on 1st September 2017. These were discussed in a special meeting of the Wyeside Group Parish Council (WGPC) on 20 September 2017, and the recommendations accepted with the exception of two sentences, which were considered unworkable, due to local conditions not fully discussed during the examination.

This re-examination of the Plan is only concerned with the issues raised regarding the removal of these two sentences from the previous examination recommendations.

QUESTIONS RAISED AS PART OF THE EXAMINATION

I wish to raise some questions below for which I would appreciate a response from both the Council and WGPC.

When relevant, I would appreciate a coordinated response on the manner in which the text of the Plan may be modified to respond to the issues raised below.

Response to Re-Examination of the Plan

WGPC and their Steering Committee responses to question raised by the examiner are shown in blue, and additionally in italics where a clause or sentence is quoted from the plan to aid understanding between the parties.

Issue 1

I seek clarification regarding the removal from policy WHO1 the phrase "*However, where land on the opposite side of the road from a centre of a village, is a green space (no houses having been built in that location) no housing development will be allowed in that area.*" I refer to this below as "the phrase in question".

The previous examiner retained this in the policy on the basis of his concerns that in particular (see paragraph 4.27 of his report) "without such qualification the three fields to the NW, NE and SE of Moccas Cross would be candidates for development being contiguous with that centre". It appears the previous examiner interpreted the policy as allowing a considerable development proposal into the said fields contiguous with the centre, which would be out of scale with the village and not sustainable development. Significantly, he sought not to rely solely on a general exclusion that "development should respect the size, role and function of villages" and included the phrase in question. The examiner acknowledged the need to achieve the Core Strategy housing target by referring in policy WHO1 to the scope for 10 dwellings in Bredwardine and Preston-on-Wye.

In this context, I would appreciate the views of WGPC and the Council on concerns that in Moccas, in particular, and other settlements, without the phrase in question being included in the policy **would there be adequate control on housing development**, solely with reliance on the general statement requiring "development should reflect the size role and function and character of the village" which is difficult to define with precision?

For example, potential issues may arise, if there is significant development in Moccas beyond the 8 dwellings, which is the community aspiration. If all the fields contiguous with Moccas Cross were

developed they could accommodate significant development as the previous examiner highlighted. This could be at least 25 dwellings. If this development were relatively early in the Plan period there would be less scope within the (approximate) target of 33 dwellings for granting schemes of over 10 dwellings in Bredwardine and Preston-on-Wye and spreading development throughout the other villages. Would this be considered sustainable development? Would more development in one settlement such as Moccas be sustainable in the light of NPPF advice in paragraph 55 that in rural areas settlements should be considered collectively in provision of services?

I would add that in the case of Moccas, the fact that the landowner has claimed that there is no intention to develop these fields is not relevant as there is no control over this situation.

This clause if added to the plan would be inconsistent in application and constrain development in ways that are not acceptable to the five villages. In meetings 15/05 at Bredwardine and 16/05 at Moccas for the other 4 villages, the WGPC and residents of Wyeside, agreed that it would have blocked development on preferred potential development sites at Bredwardine, Moccas (for 4-5 houses not 25), Blakemere and Tyberton without which Wyeside would not be able to meet the target of 39 houses. Other sites were looked at but had problems of access or impact on residents' amenity and views. In addition, due to inconsistency in application it would not apply any constraints on development at Preston-on-Wye.

There are other more practical ways of constraining development at Moccas and the other two main villages than the clause above, which are outlined below:

Wyeside Property Market

Wyeside has seen none of the burgeoning demand for development sites that is occurring in the other surrounding larger villages in North Herefordshire that have schools, shops, garage services, recreational facilities, more reliable bus services, and better access to larger conurbations.

Properties within Wyeside are expensive by urban standards and normally take between one and two years to sell, which is a significant deterrent for developers who want a reasonably quick return on their investment. In 2013-14 when work on the plan commenced, planning permission had been requested for 6 properties within Wyeside, of which 3 are thought to have been long standing. A planning submission for a further single property has since been made.

Wyeside employment trends have been in a downward spiral over the last 30-40 years, commuting is expensive, and there is no "engine" to deliver new employment growth. There are no shops or other retail services, very limited and infrequent bus services, and no schools or recreational facilities. This makes Wyeside less attractive to families on tight budgets and a low priority for developers with better economic opportunities elsewhere in North Herefordshire.

Demand is mainly "drip feed" from incomers who want to enjoy a rural way of life. This is typically limited to those with independent means (including pensioners), those that can work from home, or can afford two cars and pay the higher cost of property and travel to get anywhere.

Additionally, the cost burdens for a developer are much higher than in other surrounding areas as there is no infrastructure to support development.

Moccas for example has no spare capacity waste water treatment for one house let alone 25, and no new facilities are planned by the water authority. The "B" road that runs through Moccas cross is not wide enough to support footpaths and is the only straight bit of road for 6-8 miles in either direction. Consequently, it experiences fast moving traffic and frequent overtaking making it unsafe for

pedestrians. The local landowners have in many cases been here for generations, are members of the local communities in which they live and aware of all these constraints on development. Consequently, there is a long standing informal contractual arrangement for landowners and communities to work together and respect each other's needs, which has been proven on many occasions. These landowners have clearly set out areas where they don't wish to sell land for development and have kept to this commitment over many years, which is expected to continue. For this reason, no development is planned, beyond potential windfall sites of one or two houses, each at Blakemere and Tyberton. This constraint applies to two of the three green spaces identified above, at Moccas Cross.

It is therefore the considered opinion of the WGPC that concerns regarding the potential for development of 25 houses at Moccas Cross, are unfounded within the remaining term of the plan to 2031.

Herefordshire Council's comments

The five settlements of Wyese parish have been classified as open countryside within policy documents since 1999. Therefore these settlements have seen no substantial development for a number of years.

The previous settlement boundaries were defined as follows:

- Blakemere – no settlement boundary – always classified as open countryside
- Bredwardine – settlement boundary - Interim Settlement policy South Herefordshire District Council 1990
- Moccas – settlement boundary - Leominster Marches Local Plan – 1991
- Preston on Wye – settlement boundary – Leominster Marches Local Plan - 1991
- Tyberton – settlement boundary - Interim Settlement policy, South Herefordshire District Council 1990

None of these settlements had settlement boundaries in the subsequent South Herefordshire District Local Plan/ Leominster District Local Plan or the Herefordshire Unitary Development Plan. This has obvious resulted in limited development within the parish over the past twenty years.

The current strategy policy of the Core Strategy and the WNDP would allow for development in areas for the first time since 1991. Therefore, whilst the historic situation is of benefit to understand, it is also important to appreciate that policy is now more positive able development within the area and the criteria should ensure appropriate growth.

The wording of policy WH01 is consistent with that of Policy RA2 within the Core Strategy in terms of the development's design and layout should 'reflect the size, role and function of the settlement' and be located within or adjacent to the main built up area albeit that the WNDP indicates contiguous development from the centre.

The centres have been defined within the Wyese NDP to assist within the implementation of the policy and met the requirements of para 4.8.23 of the Core Strategy.

However, it is acknowledged by Development Management that without settlement boundaries, the wording contiguous or adjacent will allow development to proceed on a sequential basis. These is the case with Policy RA2 and WH01.

It is acknowledged that there is an issue particular with Moccas Cross as three sides of the crossroads are currently undeveloped, therefore an alternative would be to remove Moccas Cross as a village centre (given the village hall is also indicated); if there are considered to be constraints to development, this would not affect to overall ability to achieve the proportional growth requirements.

Alternatively have a specific clause /criteria for Moccas within the policy, similar to the clause in RA2 which is specifically for the 4.15 settlements. These would then permit developments within Bredwardine

Issue 2

If the concerns raised in Issue 1 are valid and there is scope for more than development immediately contiguous to the existing centre it would seem to be inconsistent with the examples demonstrated in figure 7 in the Plan. These examples just show a single house or access road immediately contiguous with the notional centre. In the case of Moccas cross this would provide around 3 dwellings. If figure 7 were interpreted in this manner it would preclude any single scheme development for 10 or more dwellings in Bredwardine and Preston and 8 dwellings in Moccas. This would add justification for retention of the phrase in WHO1 specifying the particular option for more than 10 dwellings in Bredwardine and Preston-on-Wye which WGPC wish to remove.

I would appreciate a further response on this matter.

To aid understanding we have added a “layout diagram” to Figure 7 in the plan setting out a potential site in Moccas that is contiguous to the Village Cross centre. The updated version of figure 7 in the plan is set out on page 6 of this document. Hopefully this clarifies how development contiguous to the centre of a village can occur.

The Moccas plan was produced as part of a response to a query from the previous examiner requesting evidence that sufficient potential sites had been identified to comply with the target of 33 houses. This plan, together with the equivalent plans showing potential sites for development at Bredwardine and Preston-on-Wye demonstrated that more than enough potential development sites exist to comply with the target. They were also accepted by the previous examiner as clear and valid examples of the contiguous development approach.

Herefordshire Council comments

Policy RA2 of the Core Strategy indicates that development can occur adjacent to the built form of the named settlement. It does not indicate whether this development would be for a single dwelling or a larger housing scheme. Similarly, Wyeside policy on contiguous development does not distinguish between single dwelling or a larger scheme. The diagrams should be marked as indicative illustrations only.

Does figure 7 need to illustrate a wider interpretation of “contiguous”, including dwellings forming part of a larger site, which is contiguous (actually touches the red circle on the policies maps) but themselves are on sites (plots) which are not contiguous (touching) the centre?

The question above is not entirely clear on whether dwellings referred to as “part of a larger site which is contiguous to the centre” already existed before the addition of “sites (plots) which are not contiguous to the centre”. Let us assume for the purposes of clarification that the larger site already exists. If the new development “sites (plots)” in the question were not of themselves abutting the

village centre they would have to abut the existing larger site you refer to, to comply with policy WH01 which states that any development must be *“situated on land which is contiguous with the existing village centre; that is on a site which immediately adjoins the centre as shown on the Policies Maps or is within or abuts a group of existing buildings which are contiguous with the centre.”* If on the other hand the larger site does not as yet exist, the new development sites (plots) referred to could not go ahead as they are not contiguous to a village centre. Once the new sites (plots) in the question have been completed they would form part of the contiguous development from the village centre. Any further new development would abut one or more boundaries of the increased grouping of houses contiguous to the centre.

It is understood that a concern has been raised via Herefordshire Council that there are no policies in the plan to inhibit ribbon development. Policy WH01 – New Housing Development, includes the following clause agreed with the previous examiner to ensure ribbon development does not take place: *“Also, in so far as it is reasonably practicable and viable, any development for three or more houses should be laid out in the form of an organic cluster built off a new access lane avoiding the use of a cul-de-sac, with pedestrian links/ pathways to the rest of the village.”*

Hopefully this provides sufficient clarification to satisfy the question?

Herefordshire Council comments

The difference in policy between the Core Strategy and the WNDP is essential ‘within and adjacent to the built form’ compared to ‘contiguous with the village centre’. In order to indicate where the settlements listed within RA2 are locations para 4.8.23 of the Core Strategy highlighted that NDP would either define settlement boundaries or a reasonable alternative. The village centre would define the clusters of buildings or settlements which form those places indicated within the list.

However, the policy wording is suggesting than rather than any new development be located within or adjacent to the built form it should be contiguous with the village centre itself.

If the diagrams are labelled as indicative for illustration purposes only, it would prevent the requirement for an infinite number of various scenarios.

Issue 3

WGPC wish to remove the phrase "These will include single developments for more than 10 dwellings, in each of the villages of Bredwardine and Preston-on-Wye" from policy WHO1 but retain it in WHO2. This appears to be based on a view that development of 10 or more dwellings is an exception, the norm being 2-5 and if emphasis is placed on it as a priority in WHO1 for delivering housing at the expense of smaller developments, then it could "unduly constrain housing".

I recognise there is more scope for development in Bredwardine and Preston-on-Wye but I do not understand that simply referring to the possibility for this larger scale of development in policy WHO1 establishes it as a priority, which may negate smaller developments coming forward. Policy WHO2 is contradictory as it includes this phrase and encourages this development in the interest of delivering affordable housing.

I would appreciate clarity on this matter and any appropriate remedies.

Use of “will include” in this clause without any conditional context implies that it is inevitable and/or a commitment is being made to achieve this outcome. A commitment, by its very nature, is bound to have a higher priority than other options where no commitment has been given.

If the previous examiner’s concerns regarding a significant demand for development were valid the “law of unintended consequences” would also prevail with this clause in the plan. For example, let us assume that two separate developments, one of 4 houses and one of 5 houses, configured as organic clusters, have been completed in Bredwardine. Subsequently, a developer decides to build a further 16 houses. His lawyers could argue that the above clause, including affordable housing, is a contractual commitment that has not been met. Leaving the WGPC with no defence and producing the 25 houses in one village the previous examiner was seeking to prevent in another.

However, the prospects for single developments of more than 10 houses in Wyeside is practically non-existent. This is summarised under the heading “Wyeside Property Market” above and is discussed in some detail in the consultation documents. Importantly, a commitment to such an undertaking which has almost no prospect of delivery could seriously undermine the credibility of the plan.

Hence our removal of this commitment from WH01 and its re-wording in WH02, as a conditional clause; i.e. “Housing developments of more than 10 dwellings in Bredwardine and Preston-on-Wye should include an element of affordable housing in accordance with Policy H1 in the Adopted Core Strategy”. This was included to cover all options, even though it is unlikely the event will ever occur.

The plan’s policy WH03’s provision of “an exception site” for affordable housing, in the context of the property market set out above, is the preferred approach for affordable housing. This has the added benefit of being deliverable in smaller phases of affordable housing supported by a suitable number of market price houses to justify the investment. This is judged by the WGPC to be a better way to meet demand over a reasonable period of time, in Wyeside market conditions, than hoping for housing developments of more than 10 houses. In this respect, an undertaking has been received from a landowner to comply with this requirement if there is evidence of need.

A further concern is that a commitment to development sites of more than 10 houses in Preston-on-Wye and Bredwardine is “de-facto” setting targets for all three villages within the plan’s permission for a further 33 houses, after allowing for windfall development; i.e. 11 houses for each for Bredwardine and Preston-on-Wye and 8 houses for Moccas.

How would this be implemented if development opportunities for Bredwardine did not exceed 6 houses over the period of the plan, and there was demand for 15 houses, phased over a number of years for Preston-on-Wye?

This de-facto commitment to individual targets, rather than treating them as aspirational, as was intended by residents, would undermine the credibility of the plan.

Consequently, Wyeside would be better served utilising the market forces, set out above, in combination with the policies in the plan to apply constraints on unacceptable levels of development.

Wyeside parish councillors and residents request the examiner to rule in favour of the plan as it now stands. And not add these two new complex and inconsistent clauses that would not provide the controls or opportunities envisaged by the previous examiner, have uncertain outcomes, and undermine the credibility of the plan.

Thank you.

Herefordshire Council comments

There are no maximum growth requirements within the Core Strategy and proportional growth is considered when determining the planning application. However, without specific site allocations or the proportional growth targets being made at this stage, it would be unlikely that a development of 10 dwellings would prevent other smaller developments occurring in other settlements.

Policy for more than 10 would be consistent with Policy H1 and probably the only potential to secure affordable housing within the parish. It would be beneficial for the both policies to be consistent. However it is difficult to predict if developments of such a scale are likely to come forward within the settlements given the previous 20 years they have been classified as open countryside and the historic trend of individual dwellings and smaller clusters.

Issue 4:

Please could the Council confirm the manner in which the regulation 16 publicity stage (24 January 2018 to 7 March 2018) was carried out? What publicity was there and who was notified?

[Herefordshire Council has confirmed that they will respond to issue 4.](#)

Herefordshire Council response

Herefordshire Travellers Support Group
Coal Authority
Homes & Communities Agency
Woodland Trust
Herefordshire Nature/Wildlife Trust
Arriva Trains Wales
AMEC Foster Wheeler/National Grid
CPRE (Herefordshire)
Natural Resources Wales
National Trust
RWE Npower Renewable
Dwr Cymru Welsh Water
Historic England
Environment Agency
Hereford & Worcester Chamber of Commerce
Wye Valley NHS Trust
Highways England
Natural England
Network Rail (West)
Severn Trent Water
Educational Funding Agency

Eardisley Group Parish Council
Kinnersley & District Group Parish Council
Staunton on Wye & District Group Parish Council
Bishopstone Group Parish Council
Madley Parish Council
Vowchurch & District Group Parish Council
Peterchurch Parish Council
Dorstone Parish Council
Clifford Parish Council
CLlr P Price
Susannah Burrage – HC - Environmental Health
Julian Cotton – HC - Archaeology
HER Enquiries – HC - HER
Elizabeth Duberley – HC – Conservation
Mathew Howells – HC – Transportation
Bruce Evans – HC Transportation
Housing Development – HC
Ruth Jackson – Leisure & Countryside
Andrew Turner – Contaminated Land
Karen Knight – Education
Nicola Pervical – Waste
Kevin Singleton – Strategic Planning
Steve Hodges – Directorate Services Team Leader
Helen Beale – Property Services
Nick Webster – Economic Development
Nadine Kinsey – Economic Development
Juliet Wheatley – Conservation
Rob Widdicombe – Conservation
Ed Thomas – Development Management
Simon Withers – Development Management

Mark Tansley – Development Management/Enforcement
Connor Ruttledge – Building Conservation
Matthew Knight – Building Conservation

We placed the documentation on the Herefordshire Council website and hard copies within the Hereford Info Centre. Site notices with place throughout the group parish on parish council noticeboards and places where the community would gather (village hall, pub).

Email notifications were sent to all listed above with a link to the documentation.

Robert Bryan B.A. M.R.T.P.I. Examiner

30/4/18

The new Figure 7 inserted in the plan, is set out below.

An Example Diagram - Showing a Phase I and II New Housing Development and a Potential Development site at Moccas:



The plan below sets out a preferred site outlined in red, in Moccas that is contiguous to the village centre of the Cross, red circled. This provides sufficient options to comply with an aspiration for 8 houses configured as clusters, should demand require it:

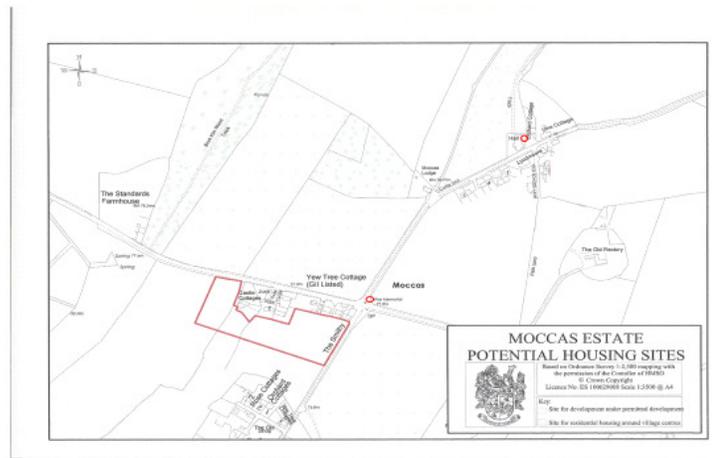


Figure 7 – Development Contiguous to a Village Centre

Note: Figure 7 diagrams are not to scale. Spacing between properties will be required to reflect the character of each village, which in many cases enjoys significant spacing between properties.

A Preferred Potential Development Site for Bredwardine which would be blocked by the clause in issue 1 is set out below:

