

Further comments submitted by Almeley Parish Council - regarding Planning Application P173699/F which is currently under appeal after being refused by Herefordshire Council on 6th September 2019.

According to the Grounds for Appeal submitted by the appellant's agent, the following statements have been made with regard the Almeley NDP process.

1. "The Almeley Neighbourhood Development Plan failed to take adequate account of this site and itself has an issue with approved/allocated sites which provides greater justifications for this site. As such the application should have been considered under RA2 not RA3." (ref. Page 3)

Comments: The development site in question was not taken into account during the NDP process because the appellant never submitted their proposed site to the NDP Steering Group during the call for land stage of the NDP process nor at any other time of the process. It should also be noted that in the Pre-application advice provided by Herefordshire Council Planning Department to the applicant stated; "I would urge you to get in touch with the NDP Steering Group to promote the site as one that you would like them to allocate via the NDP." Despite the advice given to the applicant, no contact was made with the NDP Steering Group asking for the site to be considered as one of the development sites within the NDP. NDP Groups are permitted to only consider sites put forward by their owners under the call for land process and may not approach land owners directly.

2. "During the Judicial review after the successful approval of our site, it was decided to submit an objection to the Almeley Neighbourhood Plan on the basis that our site had the benefit of planning, but was not included within the plan, nor was the boundary of our site within the development." (ref. Page 6)

Comments: All sites that had been approved since 2011 were included in the numbers submitted in the draft NDP that went forward through the process. This planning application had not been approved when the NDP was submitted for Regulation 16 and therefore was not included in the plan. Due to the applicant making no contact with the NDP Steering Group, this site was not included in the NDP allocated sites, nor was the site included within the newly formed Woonton settlement boundary.

3. The document refers to planning application P161919/F as being "An allocated site within the NDP which is unviable and not able to be taken forward" (ref. Page 10).

Comments: Planning permission had already been granted for this site before the NDP call for land went out, so it was included in the number of dwellings since 2011, but was neither considered or put forward as a site within the NDP as it was not part of the call for land process.

4. The document refers to planning application P162312/F where the implication is that the planning application, which was valid until September 2019, has only remained valid due to "minimal works undertaken".

Comments: This is misleading as the applicant has acquired a 2 year extension through submitting a Reserved Matters Application (see - Application P192007/XA2) which was approved 31 July 2019.

5. "The application itself should have been decided prior to the adoption of the NDP, however due to Herefordshire Council Planning Departments failure to decide the application immediately after the Judicial Review was the fundamental reason the application was refused."

Comments: One of the main reasons for the application being refused was due to it contravening policy ALM11 of the Almeley NDP. The NDP carried authoritative weight at both the time of the first submission of the planning application as well as when second was submitted. Even though the NDP was adopted prior to the decision regarding the second submission and therefore carried more weight, the NDP should also have been referenced in the decision making process on the first submission. Whether Herefordshire Council had decided on the validity of the planning application prior to the NDP being adopted or not, would not have been the "fundamental reason the application was refused".

The objections submitted on 18th June 2019 by Almeley Parish Council to this planning application still stand. We would appreciate if you take into account the above comments regarding the Grounds for Appeal document submitted by the appellant's agent.