

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Bodenham Neighbourhood Area
Parish Council	Bodenham Parish Council
Draft Consultation period (Reg14)	3 October to 14 November 2016
Submission consultation period (Reg16)	23 November 2017 to 11 January 2018

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 (1and 2)	Yes
Are any 'excluded development' included?	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> • County matter • Any operation relating to waste development • National infrastructure project 		
Does it relation to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the parish council undertaken the correct procedures in relation to consultation under Reg14?		Yes
<p>Is this a repeat proposal?</p> <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

Historic England	<p>No substantive comments to add to those conveyed in our earlier reg14 response.</p> <p>Overall the plan read as a well-considered, concise and fit for purpose document.</p>
Natural England	No further comment to make at this stage
National Grid	No record of such apparatus within the neighbourhood area
Network Rail	Standardised comment – nothing specific to the Bodenham NDP
Coal Authority	No specific comments to make
Dwr Cymru / Welsh Water	<p>Despite our assurances at Reg14 that there were no capacity concerns on the public sewerage network or at the wastewater treatment works, note that the parish council have maintained their concern. Again confirm there are no hydraulic capacity issues on the public sewerage network or WwTW.</p> <p>Para 1.14 – point of clarity, as a matter of course sewerage sludge is regularly collected from</p>

	<p>smaller WwTW and transported.</p> <p>Policy BNDP4.2 - Please to note suggestions for a new policy have been taken on board</p>
Environment Agency	<p>Note reference to flooding within the plan and the work of the Bodenham Flood Protection Group. Welcome the inclusion of a specific flood risk policy.</p> <p>As no housing allocations, would not offer a bespoke comment at this time</p>
Herefordshire Council - Transportation	No observations to make on this NDP
Herefordshire Council – Strategic Planning	Confirm conformity with the Core Strategy. See details in Appendix 1
Herefordshire Council – Environmental Health (pollution)	As there are no specific sites identified within the plan, unable to provide specific comments within regards to potential contamination.
Herefordshire Council - Housing	<p>Figure 3 states % of council housing, LPA does not hold stock therefore this section needs to be revisiting</p> <p>Section 5.7 – concerned about this section as the definition within the plan does not conform with the Housing Act 1996.</p>
Wellington Parish Council	Resolved to support the proposals being put forward
CPRE	Forward to volunteer for comment. No comments received
Galdmans – Megan Pashley	<p>Policy BNDP2 – do not consider the use of settlement boundaries to be an effective response to future development proposals. Preventing the settlements from expanding should be avoided unless supported by robust evidence.</p> <p>Policy BNDP8 – new development can be located within eroding the views. Opinions on landscape are highly subjective without further evidence to demonstrate why these views are considered special. This matter should be investigated and based on evidence.</p> <p>Policy BNDP10 – should not be over prescriptive</p>

	<p>and need flexibility to respond to sites specifics</p> <p>Plan does not conform with the basic conditions</p>
<p>Stephen Turner (resident)</p>	<p>Object to the settlement boundary (Bodenham Moor) proposed as takes no account of existing physical boundaries and features.</p> <p>Settlement as drawn suggests that the garden is not historically linked to the house and excluded the garage.</p> <p>Settlement boundary should be drawn consistently and fairly with regards to houses and gardens</p> <p>Difficult to see where the windfalls may be built in the future if the settlement boundary is drawn to prevent future expansion or development.</p>
<p>John Amos On behalf of Roger and Greg Chilman Land north of C1121, Millcroft Road, Bodenham Moor</p>	<p>Propose land north of the C1121 Millcroft Road to be allocated for housing and included within the revised settlement boundary.</p> <p>Housing policies and settlement boundary approach represents a highly restrictive response. Only adjustment made to the settlement boundary in reaction to planning permission.</p> <p>15% growth is treated as a ceiling. Settlement boundary has been drawn tightly for Bodenham Moor with a restrictive infilling policy.</p> <p>Restrictive approach driven by fear of local sewer and land drainage infrastructure being overloaded. Welsh Water provide assurance that capacity exists.</p> <p>Parish not conducted its own housing land study.</p> <p>Completion and commitment numbers include open countryside development, agricultural dwellings and replacement consents.</p> <p>Approach taken to windfall is inconsistent and without justification.</p> <p>Site comprised of 0.5 hectares, lies within flood zone 1, outside of the conservation area</p>
<p>Walsingham Planning – Andrew Winstone On behalf of Bovis Homes</p>	<p>Representations made by RPS on behalf of Bovis at Reg14 are still valid. Recommendations dismisses without specific analysis or assessment of the case made.</p>

Land south of Chapel Lane (Shuker's Field)

Maintain objection to open space policy and LGS designation.

Open Space / LGS

Policy BNDP12 – restricts development on local green spaces. List included our clients land. Terminology is inconsistent with the trust of para 77 and does not provide a meaningful assessment of the site.

Site was not identified as open space or green space within the former UDP and nothing has material changed to justify taking an alternative view.

Site does not meet the NPPF requirements of para 76 and 77.

Not aware that the landowners have been advised at an early stage of the proposal to designate their land as LGS.

Appears to be based on public reaction to a previous planning application, nothing to do with beauty, historic significance, recreational value, tranquillity or richness of wildlife.

One compelling evidence to conclude the site is unique, distinctive or rare. Site is actively farmed with no public access and no recreational value.

Site does not have heritage value in terms of contributing to the significance of the surrounding listed buildings. Site is an intensively farmed arable field with no nature conservation designations.

Recommend that site 4 'the field lying east of the C1125 and bounded to the north by Chapel Lane, known locally as Shuker's Field' is omitted from the list of LGS at Annex c and accordingly not designated as LGS.

Housing

No housing allocations are proposed and rely heavily on completions and commitments. Bodenham is a sustainable settlement and should seek to accommodate additional housing growth.

Recommend that the plan is positively prepared and flexibility should be built into the plan to accommodate future growth beyond the minimum

	<p>and the settlement boundary should be amended.</p> <p>Settlement boundaries</p> <p>Drawing settlement boundaries tight around the settlements of Bodenham Moor and Bodenham does not take into account future growth and sufficient flexibility to respond to new evidence of housing need.</p> <p>Relying on windfalls within the settlement boundary and housing policies are unlikely to deliver any affordable housing in Bodenham and Bodenham Moor over the plan period.</p> <p>Settlement boundary should be adjusted to accommodate housing allocations on Land south of Chapel Lane (Shuker's field). The 2015 SHLAA report assessed this site as land with high suitability for development.</p> <p>Recommend that the settlement boundary as shown in Annex G is altered to accommodate a housing allocation on the field lying East of the C1125 and bounded to the North by Chapel Lane, known locally as Shuker's Field' with an additional policy introduced to deliver the allocation.</p>
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Please note the above are summaries of the response received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.

Officer appraisal

The 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.

The plan includes settlement boundaries for the RA2 settlements of Bodenham and Bodenham Moor. These boundaries have taken into account existing commitments and proportional growth requirements. The parish already has 49 commitments and 15 completions which meets the proportional growth minimum of 72. With this in mind, there are no site allocations proposed however the plan allows for windfalls and some small capacity within the settlement boundaries of Bodenham and Bodenham Moor.

Overall, 17 responses have been received; 7 internal service providers and 4 from statutory consultees and 6 from external consultees.

Strategic Planning raised no objections and confirm that the policies within the plan are in general conformity with the Core Strategy. Housing have provided some points of clarity.

External responses from technical bodies such as Historic England, Natural England, Welsh Water, and Environment Agency have raised no objection to the regulation 16 draft plan. However Welsh Water have provided some points of clarity.

4 objections have been raised to the settlement boundary delineation or indicated additional site allocations.

It is considered that there are no fundamental issues relating to this plan which would prevent its progress to examination.

Assistant Director comment

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

A handwritten signature in black ink, appearing to read 'Richard Gabb', is written over a large, hand-drawn oval scribble.

Richard Gabb

Programme Director – Growth and Housing

Date: 16.1.2018

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Bodenham Neighbourhood Development Plan Regulation 16 consultation

Date: 10/01/18

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Policy BNDP 1: Delivering New Housing	SS2, RA1, RA2	Y	
Policy BNDP 2: Settlement Boundaries	RA1, RA2, RA3,	Y	
Policy BNDP 3: Mix, Type and Tenure of New Housing Development	H3	Y	
Policy BNDP 4: Flood Risk and Drainage	SD3	Y	
Policy BNDP 5: Employment	SS5, RA6, E1, E3, E4	Y	Criterion 1. (1.5) the use of the word 'commercial' is open to wide interpretation. It would be useful if the supporting text could be more explicit about what it is trying to prevent. I.e. commercial might imply large scale therefore would small scale developments be more acceptable. Does this refer to fruit picker/temporary farm worker type accommodation?
Policy BNDP 6: Large scale economic activities	E1	Y	
Policy BNDP 7: Local Community Facilities	SC1	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Policy BNDP 8: Protecting Landscape and Important Public Views	LD1, LD2, LD3, LD4	Y	
Policy BNDP 9: Landscape Design Principles	LD1, LD2, LD3, LD4,	Y	
Policy BNDP 10: Protection and Enhancement of the Built Environment	SD1	Y	
Policy BNDP 11: Tranquillity and Light Pollution (Dark Skies)	SD1	Y	
Policy BNDP 12 Open Spaces	OS1, OS2, OS3	Y	
Policy BNDP 13 Renewable Energy	SD2	Y	

Other comments/conformity issues:

Pg A-31 Refer to the Herefordshire Local Plan Core Strategy 2011-2031.

