

Progression to Examination Decision Document



Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Eaton Bishop Neighbourhood Area
Parish Council	Eaton Bishop Parish Council
Draft Consultation period (Reg14)	25/07/16 to 29/08/16
Submission consultation period (Reg16)	25/10/16 to 06/12/16

Determination

Is the organisation making the area application the relevant body under section 61G (2) of the 1990 Act		Yes
Are all the relevant documentation included within the submission <ul style="list-style-type: none"> • Map showing the area • The Neighbourhood Plan • Consultation Statement • SEA/HRA • Basic Condition statement 	Reg15	Yes
Does the plan meet the definition of a NDP - 'a plan which sets out policies in relation to the development use of land in the whole or any part of a particular neighbourhood area specified in the plan'	Localism Act 38A (2)	Yes
Does the plan specify the period for which it is to have effect?	2004 Act 38B (1 and 2)	Yes
Are any 'excluded development' included? <ul style="list-style-type: none"> • County matter • Any operation relating to waste development • National infrastructure project 	1990 61K / Schedule 1	No

Does it relation to only one neighbourhood area?	2004 Act 38B (1 and 2)	Yes
Have the parish council undertaken the correct procedures in relation to consultation under Reg14?		Yes
Is this a repeat proposal? <ul style="list-style-type: none"> • Has an proposal been refused in the last 2 years or • Has a referendum relating to a similar proposal had been held and • No significant change in national or local strategic policies since the refusal or referendum. 	Schedule 4B para 5	No

Summary of comments received during submission consultation

Please note below are summaries of the response received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.

<u>Department</u>	<u>Comments</u>
Planning Policy	No objections, as stated in their full response in appendix 1 no conformity issues raised.
Strategic Housing	No formal comment from housing, only to state that the plan is in line with the Core Strategy.
Environmental Health	No further comments to make.
Environmental Health	<p>'Proposed Site Allocations' (indicated in red) on the maps titled; 'Map 8: Eaton Bishop Preferred Option Sites' and 'Map 9: Ruckhall Preferred Option sites', have been historically used as orchards. The orchards can be subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination and any development should consider this. Sites historically used as orchards:</p> <p><u>Map 8: Eaton Bishop Preferred Option Sites</u></p> <ul style="list-style-type: none"> • EB2/1 • EB2/2 • EB2/4 <p><u>Map 9 Ruckhall Preferred Option Sites</u></p> <ul style="list-style-type: none"> • EB2/3 • EB2/6 <p>Please note sites EB2/7 and EB2/8 have also been historically used as orchards but as described in section 6.1.8, the two sites were deleted from the proposed site allocations.</p>

External Responses

Natural England	Natural England does not have any specific comments on this draft neighbourhood plan.
National Grid	An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high pressure gas pipelines, and also National Grid Gas Distribution's Intermediate and High Pressure apparatus. National Grid has identified that it has no record of such apparatus within the Neighbourhood Plan area.
Historic England	Supportive of the content of the Plan, particularly the comprehensive treatment of the wider historic environment including <i>the protection of local built and landscape character, including important views, farmsteads and archaeological remains</i> , and is a very good example of community led planning.
The Coal Authority	No substantive comments to make on it.
Environment Agency	No further comments to make on the Eaton Bishop Reg 16 iteration.
Welsh Water	Consulted by the Parish Council at the Regulation 14 stage and are pleased to note that the Parish Council have fed our comments into the Regulation 16 version, specifically points 6.3.8 – 6.3.11 and the inclusion of Policy EB9.
Paul Bridstow 2 responses Resident	<p>Not against the plan, but believe objectives are ill conceived. Resident raises concerns:</p> <ul style="list-style-type: none"> • The Eaton Bishop and Ruckhall parish is a sizable area and yet the settlement boundaries identified as suitable for development have been restricted to two small areas namely Eaton Bishop and Ruckhall. • Eaton Bishop has a sewage problem in that the current system is full to capacity and Welsh Water Authority have no plans to upgrade or improve this system. Any building development would have to incorporate a sewage system that is suitable and wouldn't exacerbate the already failing cleanliness standards of the River Wye in the Cage brook area. • The majority of plots identified are for single dwellings, the added expenditure required to install 21st century systems would make building on these sites, financially uneconomic and building will not materialize. Ruckhall hasn't seen any planning approval for dwellings since the 1970's, any applications received have been refused by The Herefordshire Council on the grounds that the already poor drainage in the area wouldn't cope with more building and would result in flooding affecting many of the existing dwellings. • No suitable drainage systems in the parish and we currently rely on ditches that are unsuitable usually blocked by debris and are regularly breached by large vehicles causing the sides to collapse. There is clear evidence of flood water 'run off' in this area and some private septic tanks are being pumped out regularly, usually after heavy rain as the surrounding area simply cannot cope. • Policy EB1 of the NDP 'Supporting New Housing within the Eaton Bishop and Ruckhall Settlement Boundaries,' has identified the settlement of Ruckhall to be suitable for some residential development. Herefordshire Council's Core Strategy was developed using a detailed evidence based strategy, it included a Rural Housing Background Paper (March 2013) which appraised all rural settlements for

	<p>growth. This document identified Ruckhall as NOT suitable for housing development, and went on to describe the village as the least sustainable settlement for future development and had the lowest score within the hierarchy matrix.</p> <ul style="list-style-type: none"> • Ruckhall was not included within the Core Strategy as being capable of accommodating rural residential development and the evidence obtained makes it clear that Ruckhall is not suitable for accommodating future development. • Policy EB1 of the NDP proposes 2 sites (3 properties) in Ruckhall, as suitable for development. Eaton Bishop Parish Council and its NDP Steering Group have failed to take account of the findings within The Herefordshire Councils Core Strategy, and as a result in its present form, will not contribute or conform with objectives in that strategy. I suggest that the NDP be returned so that the necessary alterations can be made.
RCA regeneration	<p>RCA Regeneration submission is on behalf of their clients' interests.</p> <ul style="list-style-type: none"> • The NDP does not contribute towards the delivery of sustainable development and is not in full conformity with the strategic objectives contained within the adopted Core Strategy. However, the suggested minor amendments will allow for the NDP to meet its basic requirements. • Policy EB1, RCA raise concerns over allocating 80% of housing growth in Eaton Bishop while the remaining 20% will be allocated to Ruckhall. • Rural Housing Background Paper (March 2013) The report identified that Eaton Bishop was a suitable village capable of accommodating proportionate levels of housing development. However, the document also noted that Ruckhall was the least sustainable settlement to accommodate future development within the Hereford Housing Market Area. Indeed, there was no other village within the entirety of Herefordshire that had a lower score within the hierarchy matrix. • Ruckhall was not included within the Core Strategy as being a settlement capable of accommodating the main focus of rural residential development. As such development within Ruckhall would be inconsistent with Core Strategy Policy SS4: • Site Assessment Report Concerns – Site Allocation EB2/2 Is considered that sites within Ruckhall should not be allocated for development within policy EB2. Recommends policy EB2 should seek to allocate development within and adjacent to Eaton Bishop. Considers that one of the sites allocated for development within emerging policy EB2 is inappropriate for any residential development. • Site Allocation EB2/2 site selection process was informed by the Call for Site Assessment Report (Kirkwells, February 2016) recognises the site as 8 dwellings on land at the Carpenters. There is an issue with the description of this site. As it is referred to as site 4 within this evidence base document. The report itself states that the site is adjacent to two roads. However, as is clear in emerging policy EB2/2, the site is adjacent to just one road. In terms of access one would need to be created along the northern boundary of proposed allocation EB2/2. • No speed survey or topographical maps have been provided to demonstrate that an appropriate access arrangement can be secured for this site. • The roadway to the north is extremely limited, being just a single carriageway in width with some significant bends in the road. Given that the site frontage is limited, most, if not all, of the existing hedge would require removal. • Need to remove the hedgerow features, it is considered that the site's development would have a fundamental adverse impact upon the landscape. This demonstrates that the NDP is not in conformity with the strategic policies of the Core Strategy which states that development proposals should "demonstrate that character of the

landscape and townscape has positively influenced the design, scale, nature and site selection..." (policy LD1 – Landscape and Townscape).

- As the proposed allocated site EB2/2 involves substantial removal of hedgerow, and thus is in conflict with Herefordshire Council's Landscape Character Assessment, it is not clear how the emerging NDP has been informed by landscape character; and is thus at odds with Core Strategy policy LD1.
- Concern over allocated site EB2/2 is linked with its overall impact upon the setting of the village and the local distinctiveness of Eaton Bishop. Conflicting with LD4 and SD1 of the Core Strategy, as Eaton Bishop is characterised by its linear nature; extending north to south. The development of EB2/2 would extend the settlement in an easterly direction; at odds with the organic growth of the village.
- Site Assessment Report Concerns – Site 9 In contrast to the above, it is considered that site 9 is incorrectly assessed within the Site Assessment Report. The report states that the site is adjacent to three roads but there is currently no access to the site. This is incorrect and it is the proposed allocated site EB2/2 that requires the provision of a new site access. Sites that site 9 will not conflict with landscape, and have better visibility splays and is more capable of accommodating increased vehicular movements. Queries over the site assessment report for site 9.
- Centring development in this location would result in a smaller erosion of the gap between Eaton Bishop and Ruckhall when compared to a development on proposed allocated site EB2/2.
- The separation gap between Ruckhall and Eaton Bishop is not subject to any restrictive environmental designation, be it national, regional or local, within the adopted Development Plan. However, as the site is not subject to any designation, it should be afforded the least level of protection. The Eaton Bishop policies map that accompanies the emerging NDP does not seek to introduce any restrictive designation between Eaton Bishop and Ruckhall.
- The landscape commentary within the Site Allocations Report is based upon a number of unsubstantiated assumptions over any potential design or the scale of development. In addition Site Assessment Report is somewhat odd when considering highways issues and ignores visibility splays. The report provides no assessment of the sites' accessibility.
- The NDP then seeks to adopt policies which are restrictive in nature. Policy EB3- 'Phasing' and supporting paragraph 6.1.12 are in conflict with the fact that the housing requirement figures set out within the Core Strategy are to be seen as a minimum. The content of policy EB3 is also considered to be vague and thus ineffective.
- No evidence is offered as to what the perceived infrastructure improvements are and how or when they will be delivered. This is considered to be a significant shortfall in the emerging NDP insofar as it seeks to limit residential growth to a period whereby unknown infrastructure is delivered in an unknown timeframe.
- It is suspected that this phasing may relate to waste water treatment. If it is considered that the phasing is necessary to allow for increased expansion to Dwr Cymru Welsh Water's waste water treatment works then the NDPs understanding of this issue in relation to new development is perhaps confused.
- Local planning authorities should assume that these regimes will operate effectively". As the control and treatment of waste water is governed by separate legislation, it is not appropriate, or indeed compliant with national policy or the judgement of the Supreme Court, to restrict development for this reason.
- Ultimately policy EB3 and its supporting text is considered to be in conflict with the Core Strategy. This is because it unduly restricts housing growth figures rather than

applying them as the minimum level of development as per the requirements of Core Strategy policy RA2. Based upon the available evidence, it is considered that there is no justification for limiting the phasing and quantum of growth; as such EB3 should be removed.

- Policy EB4- It is considered that there are several inaccuracies within this policy. Scale: It is noted that the policy, and the preceding allocations, are all for small-scale development. It is considered that this omits a significant benefit associated with large-scale residential proposals. Accordingly, due to the size of the allocations contained within the NDP, not one site will make a positive contribution to addressing affordable housing need.
- EB4 policy restricts development of housing to a maximum of 3 bedrooms; with a preference for smaller units containing just one or two bedrooms. This restrictive approach is not supported by any evidence. The evidence base clearly demonstrates is that the need is for 3 and 4 bedroom properties. Therefore, with policy EB4 advocating primacy to 1 and 2 bed properties, it is not aligned to the strategic requirement of Herefordshire or the NPPF paragraph 50.
- Overall contribution to Sustainable Development. The plan allocating site EB2/2 does not make a positive contribution to the economic role, environmental or social of sustainable development.
- The NDP does not seek to provide housing of the type that is required within the Hereford HMA. The social role of sustainable development incorporates the provision of new homes that are accessible to local services (paragraph 7 of the Framework). As identified, 20% of the housing requirement is being located in Ruckhall which is the least sustainable settlement within the Hereford HMA. Linked to the above, the NDP is not aligned to the overall rural housing strategy of Herefordshire Council. Policy RA2 seeks to focus most development upon the most sustainable settlements, including Eaton Bishop. The emerging NDP does not align itself this strategy.
- The development of EB2/2 will necessitate substantial tree and hedgerow removal; at odds with the primary landscape characteristics. Furthermore, this site will erode the north/south linear nature of the settlement. The environmental role of sustainable development has a wider remit than landscape character and heritage assets.
- It is considered that allocations within Ruckhall should be removed and all growth focused upon Eaton Bishop. This would follow the housing strategy contained within Herefordshire Council's Core Strategy. This is on the basis that Eaton Bishop is identified as settlement which is to be the main focus for rural residential growth; unlike Ruckhall. In addition, it is considered that site 9 contained within the Site Assessment Report should be allocated for residential development.
- The housing mix policy should be based upon the empirical evidence collated by Herefordshire Council. There is no evidence to justify the limitation on household sizes as contained within the NDP.
- No assessment has been undertaken by the Parish as to the level of affordable housing need across the plan area. To that end, the NDP cannot be compliant with the NPPF paragraph 47.
- There is an identified affordable housing need within the County and a continual level of undersupply. An affordable housing needs survey will identify if there is a need within the Parish and, if so, suitable policies should be adopted to ensure that the need is met. This potentially gives rise to larger sites needing to be allocated to

<p>Margaret Bridstow Resident</p>	<p>meet the affordable housing need within allocated sites.</p> <ul style="list-style-type: none"> • Objects to position 3 dwellings (Ruckhall) in such close proximity is over development of one small area, unnecessarily destroying the very aesthetics that make this a rural hamlet. It would result in the loss of open space that contributes towards the character of Ruckhall. • Aware of drainage problems in the Ruckhall area and as we are situated below two of the plots have grave concerns about septic tank spreaders releasing water (brown or white) into the already overwhelmed and insufficient drainage system. • The sites are so cramped concern how the water attenuation facilities will be met. Water pressure is currently poor, requiring pumps for showers etc. Concerns that demand will exacerbate this problem. Hill Crest and Yew Tree Farm, are classed as Flood Zone 1, it takes no account as to the impact these new dwellings could have on the properties “down hill” that will undoubtedly suffer from soil saturation and run off. • Sites have good access from the tiny lanes and construction vehicles would struggle to turn when delivering causing an enormous detrimental effect on the surrounding verges and drives to existing properties. • None of these properties identified are destined to be affordable housing and as the small hamlet of Ruckhall already has 4 second homes what assurances do we have that these won't become the same. Consequently not helping the need for 1st homes in Herefordshire. • Proposed sites such as Meadow End (35-50) would answer all the difficulties of the other sites nominated with no problems relating to infrastructure and no impact on any features. The fact that it's not directly in the village hub is irrelevant as the only amenities are the Church and the Hall-both used by other outlying Parish members and it is in the parish, and as close to the “amenities” as the proposed sites in Ruckhall. • I feel the Draft Settlement Plan needs to be revisited. As it stands we are left with very few alternatives due to the very snug nature of the Settlement Boundary and EB6 statement. • Some of the proposed sites in Eaton Bishop have dubious access from a Highways perspective, whilst others that were disregarded had far more favourable attributes. I found many discrepancies and inaccuracies in the Kirkwell report which does not in still confidence in this process.
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Officer's Appraisal

This plan has met the requirements of the regulations as set out in the table above. No concern has been raised from both internal consultees with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy.

There are site allocations but the plan and also have reliance on windfalls and capacity within the settlement boundaries of Eaton Bishop and Ruckhall. The plan proposes sites to accommodate up to 30 dwellings in Eaton Bishop and Ruckhall, the rest will rely on windfall. This has contributed along with commitments within Eaton Bishop and Ruckhall to meeting close to the proportional growth minimum of 33. Overall, 14 Responses have been received from 4 internal service providers and 6 from statutory consultees and 3 external consultees.

HC Strategic Planning raised no objections towards the plan and assured that the policies within the HFSP plan comply with the Core Strategy please refer to comments section above. Development Management comments have not objected but provided advice to enhance the NDP.

External responses from technical bodies such as Historic England, Natural England, Welsh Water, Severn Trent, National Grid and Environment Agency have raised no objection to the regulation 16 draft plan. However provide comments to enhance the policies drafted within the NDP.

There have been 3 comments received from residents, objections from two local residents and an objection on behalf of a local resident but submitted by RCA Planning. Majority of the objections are raised around the concerns of

- Drainage capacity for new development in Eaton Bishop and Ruckhall.
- Sustainability of building in Eaton Bishop as a settlement.
- Rural Housing Background Paper (March 2013) This document identified Ruckhall as not suitable for housing development, and went on to describe the village as the least sustainable settlement for future development and had the lowest score within the hierarchy matrix.
- Sustainability of Ruckhall for accommodating future development.
- Access, landscape and environmental impact from site EB2/2 selected.
- Ability to meet affordable housing needs.

However the view expressed by the Strategy Planning team believe that the plan is in conformity with the Core Strategy and overall meets the basic conditions. Therefore is recommended that the Eaton Bishop Neighbourhood Plan progresses to examination.

Programme Director's comments

Decision under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.

The decision to progress to appoint an examiner for the above neighbourhood plan has been

Approved

A handwritten signature in black ink, appearing to read 'Richard Gabb', with a large, sweeping flourish above the name.

Richard Gabb

Programme Director – Growth

Date: 21 . 12 . 2016

Appendix 1
Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Eaton Bishop- Regulation 16 submission version

Date: 03/11/16

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
EB1- Supporting New Housing Within the Eaton Bishop and Ruckhall Settlement Boundaries	RA2, RA3, H2	Y	<p>A degree of flexibility should be offered with regard to setting a development limit of 8 houses on any one site.</p> <p>Being overly prescriptive with numbers without a clear basis for doing so could hinder suitable schemes from coming forward unnecessarily, and make it difficult to achieve a desired range and mix of housing.</p>
EB2- Site Allocation	N/A	Y	Are there any assurances that these allocated sites are available to come forward for development in the plan period?
EB3- Phasing	N/A	Y	
EB4- Encouraging a Mix of New Housing	H3	Y	
EB5- Green Infrastructure and Protecting Local Landscape Character and Biodiversity	LD1, LD2, LD3	Y	
EB6- Protecting Built Heritage and Archaeology and Requiring High Quality Design	LD4, SD1	Y	
EB7- Protecting Existing Community Facilities and Supporting New Infrastructure	SC1	Y	
EB8- Managing Flood	SD3	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Risk			
EB9- Wastewater Treatment and Water Supply	SD4	Y	
EB10- New Business Development in Former Agricultural Buildings	RA5	Y	
EB11- Polytunnels and Large Agricultural Buildings and Other Rural Business Buildings	N/A	Y	
EB12- Design Guidance for Large Agricultural Buildings and Other Rural Business Buildings	N/A	Y	
EB13- Intensive Livestock Units	N/A	Y	
EB14- Supporting Community Energy Schemes	SD2	Y	