

Ward Councillor Report: November 2017

Meetings

I have attended meetings of West Midlands Energy and Cabinet over the period.

Planning

Gladman Appeal (<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3225309>) 435 homes P184032 and– The statement of common ground agreed with Gladman and submitted to the Planning Inspectorate has stated that the Ledbury NDP does not qualify for protection under para 14b of the NPPF. Gladman argue that this is the case because the Ledbury NDP contains no land allocations of its own for housing.

The specific planning guidance in question is as follows:

How should planning applications be decided where there is a neighbourhood plan in force but the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites?

If the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites, a neighbourhood plan may benefit from the protections set out in paragraph 14 of the National Planning Policy Framework. Paragraph 14 states that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits provided the neighbourhood plan:

- became part of the development plan 2 years or less before the date on which the decision is made;*
- contains policies and allocations to meet its identified housing requirement; and*
- the local planning authority has at least a 3 year supply of deliverable housing sites and housing delivery was at least 45% of that required over the previous 3 years.*

The NPPF also states that where a planning application conflicts with an up-to-date neighbourhood plan (as part of the development plan), permission should not usually be granted.

Paragraph: 083 Reference ID: 41-083-20190509 Revision date: 09 05 2019

The consequence of this is that even though the local planning authority (Herefordshire Council) can demonstrate a housing land supply greater than 3 years and the Ledbury NDP is less that 2 years old, its policies and those of the county Local Plan relating to place (Ledbury – policies LD1 & 2) do not hold weight in the planning process. MHCLG guidance also states:

Where a qualifying body wants to benefit from the protection of paragraph 14, why is it important that they should include policies and allocations in their neighbourhood plan?

Allocating sites and producing housing policies demonstrates that the neighbourhood plan is planning positively for new homes, and provides greater certainty for developers, infrastructure providers and the community. In turn this also contributes to the local authorities' housing land supply, ensuring that the right homes are delivered in the right places.

Paragraph: 096 Reference ID: 41-096-20190509 Revision date: 09 05 2019

In the context of paragraph 14 of the National Planning Policy Framework, what does 'policies and allocations to meet its identified housing requirement' mean for neighbourhood plans?

In order for a neighbourhood plan to meet the criteria set in paragraph 14b of the Framework, the 'policies and allocations' in the plan should meet the identified housing requirement in full, whether it is derived from the housing figure for the neighbourhood area set out in the relevant strategic policies, an indicative figure provided by the local planning authority, or where it has exceptionally been determined by the neighbourhood planning body. For example, a neighbourhood housing requirement

of 50 units could be met through 2 sites allocated for 20 housing units each and a policy for a windfall allowance of 10 units. However, a policy on a windfall allowance alone would not be sufficient.

Policies and allocations within other development plan documents, for example strategic site allocations or windfall development set out in a local plan or spatial development strategy, will not meet criterion 14b of the National Planning Policy Framework.

Paragraph: 097 Reference ID: 41-097-20190509 Revision date: 09 05 2019

This is a very serious matter in the context of this appeal. I have written to the ministry and corresponded with the policy advisor responsible for the planning guidance to seek clarification of the guidance in the circumstance where the full housing requirement is already more than satisfied by strategic site allocations and permissions granted during the period when the NDP was being drafted.

The appeal hearing for this application will commence at 10:00 on 8 October in the Town Hall in Hereford and will continue until 11 October. A significant public attendance at these hearing sessions would help to give an indication of the level of public concern pertaining to this proposed development.

Viaduct Site (625 homes and 3ha employment P171532) – Following the overwhelming 95% ‘No’ response to the ‘is the access satisfactory’ question posed in the Parish Poll in August, I have proposed a Notice of Motion to Full Council of Herefordshire Council that this element of the LD2 policy be reverted to its original wording. This NOM has been refused by the council, stating that it is unlawful for any element of the Local Plan to be changed without a full process of review and consultation taking place. This, despite the alteration of the policy wording being made in the first place without any such review and consultation taking place back in 2015.

It will now be down to the council’s Planning Committee to determine whether the site access is ‘satisfactory’. The application is scheduled to go to committee on 13 November 2019. A significant presence of local people in the room on that day to show support for ward and town council representations on this matter would be very much appreciated.

Station Car Park Charges

It is disappointing that the town council has not been able to identify a date to meet with representatives of West Midlands Trains since their initial offer to do so back in July. It is unlikely that this would have had a material effect on the date on which the company implemented car parking charges (23 September), but at least further representations on the matter could have been made.

I have requested HC officers to press for the Residents’ Parking Zone in Masefield Avenue be implemented as a matter of urgency and at WMT’s expense. The need for this RPZ has been a longstanding request to BBLP and is registered in the town’s Public Realm Infrastructure Delivery Plan.

Master’s House landscaping

Following a disappointing response to the tendering of this work, officers have proposed to submit a capital bid to HC for additional funding to enable this project to be completed to the required standard. I am hopeful that this work will be completed in the spring alongside the resurfacing and relining of the entire St Katherine’s car park.

Consultations

The following consultations are open for comment on Herefordshire Council's website (<https://www.herefordshire.gov.uk/consultations>). Please will the council consider whether it wishes to make a response:

- Corporate Plan consultation – 20 September to 21 October 2019
- Drug and alcohol service consultation - Monday 16 September to Monday 14 October 2019
- Armed Forces veterans survey - Until Monday 7 October 2019
- Highways Network Management Plan consultation - Consultation until 4 October 2019

Councillor Liz Harvey

It's Our County – Ledbury North Ward Member – 2nd October 2019