

	Letter to Colwall Parish Council, October 20th 2021	CPC response 24 November 2021
	Dear Karen, I have a number of questions I would ask you to forward to Council Members for consideration.	
ITEM	BACKGROUND CONTEXT	
1	The Localism Act of 2011 has as its aim, <i>“To facilitate the devolution of decision making powers from central government control to individuals and communities.”</i>	Noted, however it does not mean the requirements of the National Planning Policy Framework (NPPF) or the local Core Strategy can be ignored because the Localism Act 2011 requires Plans to be <i>‘in general conformity with the strategic policies contained in the development plan for the area’</i> .
2	In “A Guide for Councils, meeting your authorities legal requirements for N.D.P’s,” the introduction refers to The Localism Act 2011 and part 6 chapter 3 sets out the L.P.A.’S responsibilities. It refers to <i>Modification to an existing neighbourhood area</i> , and continues:- <i>“The LPA can modify the boundary of an existing neighbourhood area. If this relates to a parishes area only, <u>this must be with the parish council’s consent.</u>”</i> (my underlining)	(The guide dated March 2015, was prepared by Arup for the LGA and the Planning Advisory Services) A ‘neighbourhood area’ refers to the total area covered by the NDP – in our case the whole of the parish of Colwall. The right to modify only applies to the Plan area. It does not permit the modification of any area identified or allocated for development. Herefordshire fixed our Plan area (as the parish) when it issued its decision on 17 September 2012. This element of the ‘background context’ is not relevant to the discussions below about development areas to do with the school or housing in Mill Lane.
3	In a report to C.P.C. on 30th September 2015 the Working Group charged with preparing the N.D.P. wrote:- <i>“ It is essential the community supports the Plan, otherwise it will not be successful at referendum, but the ultimate audience is the Development Control Authority and to minimise their work, the developers. The Plan therefore needs to be written to suit the needs of the Development Control Authority which in our case is Herefordshire Council.”</i>	This quote is based comments given to CPC on 21 October 2015. This is about how the Plan should be written to be accessible to those who will use it. When in place it is used by planning officers and developers and therefore needs to be written in the language, style and format they are used to for planning documents. It does not mean the Plan should be written to provide planners or developers with what they would like in a Plan. The Plan therefore contains what we want but written in ‘planning speak’! This element of the ‘background context’ is not relevant to the discussions below about the school and housing in Mill Lane.
4	At an informal meeting held at Daylesford, Stone Drive on 27/2/2018, Councillor John Stock kindly attended to answer pre-arranged questions on behalf of CPC. Richard King, Ann Richardson and I were present. Amongst other questions we asked:- <i>Has there been</i>	Cllr Stock did not make the statement given in italics. The meeting note made by Cllr Stock, which was passed to the attendees and accepted <i>‘as an accurate reflection of our session’</i> , is attached

	<p><i>conflicting stances between Parish and HC, especially Area 9 new school land?</i></p> <p>Councillor Stock responded that <i>the development and boundary issues re Mill Lane have been controlled by HC and further endorsed by LSCA. Landscaping could have been done differently but County have dictated - no houses. The LSCA has been adopted accordingly.</i> This information has been recorded in other forms since then. This runs counter to the aim of an NDP where decisions should be made locally rather than dictated by H.C. It is also in direct conflict with the heading on the C.P.C. website where our Parish Council claims to be "The voice of the people."</p>	<p>together with the exchange of emails. Regarding this matter the record says;</p> <p><i>HC changed their mind about having a mixed development of the school and houses which would have offset the loss from Area 9A, as was the case when the consultation for the school site was carried out. In the event HC chose to develop only the school and the Parish now needs to deal with the shortfall. The LSCA for the area surrounding the school was re-assessed on the basis the school and its landscaping was completed. This significantly reduced the capacity of the land immediately west of the school site to absorb development.</i></p> <p>The County did not dictate 'no houses', rather it decided to only develop a school. When proposing the school, or the mixed development, HC (in the form of the Education or Estates Dept) is just like any developer and can propose what it wishes. Whilst at one time, as a developer, HC proposed a school and housing, it later decided to only develop a school, a decision CPC was unable to influence. CPC could have objected to the school but chose not to because the new school was considered essential to the community. The landscaping was designed for the proposed school only, as no houses were proposed.</p> <p>This did not run counter to the aims of an NDP because the decision of where to build the school was taken locally via a consultation exercise carried out by CPC.</p> <p>The best way to influence what a developer does is to have a NDP which sets out our preferences. This we have done with the Old School and Grovesend Farm development sites by specifying what must be achieved and also providing indicative layouts. This gives a baseline; essentially CPC will argue a developer needs to provide this layout or one that is better.</p>
	<p>Questions:-</p>	
<p>5</p>	<p>Regarding the occasion when HC took control of the boundary issue and no building in Mill Lane, could you please furnish the following information.</p>	<p>HC has never taken control of the boundary and neither did HC state no housing in Mill Lane.</p>
<p>6</p>	<p>a) When and where <u>exactly</u> did this meeting take place?</p>	<p>There was no meeting.</p> <p>HC informed CPC on 4 December 2015 (telephone call M Williams, HC Estates Manager, to J Stock) that it was not minded to do a mixed development. Subsequently HC proposed and developed the site for the school only.</p>

7	b) Who representing HC delivered the "instructions" and how many CPC members were present? Who were they?	There was no meeting and no 'instructions' were given to CPC.
8	c) Would you please furnish me with a copy of the minutes recording this meeting?	As there was no meeting there were no minutes.
9	d) Given the aim of the Localism Act, why did the C.P.C. not use these powers to push back on the H.C. "instructions", particularly since the C.P.C. code of Practice refers to "solely serving the community"?	<p>HC did not give CPC any "instructions".</p> <p>The Code of Practice is for Councillors to follow, it is not a Code of Practice for the Council.</p> <p>Councillors have followed the code by ensuring all legal requirements are met, by protecting the AONB (by creating a Settlement Boundary) and satisfying the housing target set by Herefordshire Council.</p>
10	e) Why did C.P.C. choose to ignore the Localism Act and their own Code of Conduct and therefore <u>choose not to serve the community?</u>	The Code of Practice is for Councillors, not for the Council. CPC has not ignored the Localism Act; on the contrary CPC has used its powers to provide a Neighbourhood Plan, which it has done to serve the community.
11	f) Having created division and mistrust through the N.D.P. process, has the Parish Council any plans to remediate? If not, why not? If so, is there any way in which our group might assist? If this is so, we are willing to meet to discuss.	<p>Inevitably, people affected by development, such as that proposed for the Old School and Grovesend Farm sites, will consider the Plan to be divisive.</p> <p>Individuals are always welcome to offer their particular skill or experience to the parish council, the committees and the Neighbourhood Development Working Group.</p> <p>Councillors and those co-opted must agree to abide by the Councillors' Code of Conduct and, if directly affected by what is being considered, may have to exclude themselves from some discussions and votes.</p>
12	g) If responses to these questions are not made available, please explain why not?	All responses will be made public.
	<p>I look forward to receiving your responses shortly. Yours sincerely,</p> <p>Brian Richardson (on behalf of The Colwall Group Promoting a Revised NDP)</p>	



John Stock

Thanks and requests

4 messages

Brian Richardson

2 March 2018 at 15:43

To: john.stock.

Hello John,

It was really helpful to chat and to obtain clarification on so many issues. Thank-you for being so helpful.

You offered to forward some slides identifying when and why changes occurred in the NDP, particularly when, like President De Gaul all those years ago, NON was the response!

I wonder too, whether you could provide information on CIL Policy.....a couple of our eager beavers have been trying to identify the source of the 9 dwelling threshold?

Not sure you can help on this one? Have any developers shown interest on the Grovesend Field Site?

.....and finally, is there anything we can do to support the Parish Council?

Great to spend time with you,

Best regards,

Brian

John Stock

2 March 2018 at 16:58

To: Brian Richardson

Hi Brian,

Thank you for your email, I have attached the presentation slides as promised. I've sent the version which includes my presentation notes though I cannot promise that's what I said! Slide 17 onwards talks about why the Plan had to change.

The source of the 9 properties is not a CIL matter; it is a Section 106 matter which is the current system and will be replaced by CIL when it is adopted. My understanding is that a couple of years ago, under considerable pressure from developers of city sites, the Secretary of State made a statement about how s106 should be applied which meant it was free for less than 10 properties. That's the issue. The only way to overcome it is to have CIL.

I have no knowledge about developers wishes with regard to this or any other site.

I have prepared a meeting note following our meeting to keep as a record as being part of the consultation process. I will send this through with its attachments shortly.

Thank you for your hospitality last Tuesday

Regards

John

[Quoted text hidden]

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John Stock

Councillor, Colwall Parish Council

 **NDP Presentation 31Jan18 Slides & Notes.pdf**
13191K

John Stock

2 March 2018 at 18:15

To: Brian Richardson

 **LSCA amends.zip**

Hi Brian,

As promised I have attached the meeting notes from Tuesday - please let me know if you are content they reflect our discussions. I have also attached the individual amendments of the LSCA you requested, it is a big file so will probably come through as download from Google Drive. I have also attached the discussion with HC about using Ledbury's spare development - which we need to persue.

I hope this all makes sense!

Regards

John

[Quoted text hidden]

2 attachments



Residents mtg 27Feb18.pdf

7K



S Banks regarding use of Ledbury surplus Oct17.pdf

381K

brian.therichardsons ·

3 March 2018 at 12:07

To: John Stock <

John.....once again, many thanks.

Yes, I confirm that your notes are an accurate reflection of our session.

As to Making sense....so much of this whole process I understand, but it does not make sense!!!

Cheers

Brian

Sent from my iPad

[Quoted text hidden]

<Residents mtg 27Feb18.pdf>

<S Banks regarding use of Ledbury surplus Oct17.pdf>

Present; Ann and Brian Richardson, Richard King, John Stock

The residents requested a meeting to clarify a number of issues including;

1. Timescales and deadlines for the Plan
2. Whether it could be delayed to see what happens at the Bottling Plant
3. Whether there is conflict between the Parish and HC regarding Area 9
4. Discuss how the Plan could be more in-line with the community responses to previous consultations – list to be provided
5. History and reasons the LSCA was amended
6. Issue with the Grovesend site including conservation area, historic buildings, rural views on entrance to the village, views from the hills, traffic and access and contrary to previous community comments.

John Stock endeavoured to answer these questions and a brief note of them follow.

1. Timescale not fixed, consultation period is limited because otherwise would never end. But mindful if people working on representations need a little more time.
2. Yes the Plan could be delayed but only if a short period and a clear proposal is imminent.
3. HC changed their mind about having a mixed development of the school and houses which would have offset the loss from Area 9A, as was the case when the consultation for the school site was carried out. In the event HC chose to develop only the school and the Parish now needs to deal with the shortfall. The LSCA for the area surrounding the school was re-assessed on the basis the school and its landscaping was completed. This significantly reduced the capacity of the land immediately west of the school site to absorb development.
4. The promised list is awaited.
5. The LSCA must reflect the existing and approved development at the date of the Plan. Several developments have taken place since the original LSCA and also some errors were identified and these were covered in a series of amendments. Rather than issue the original LSCA and all the amendments it was considered essential to re-issue a current' LSCA and this was done. This required significant work to ensure the whole document reflected the amendments rather than only the site assessment.
6. These are largely covered in the LSCA and when the list of previous responses is supplied the issues will be considered.

JS explained all the points would be considered by the Working Party in due course and his comments were not to be taken as an 'official' response, however he hoped his answers would assist the residents in making their representations.

The meeting also discussed what might be done to assist the Plan including; HC adopting the CIL and understanding how we might be permitted to count some of Ledbury's excess development.

JS to provide the LSCA amendments, the pdf of the presentation slides and correspondence with HC regarding Ledbury's excess development.