

## Latham, James

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**From:** The Fentons  
**Sent:** 15 June 2018 18:12  
**To:** Neighbourhood Planning Team  
**Subject:** Burghill Neighbourhood Development Plan.

Dear Sir/Madam,

For the purpose of putting the following letter in context, I would like to explain that I have lived in Burghill parish for 39 years. For several years I served on and was, for some of those, chairman of the Parish Council.

I should also add that I am of the generation who do not use computers regularly, if at all but since commenting on the previous stage 16 submission, I have, with help, been able to access more information relating to the earlier stages of the process. Much of this gave me cause for concern, which has been reinforced by subsequent information and attendance at Parish Council meetings.

It is appreciated that a great deal of time and effort went into the production, delivery and analysis of the questionnaires by the Steering Group, which was organised and set up by the Parish Council and it is well set out in the submission document.

It is, therefore, uncomfortable for me that my comments are critical of the Parish Council, which is the Responsible Body for overseeing the production of the NDP.

1.8

I and other parishioners were of the opinion that Herefordshire Council were advising that the Tillington sites, the Lower Burlton site and the solar farm site were removed from the Plan but that the 50 dwellings, granted planning permission at Roman Road would be counted into the numbers to replace those sites.

The Parish Council had the opportunity here to publicise the letter fully, giving the reasons for rejection and consulting with parishioners on their views before proceeding further.

Instead, at what was the most disgraceful Parish Council meeting that I have ever attended, where parishioners were insulted and denigrated in an extremely aggressive manner, they were persuaded to obtain "clarification" of the Herefordshire Council term "deliverability", not to remove the sites mentioned from the NDP - the reason given being that if any were removed it would mean going back to stage 14, which they didn't want to do and also that the owners of those sites might take legal action. They were advised that the 50 dwelling could not be counted in because the 106 agreement had not been specifically ratified. The resulting decision was taken that they would re-employ Kirkwells to re-assess all the sites.

6.1.13

These residents, of which I am one, have tried to persuade the Parish Council to inform the wider community that the planning permissions which have been granted since the start of the Plan mean that the target number of 124 has nearly been fulfilled - I believe we disagree by 2. We hoped that they would advise parishioners, who had expressed the wish for small groups of houses during the original questionnaire, that these multiple dwelling sites could be removed from the NDP, particularly those at Tillington, which Herefordshire Council was not in favour of and the few numbers made up from "known windfalls", which were identified in the 2nd Draft of Jan.' 16.

The Parish Council was adamant that they would not accept this idea of actually asking parishioners if they would prefer that option. We tried, ourselves, to get this information through, via the Parish Magazine but were effectively prevented and so resorted to posting flyers to every household. Unfortunately, these went out without our signatures, which the Parish Council was furious about and advised parishioners, through the Parish Magazine, to ignore.

We felt that, as they were not prepared to keep parishioners informed, that it was the only way. At this time, we were told that all the previous sites would be remaining in the Plan.

6.1.21

With the intervention by the Ward Councillor, it was arranged that a Herefordshire Council Officer would attend a Parish Council meeting regarding the "windfalls" issue. Her opinion was that a NDP would not be

considered robust if it depended on "windfalls". We interpreted that to mean that if it was ALL dependent on them. The Parish Council has taken it to mean that no "windfalls" can be included.

There were many site submissions to the Plan, which were not included, that could, at any time over the next 12 years, come forward to provide the type of dwelling that parishioners identified as preferring - particularly those such as single storey - individual bungalows in large gardens and converted redundant farm buildings. New "mini-estates" are unlikely to provide bungalows. Those sites were never considered.

#### 6.1.20 & 6.1.32

As far as I am aware, the identification of Tillington as a settlement which should have a boundary is an arbitrary decision. It was always classified as "open countryside", as was Tillington Common. There is question as to whether there was confusion in the Core Strategy. The shop, pub, garage and industrial buildings have been there for years without a boundary. There was no consultation with local residents whether they wanted a boundary or where.

#### 6.1.28

These "infrastructure problems" have been known by the Parish Council, Herefordshire Council and local residents for as long as I can remember. I do not believe that these would be overcome by developers. The costs would make the sites here non-viable. The mains sewer is too far away to make it possible for the suggested 14 dwellings. There seems to be no problem with foul sewage in the area and the current density of houses is adequate for individual septic tanks. I do not believe that, even if the mains sewage ever reached there, parishioners would wish to join it if their septic tanks operate as they should, considering the difference in costs. Neither do I believe that developers would consider factoring in the costs of highways improvements for 14 dwellings.

The Parish Council should have been aware that there had been earlier plans and costing for just a footpath, which was withdrawn - costs being one of the reasons.

Regarding the issue of consultation with the wider community, I consider it as having been poor. I believe that, in the early stages of the Plan, there was no publicity, either on the website or anywhere else, to let parishioners know when there was a steering group meeting, so there was not the opportunity for other parishioners to become involved or make any views known. Nor were minutes of those meetings available, so nobody, other than the steering group, would know what was discussed or decided on.

Not all the sites submitted were those that had answered the "call for sites". I know of two that were identified by the steering group, who then sought the owners, who did not reside in the parish and these were then selected. This makes me query whether this action was predetermined.

I understand that all the sites were visited by pairs of steering group members to basically assess suitability. There does not appear to have been any attempt to check with neighbours of these sites, who could have highlighted constraints, such as proximity to sewers, surface flooding, presence of badgers or other protected species and tree preservation orders. Nor reference to Herefordshire Council guidelines on access, which would have had implications for hedgerows. Whether Kirkwells actually visited all the sites or whether their assessments were a "desk top study" based on information provided by the steering group, we were not informed.

I believe that only about 100 residents attended the Options Days in Nov. 2014, which does not seem to have alerted the Parish Council to the fact that the majority of parishioners had become disengaged from the process.

Updates in the Parish Magazine have contained very little detailed information and, on occasion, have been misleading and, once, erroneous.

I have found that the Parish Council meetings make it virtually impossible for parishioners' views to be taken into account. The NDP report is given, with any discussion and decision taken BEFORE the public participation session, which is for ten minutes, regardless of how many wish to speak. This, in effect, means that their views on the current state of the NDP were not taken into consideration. Nor can parishioners be sure that even if they do manage to say anything it would be discussed at the FOLLOWING meeting - only at a "future" meeting. As previously mentioned, the attitude to opposing opinions regarding the NDP is hostile. Also the minutes are no longer detailed, e.g. "a parishioner expressed some concern" rather than a name and the nature of the concern.

There have been no open meetings held to allow parishioners a chance to engage with the process or even discuss openly since November 2014, in spite of the Parish Council realising that some parishioners were

concerned. The Annual Parish Meeting would have been the ideal opportunity but this is now held on the same date as the Parish Council meeting and is only 30minutes duration.

I believe that many parishioners would have stated that they were not in favour of any of the larger sites submitted because of the amount of dwellings that could be built if the density is 25 per hectare. I suggest that it would have been more in keeping with parishioners' wishes for smaller groups of dwellings if the steering group or Parish Council had discussed the possibility of only PARTS of the sites being included, rather than the whole. One of the objections to the current application on site 25 is that the density is not in keeping with the neighbouring properties.

In summary and much to my regret, I feel that the Parish Council, as the Responsible Body for the NDP did not take sufficient control of the situation when it was made aware that there were concerns and that this Neighbourhood Development Plan, rather than being in the interest of parishioners, in what is a rural parish, is for the benefit of developers.

Yours faithfully,  
Alison Fenton

Sent from my iPad

## **Latham, James**

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**From:** Turner, Andrew  
**Sent:** 14 June 2018 15:03  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Burghill Regulation 16 neighbourhood development plan consultation

### **RE: Burghill Regulation 16 Neighbourhood Development Plan-April 2018 -Regulation 16 Submission Document**

Dear Neighbourhood Planning Team,

I refer to the above and would make the following comments with regard to the above proposed development plan.

It is my understanding that you do not require comment on Core Strategy proposals as part of this consultation or comment on sites which are awaiting or have already been granted planning approval.

Having reviewed records readily available, I would advise the following:

#### **Map 4: Tillington proposed settlement boundary including Tillington Business Park**

Having reviewed Ordnance survey historical plans, I would advise the following; regarding the proposed housing development sites identified as; '10' & '25', (cross hatched in red) on the plan titled; 'Map 4: Tillington proposed settlement boundary'

##### **Sites: '10' & '21'**

- The two sites have both been historically used as orchards. By way of general advice I would mention that 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.

#### **Map 7: Proposed solar energy site**

Having reviewed Ordnance survey historical plans, I would advise the following, regarding the proposed 'Solar Farm Site' (cross hatched in yellow) on the plan titled; 'Map 7: Proposed Solar Energy Site':

##### **Site: Solar Farm Site**

- Our records suggest that the proposed development located on a known closed landfill site (Winstow Pit, Burghill). The site's potentially contaminative use would therefore require consideration prior to any development.

Any future redevelopment of the site would be considered by the Planning Services Division of the Council however, if consulted it is likely this division would recommend any application that is submitted should include, as a minimum, a 'desk top study' considering risk from contamination in accordance with BS10175:2011 so that the proposal can be fully considered. With adequate information it is likely a condition would be recommended such as that included below:

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

#### Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.
2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

#### General comments:

Developments such as hospitals, homes and schools may be considered 'sensitive' and as such consideration should be given to risk from contamination notwithstanding any comments. Please note that the above does not constitute a detailed investigation or desk study to consider risk from contamination. Should any information about the former uses of the proposed development areas be available I would recommend they be submitted for consideration as they may change the comments provided.

It should be recognised that contamination is a material planning consideration and is referred to within the NPPF. I would recommend applicants and those involved in the parish plan refer to the pertinent parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development.

Finally it is also worth bearing in mind that the NPPF makes clear that the developer and/or landowner is responsible for securing safe development where a site is affected by contamination.

These comments are provided on the basis that any other developments would be subject to application through the normal planning process.

Kind regards

Andrew

# Herefordshire.gov.uk

Andrew Turner  
Technical Officer (Air, Land & Water Protection)  
Economy, Communities & Corporate Directorate,  
Herefordshire Council  
8 St Owens Street,  
Hereford.  
HR1 2PJ

Direct Tel: 01432 260159

Email: [aturner@herefordshire.gov.uk](mailto:aturner@herefordshire.gov.uk)



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**From:** Neighbourhood Planning Team

**Sent:** 10 May 2018 09:42

**Subject:** Burghill Regulation 16 neighbourhood development plan consultation

Dear Consultee,

Burghill Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link:

[https://www.herefordshire.gov.uk/directory\\_record/3042/burghill\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3042/burghill_neighbourhood_development_plan)

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 10 May 2018 to 21 June 2018.

If you wish to make any comments on this Plan, please do so by e-mailing:

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk), or sending representations to the address below.

If you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the Neighbourhood Development Plan, please indicate this on your representation.

I wish to express my views on the second attempt by Burghill Parish Council to produce a Neighbourhood Development Plan.

*The biggest problem for parishioners has been sheer frustration. This frustration has been a constant and persistent feeling throughout both the first and second submission and the cause has taken several farms.*

*1) Throughout both phases, the Steering Group has been inaccessible to the wider community. The meetings were organised with little notice and the outcome from each meeting was not widely advertised to the wider community. The time allotted to the NDP in Parish Council meetings always seemed inadequate and a real debate never materialised. Not until October 2016, after a Request for Information, were 'notes' available on the parish web-site. Up to that point very little detail of actual progress was published in the parish magazine either.*

*2) It was evident from the start that the Steering Group (SG) was against any interference from outside. What was decided within the SG was fixed in stone and they were not going to budge. This is totally against the guidelines set out by Herefordshire Council (HC) I know of no one ever being invited to a SG meeting to allow them to express their views on a particular aspect of the plan.*

*3) In Regulation 14, many parishioners expressed their opinions regarding the proposals such as site selection. The opinions were totally ignored and the result was that the Plan was rejected by HC.....inclusion of undeliverable sites and not taking into account the public's knowledge of the areas. i.e. not engaging the public beforehand, during and after. Disgraceful attitude!*

*4) Anyone having views differing from the 'plan in progress' had to abide by special rules. These rules were obviously invented to crush any possible alternatives or Plan B coming to the attention of the general public. Letters to the magazine offering alternative ideas and suggestions, had to be published alongside opposing letters....even if it meant that the letter you had written needed to meet a deadline and an opposing 'writer' could not be found in time! You missed a vital deadline, your letter did not get published until its effect was worthless....hard luck! Anonymous letters to the magazine were not allowed, but an opposing letter (from the official plan side) could be anonymous!! Unless you received such treatment you would not believe it would happen...but it did! On one occasion we had to send our letter to parishioners about alternative ideas by Royal Mail, at our own expense due to foot-dragging by 'officialdom'! Try telling me how uncooperative this Parish Council have been! (Unfortunately, the term Parish Council is incorrect in this instance.....the driving force has been, in effect, a very small group of people.)*

*5) It seems that the failure at the first submission has had no effect on this unacceptable approach by Burghill to produce a plan for all. Their second attempt is little more than a repeat of the first with few lessons learnt. 'They' will tell you that they have consulted to an acceptable level. No...not at all! 'their' idea of consultation is to ask the parishioners to comment on a "done thing"....."we have decided/it has been decided". Please send your comments. We then hear very little. How have 'they' reacted to the views of the public? We seldom knew. We were never told which of the sites in the first submission were deemed to be 'undeliverable'. We guessed some of them for obvious reasons.*

*6) Would you be surprised if the sites deemed to be 'undeliverable' by HC were included in the second submission? Well yes, of course.....so ask yourself why these sites have been re-submitted. I'm concerned that this NDP has been subject to a pre-agenda; hence the determination to include certain sites which have the same constraints as before. There must be something behind this nonsense.*

*7) There appears to have been a problem for the Steering Group with 'windfalls'. They have never liked them! Planning applications in these instances were frequently opposed by whoever was orchestrating the*

plan, and the objections, in some cases, were puerile. If the same standpoints had been applied to present NDP sites these sites would not have made it into the plan! Double standards and inconsistency aren't a problem it seems. Make the rules as you go along....so long as you achieve what you want, nat the parishioners.

8) Far the most part, the Parish Council members have had little contral over matters. They have been manoeuvred and guided wherever the "SG" (!) wanted. One member even dared to propose a Plan 'B' !! He was rudely put down by [redacted] who was updating at that PC meeting. At another meeting my husband was rudely stopped in mid-speech about NDP problems because [redacted] wanted to move onto another subject. Other members of the public have met with unpleasantness as soon as they appear to be on a different tack from the perceived 'official' line! This lack of respect for parishioners with alternative views ar ideas really has been disgraceful. For parishianers ta be blamed for all the ills of these two plans is ludicrous, unjust and incorrect.

9) Why was the same Steering Group allowed to continue after the first cotastrophe? The answers are above. Why, when two new members were co-opted in 2016, were they made so unwelcome? The answer is above. Why was the SG disbanded early and Kirkwells brought in? Well, who knows why a company from a distance was going to make o better job than local people? It was a matter of 'convenience' in my opinion. Canvenience for those intending to have their own way.

\*\*\*\*\*

**The sad thing is that the NDP is, at the second attempt STILL unsatisfactory, in many respects. As it stands, it does the parish no favours. The HC guidelines have been brushed aside far the most part and the people responsible appear to have no thought for the people living in the parish. No attempt has been made to consider the character of the area. The houses now being built at Pyefinch in Burghill Village are totally out of character. More is to come in Tillington if this plan is accepted. It should not be allowed to happen, but it appears that the residents have NO SAY in the matter. People behind this plan will move heaven and earth to achieve their aims; unsympathetic development does not concern them. Of that there is na daubt.**

**The parish, having been put through this debacle TWICE, needs desperately a Neighbourhood Development Plan. Having been unable to change the direction of this present plan, our only solution is to ask HC to give us time to propose a plan IN KEEPING WITH THE HEREFORDSHIRE COUNCIL GUIDELINES, one which is fair and proportionate, one which reflects the character of the area and one in which the public feel they have played a part.**

Beryl White, [redacted]  
[redacted] 21. 6. 18



**NDP – Alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

An alternative, more acceptable policy B1 would therefore involve the following (deletions shown with strikethrough, additions highlighted in orange):

**ADD THE FOLLOWING DEFINITIONS TO THE GLOSSARY:**

<b>Blue Line Boundary</b>	<b>Required on a supporting plan to a planning application, a blue line drawn around any other land owned by the applicant, close to or adjoining the application site.</b>
<b>Red Line Boundary</b>	<b>Required on a supporting plan to a planning application, the application site itself should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).</b>

**DELETE Map 4 and reference to the settlement boundary for "Tillington"**

**ADD the text below, highlighted in orange to Policy B1, and DELETE the ~~struckthrough~~ text:**

**Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), ~~and Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- (a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- (b) Ensures appropriate and safe access;
- (c) Ensures adequate access to public transport facilities;
- (d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- (g) Reflects the scale and function of the settlement;
- (h) Ensures appropriate parking is provided on site; and
- (i) Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries** will be in accordance with the relevant Herefordshire planning policies. **For the avoidance of doubt, Tillington and Tillington Common will be treated for planning purposes as being under Policy RA3 of the Core Strategy, but with the exception of the list of potentially developable sites appended to this policy where single new dwellings may be proposed.**

**The list of potentially developable sites summarises submissions to the NDP which were defined as 'windfalls', plus three others which have been referred to as "preferred". These have already been submitted to the NDP as available. The list also includes two sites (25 & 10) included in the Draft April 2018 Submission NDP plus site 22 which was previously included in the June 2016 Regulation 16 NDP. With multiple dwellings, these three sites are considered to have a cumulative impact which is unacceptable due particularly to highways, foul drainage, and surface water constraints in this area, but if proposals come forward which each had a single dwelling on each site then the sites might then be considered deliverable. Any proposals which come forward from sites on the list will be considered if they are for one new dwelling per site, or for multiple units if conversions. Constraints must be adequately addressed, proposals must be otherwise compliant with Core Strategy policies, and must be sympathetic to the local area.**

**Proposals must be submitted with both red line and blue line boundaries (see glossary) showing a red line boundary where the curtilage must be proportionate to any proposed single dwelling. No further residential development will be permitted within the blue line boundary.**

**The list may be updated when the NDP is due for periodic review.**

**NDP – Appendix to support an Alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**List of Potentially Developable Sites for single dwellings (or multiple units in the case of conversions)**

This list includes those sites submitted to the NDP, which have neither yet had planning permission nor have been withdrawn. (The April 2018 Submission NDP diligently annotates "7 Field Shelter St Donat's" with "Site withdrawn not available" so one must presume that the other sites described as windfalls in the Submission NDP have not been withdrawn.)

Many of these sites have been described as 'windfalls' by the author of the NDP but of course they would only really be 'windfalls' if they were ignored as submissions. The reality is that they are site submissions.

Note that:

Site 39 (in same ownership as Site 40 and joined by land in the same ownership) was included as a 'windfall' in the June 2016 Regulation 16 Draft NDP but has mysteriously disappeared from the April 2018 Submission version so it has been re-included below.

Site 27 was submitted in 2014 and the owner reconfirmed in October 2017 to the Clerk that the conversions should be included as a submission, but this has been ignored.

**In Bold: Small sites/conversions submitted to the NDP (from Submission NDP Appendix 7).**

**Asterisked sites: are rural conversions and therefore suitable for multiple dwelling units.**

**In Red: 3 sites included in the June 2016 Regulation 16 Draft NDP or the April 2018 Resubmission Regulation 16 Draft NDP which are considered too constrained for multi-dwelling development.**

Site No	NDP Description	Note	Consultants' Score %	PC and SG Score	Options Days Returns (Numbers)			Net Dwellings
					For	Neutral	Against	
3	<b>Buildings at Hospital Farm (Windfall).</b>	Policy RA5 compliant	----	1.27	50	15	9	*6
12	<b>Land to the rear of No12 Redstone. (Windfall)</b>		26.7	5.35	44	22	2	1
33	<b>Land and buildings west of Burghill Grange (Windfall)</b>		63.3	5.35	29	29	28	1
8A	<b>Court Farm Yard – Hop Kiln (Windfall)</b>	Policy RA5 compliant	----	2.1	52	21	12	1
4	<b>The Parks Farm Buildings</b>	possible 2 extra as windfall	----	1.5	39	15	3	*2
5	<b>Lion Farm Buildings</b>	possible 1 extra as windfall	----	1.5	38	9	4	1
39	<b>Land southeast of Cherry Orchard Cottages</b>	Was described as Windfall previously	51.9	3.3	39	30	23	-4 1
40	<b>Land to the west of Cherry Orchard Cottages (Windfall)</b>		55.7	2.85	46	29	19	-2 1
27	<b>Field Farm Buildings</b>	Policy RA5 compliant	----	2.16	63	13	6	*3
22	<b>Adjacent to The Bell (Frontage only)</b>	Was previously NDP site	48.1	5.5	26	32	24	1
25	<b>Cherry Orchard, Tillington</b>	Site is in this submission NDP	34.6	4.0	29	27	27	1
10	<b>Tillington Business Park</b>	Site is in this submission NDP	44.2	2.84	45	24	13	1
<b>LIST OF POTENTIALLY DEVELOPABLE SITES SUBMITTED TO THE NDP WHICH ARE COUNTABLE AS SUBMISSIONS/WINDFALLS AND/OR ARE SUITABLE FOR DEVELOPMENT BASED ON A SINGLE DWELLING PER SITE</b>								<b>19</b>

**NDP – JUSTIFICATION of alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**Applying these proposed changes to Policy B1:**

1. **Acknowledges and in part corrects an uncorrected error made by Herefordshire Council - the wrongful inclusion of 'Tillington' as a growth settlement in the Core Strategy.** This error was made by Herefordshire Council in its translation of background 'evidence' into the Core Strategy, and has been compounded by subsequent actions made by the Qualifying Body (Burghill Parish Council) without consulting the community. The proposed changes enable compromise between intransigent positions.
2. **By removing it, addresses the drawing of a Settlement Boundary around part of Tillington, which has been done without consultation with the community, and is therefore otherwise a gross failure of Basic Conditions for a NDP.**
3. **Takes account of the known environmental and other constraints which exist in this area by reducing the impact of development to single rather than multiple dwellings per site because:**

(a) the modification respects:

constraints which make multi-dwelling developments undeliverable. Examples are highway safety (the lanes are fast, narrow and winding in the Tillington area, and even where there is a 30mph limit it is badly adhered to, with 85 percentile speeds of 40 mph); pedestrian safety (eliminating multiple dwellings per site reduces the need for unachievable improvements); the impermeability of the local clay soils which exacerbate the foul drainage impact and surface water flooding; and

(b) the modification minimises:

loss of Best & Most Versatile Land; ecological damage (destruction of hedges and biodiversity); sheer overdevelopment of what is a 'hamlet' in a rural area; piecemeal ill-considered design and inappropriate housing types (facilitates the smaller houses which parishioners mainly wanted according to the 2014 questionnaire); loss of local distinctiveness; detrimental impact on the landscape.

**4. Is compliant with the NPPF, NPPG and the Local Plan**

The NPPG states in its Rural Housing guidance that:

*"blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence".*

The Core Strategy in its Policy RA1 – Rural housing distribution states

*"Local evidence and environmental factors will determine the appropriate scale of development".*

In the case of Tillington and Tillington Common, there is ample evidence contained in past planning applications and in submissions to the Neighbourhood Plan that there are overwhelming constraints which in practice limit multi-dwelling developments. There is a need for relaxed policies which reduce housing concentrations so that the impact particularly on highway safety, waste water and surface water flooding can be reduced without seeking to prevent development altogether. It is noticeable that there have been many objections to planning applications for multi-dwelling developments in the Parish, particularly Tillington, while planning applications for single dwellings have been largely unopposed (apart from the odd nimby), and the rural population is generally tolerant of more gentle development.

It is the Steering Group which has apparently sought to place a disproportionate amount of housing at Tillington Whitmore Cross, based on site assessments which are clearly flawed. It is an area where HC Land Drainage have noted in responses to recent planning applications *"Due to known issues in the area with foul water disposal, we request that percolation testing is undertaken ....to ensure that there is a means of disposal of treated effluent. This should be established prior to granting planning permission. It should be noted that we recommend and support the use of individual package treatment plants and individual drainage fields serving each property."*

**Space** is required to attain foul drainage (and surface water) arrangements which do not overload the impermeable soils in this area. Building regulations dictate that:

- Treatment Plants should be at least 10 metres from habitable buildings, preferably downslope
- Drainage fields should:
  - be at least 10m from any watercourse or permeable drain,
  - be at least 50m from the point of abstraction of any groundwater supply,
  - be at least 15m from any building,
  - be sufficiently far from any other drainage fields or soakaways so that the overall soakage

- o capacity of the ground is not exceeded
- o be downslope of groundwater sources
- o have no access roads or driveways within the disposal area

The area which a laid-out drainage field (with Treatment Plant, Distribution chamber, trenches, separation between trenches, and separation from boundaries, buildings and other soakaways) occupies, is therefore large, typically 40m x 10m. As well as that, surface water drainage needs to be accommodated as well – “sufficiently far from any other drainage fields or soakaways so that the overall soakage capacity of the ground is not exceeded”. For this area, a principle of individual package treatment plants and individual drainage fields serving each property, as supported by Herefordshire Council’s Land Drainage engineers, seems eminently sensible.

Therefore these proposed changes to B1, unlike the NDP as it stands, take account of the soakage capacity of the ground yet allow some development in a sensible manner, provided other constraints can be overcome.

There is mention in the Submission NDP of “first time sewerage for many properties” but this really is a red herring because Section 101A of the Water Act applies to existing properties, not ones yet to be built; the deliverability of such a scheme, and the acceptability to the sewage undertaker of such a scheme is questionable given the small number of properties in the area; and in any case **it would not solve surface water issues because the water undertaker would not permit surface drainage connection to infiltrate a foul sewer**. On the other hand, the proposed changes to B1 allows the space needed for modest development in this rural area to accommodate proper waste and surface water percolation so that proposals are likely to be deliverable now rather than at some unspecified future date, and address both foul and surface water issues satisfactorily.

The proposed amendment also overcomes non-compliance with paragraph 32 of the NPPF which states: “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” and also overcomes non-compliance with paragraph 120 of the NPPF which states: “The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.” Clearly the cumulative transport impacts of proposals for multi-dwelling developments are severe relative to the existing impact, because of concentration in such a small area.

5. **Respects the reality which is that there is a housing target** set by Herefordshire Council which is for a minimum of 18% housing growth in the Parish which equates to 124 additional dwellings between 2011 and 2031; and that 122 additional dwellings have already been delivered by granted planning permissions. There are only 2 residual dwellings now required to meet the minimum target, and windfalls have continued to deliver housing in the area.

In contrast, the authors of the NDP have continued to propose sites which vastly exceed the minimum target, and again, in the Submission NDP, the three ‘preferred’ sites with a capacity of 24 dwellings would vastly exceed the 124 target. As at 30 May, the addition of these 24 to the 122 already approved would bring the total to 146, which is over 21% growth, not the 18% required – unnecessary because ‘windfalls’ will continue to come forward anyway.

The NPPG states in its Rural Housing guidance that “A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan and the plan proposal meets the basic conditions.”

However there is not the evidence to demonstrate such need, and the persistent failure adequately to consult and engage with the wider community simply demonstrates non-compliance with Basic Conditions. The only ‘mandate’ goes back to the 2014 Questionnaire, now rather out-of-date, but then the overwhelming majority of respondents felt that 18% growth was too much. Therefore the evidence does not demonstrate need above 18% growth. Parishioners are hardly likely now to think that 21% is *not too much*, when they overwhelmingly believed 4 years ago that it was too much! Planning Permissions granted since 2011 already exceed the affordable housing provision which was last required for the Parish.

A criteria based policy amendment such as is proposed, and which does not allocate sites because recent housing developments have provided housing numbers very close to the housing target, was accepted by Herefordshire Council for the Bartestree NDP. A precedent has been set.

Clare Fenton

15.06.18

I write to raise my concerns and in turn object to the Burghill NDP (BNDP) as it currently stands. For clarity I support the principle of the NDP process and believe Burghill Parish need a NDP. I have been advised that an alternative BNDP proposal has been suggested by certain residents. I have seen this proposal which I think makes perfect sense.

When I lived in the Parish I, along with other residents, continually presented the essence of the proposal, mentioned above, as a potential basis for the revised BNDP and the Burghill Parish Council (BPC) dismissed the idea and refused to even consider it. One of the main reasons for this refusal being that they believed that the PPs and windfalls within it were incorrect. For some reason, they were also petrified of having to go back to regulation 14. The BPC and members of the SG were of the opinion it was fine to have undeliverable sites in the plan as long as you exceeded the target growth percentage. Others believed you could pick and choose which ones then got planning and the general consensus on deliverability was that if the owner was happy to have the land developed it was deliverable.

When the Burghill Parishioners were made aware by other members of the Community of the possibility of an alternative BNDP the idea was supported to such an extent that numerous Parishioners responded to the Parish Clerk. The only other time this amount of responses were received by BPC during the NDP process was to a questionnaire that was distributed to all households in the Parish. The majority of responses to the questionnaire advised that the community did NOT want development in excess of the required 18%. Also the Parishioners felt so strongly about the possibility of a more sensible option that the numbers of attendees at the following Parish Council meeting were so high that the room was full and many Parishioners had to stand in the hall. I believe the Parish Council have continually chosen to ignore the feelings of the community.

As I no longer reside in the Parish I do not intend to comment any further on the latest draft BNDP, however, as a former member of the now disbanded Steering Group (SG) and on behalf of the many residents that raised their views by writing to the Parish Council or by contacting me directly I need to report events that took place. I also witnessed aggressive behaviour towards Parishioners at BPC meetings and SG meetings and was subject to bullying and intimidation myself. I also feel that there has been false reporting, manipulation of information and publication of incorrect or out of date information on which decisions have been made. To this end, the Parishioners who took the time to write, as noted above, were directed to the draft USAR (updated site assessment report) by the Parish Clerk which was incorrect. The report did not list all Planning permissions and also advised that all windfalls had been used when in fact only one from 20 potentials listed in the first draft of the BNDP had been used. As a Steering Group member I raised this and provided the evidence in support. The USAR was amended and republished, however, the Clerk never took the time to write and advise the Parishioners of this error, who's very objections hung on the fundamental element of numbers. Therefore, I believe these residents will still believe that there is a necessity to find at least 25 additional dwellings and will not respond to the current draft NDP because they will think they have no other options.

It was my intention to a detailed report quoting dates and content of emails, meetings, etc., however, after just covering the period from September 2016 to the end of November 2016 the report was already over 10 pages long, so I have decided to precis my reporting but can happily provide the supporting evidence if required. The, following is an account of the Burghill NDP process after return of the previous draft NDP by Herefordshire Council:

Herefordshire Council (HC) wrote to BPC advising they will not be progressing their draft NDP to examination, a SG meeting was arranged but only 24hrs notice was given to the community and I was unable to attend.

At this meeting three decisions were made:

To ask BPC to advertise for extra people to join the SG

To put the current NDP on hold

To ensure that all relevant NDP information is published on the PC's website.

My neighbour attended and advised me that the Parishioners who attended this meeting were made to feel unwelcome, insulted and blamed for the failure of the NDP [REDACTED]

*It should be noted that on the 10.10.16 the BPC website still stated that the Burghill NDP had begun its reg 16 consultation stage, however, below this statement and without explanation was a link to the Herefordshire Council decision notice. Unless you are prone to interrogate detail you would not think to follow this link, especially if you take information presented as being in chronological order.*

At the next BPC meeting, on the advice of the SG, the plan was put on hold pending the outcome of a Planning Application for 50 dwellings in the Parish that weren't included in the previous draft BNDP. It was also discussed that 10 dwellings on a site would need to be removed from the BNDP as they had been subject to planning with a recommendation for refusal. The BP had themselves objected to this site after visiting it even though it had been included in the draft BNDP. It was discussed that they could look to remove 40 dwellings from the next draft plan. The SG chairman advised that this would be costly. No indication of the position of the BNDP funds were given and no accounts were referred to and checked against by the PC Clerk, I don't recall any accounts ever being published. At this meeting, the PC were lead to believe that lots of NDPs were being returned by HC and on this basis gave the letter and its contents very little thought although they did agree to write to HC for clarity on undeliverable sites. At this time only one of the PC members admitted to having read HC's response. It was during this meeting that I was invited by the PC Chair to join the SG and agreed. Subsequent to this meeting 2 further members of the community came forward to also join.

The 50 dwellings were later given PP. The 10 dwelling planning application was withdrawn, this 10 dwelling site was in the original returned draft BNDP and was sited next to my home.

Before the next SG or PC meeting the SG Chair put together a proposal to re-employ Kirkwells, the BPC NDP consultants for the previous draft. This was NOT discussed in an open meeting and in fact the SG had agreed to place the NDP on HOLD. The PC made a decision on re-employing Kirkwells believing it represented the community [REDACTED] Kirkwell's had made some fundamental errors in their previous site assessments, this was never questioned although the BPC chair said he would. It should be noted that the SG Chair continually advised the SG at future

meetings that they could not have any input on the BNDP as the BPC had agreed to employ Kirkwells to consult. He even tabled a proposal to disband the SG at the first meeting that the new members attended. Therefore, any decision made by the BPC at any meeting during this process following the SG Chairman's read statement would not be a reflection of the SG and I don't think the BPC were aware of this.

I along with another SG member continually questioned all of the above because the methods of operation were far from open and transparent and the SG chair seemed to be in continual breach of the BPC terms of reference for the SG.

The SG chair chose to contact Landowners of the sites that were deemed undeliverable in HC's response letter. It was highlighted to him that he should not be doing this off his own back and also he should be contacting ALL landowners. Other Landowners were never contacted only the few that were deemed undeliverable. It should be noted there was serious bias and unhealthy interest in the undeliverable sites, this also included the site next to my home.

Around this time Richard Gabb of HC wrote back to the PC and advised on deliverability of sites. This was branded a 'white wash' by some BPC members and the SG chair advised the SG and PC members that Richard Gabb's letter meant that deliverability hinged on three issues:

- Will the owner sell and get the price he/she wants
- Is the purchase price right for the developer to make a profit
- Will the market stand the asking price for the dwelling

Before joining the SG I completed a Declaration of Interest

[REDACTED]

It was around this time I was made aware of the Henfield case and because the SG chair was showing an obvious bias towards certain sites, to the extent that when the agent of a major landowner in the Parish emailed him for an update on progress of the BNDP he advised them that Kirkwells would be publishing an updated site assessment report and it would be published on the Parish web site when complete. At this time, contact and meetings were being arranged with other landowners to present further information or meet with Kirkwells.

[REDACTED]

I spoke with HC for advice and was told it was good practice to ensure everyone on the SG completed a DOI and all should be available for other SG members to see. I was also told that, based on the information provided, I didn't need to declare an interest. I sent my DOI to all SG and BPC members and requested to see

other SG members DOIs. I was refused and told that these were not public documents as the SG was not a group that held any power. This obviously went against the good practice advice given by HC, [REDACTED]

[REDACTED]

I wrote to Kirkwells giving factual based information on known constraints on various sites within the previous draft BNDP, all of which I had either picked out from the regulation 14 and 16 comments and researched further. I attached my DOI for their information. I also quoted the Henfield case and the need for a uniform approach to all sites. I also advised Kirkwells that residents living around sites would be happy to meet with them to highlight known constraints that would not be obvious and certainly not available through a desktop study. Kirkwells responded by saying that they would not be listening to any views of Parishioners, this was the role of BPC. It should be noted that every time Parishioners spoke with BPC they were directed to Kirkwells. Eventually at a BPC meeting I asked if Kirkwells were directing Parishioners to BPC and BPC were directing them back to Kirkwells who in fact was listening to the Parishioners in this community lead process, I got no reply.

HC produced a newsletter and one edition was posted on the BPC website, this newsletter covered the Henfield case, deliverability and PiP. It was also in this edition that the Council produced a chart of where the progress of NDPs were in the County. This chart it showed that only three had been returned at regulation 16 stage, not loads as previously quoted in BPC meetings. This newsletter was discussed at a BPC meeting, the PC chair made an attempt to interpret some numbers and the SG chair mentioned that three had been returned; however, nobody remembered that the reason they had given the HC's letter very little merit was because it had been quoted and discussed that 'loads' of NDPs were being returned.

Because of the addition of the 50 dwellings and with the removal of the 10 as agreed by BPC and using known windfalls presented in the previous draft BNDP Burghill Parish had actually achieved their required target growth of 18% just using PPs and known windfalls. I made the BPC, SG and Kirkwells aware of this but there was simply no interest.

Members of the SG were invited to a training day and presentation both by HC. Progression through regulation 16 and Rural DPDs. I attended both. I also spoke to neighbours, wrote to Samantha Banks, studied the HC NDP guides, reviewed all comments received at both regulation 14 and 16 stages and did further reading on planning: all in preparation of assisting the BPC in producing their NDP, after all, that was why I thought I had been asked to join the Steering Group. Now it seems it was just a tick box exercise. I was never asked for any input apart from a bit of proof reading even though I had been sent on the HC course and presentation. It was during the 'proof reading' stage that I raised the issue of the Solar Farm. Samantha Banks had advise me that this was one of the undeliverable sites, I was told that Kirkwells would be revisiting this by the SG chair. It was ignored and not included in Kirkwells published USAR.

One major issue was consultation over settlement boundaries, particularly Tillington vs Tillington Common. Someone had drawn in a notional settlement boundary around an area near the pub and separated it from the rest of Tillington and classified this as 'Tillington'. The area around the common was then classified as Tillington Common. At no time were the residents consulted on this and this was raised time and time again. This division resulted in the area known as Tillington being the quoted as an



area for growth, whereas Tillington Common was classed as open countryside. Rather bizarre when you consider the area around the pub has very few houses and certainly no mains services. It is also sited on a very dangerous crossroads which I have heard the PC themselves raise concerns about when reviewing planning matters. Whereas the area by Tillington Common is where the main distribution of houses are, lots of land and plots lending themselves as windfall sites and all close to the bus stop. Investigations show an error in the core strategy that sees Tillington and Tillington Common continually interchanged throughout the document, this error has been acknowledged by HC and is due to be updated. The Settlement Boundary confusion was also highlighted by the Ward Councillor when she wrote to HC for clarification. HC confirmed that both Tillington Common and Tillington could be growth areas. The BPC were going to write to HC because of the lateness of this information coming forward, however, it was highlighted to BPC that the SG Chair had raised this question a few years before and received the same answer. The result of this HC statement meant that sites that had come forward but had been excluded because of location in open countryside should now be reassessed but they weren't. This married with the change in law for PiPs resulted in Kirkwells writing to the PC and advising them they needed to return to regulation 14. The BPC decided to carry on regardless. The BPC have always been adverse to returning to regulation 14. Kirkwells presented their updated site assessment report (USAR) for a six week consultation period (which could just as easily been the reg 14 stage).

The frustrations I felt were also felt by others and because the community weren't being properly informed. PC mag articles were ambiguous and misleading. Therefore, myself and others came together and produced a flyer that went to almost every household advising clearly how, why and what had happened with the BNDP and also advising that we had another option. We kept this anonymous [REDACTED] This flyer and the response has been covered in the opening paragraphs.

Because of the flyer the BPC invited Linda Wilcox of HALC to attend the next BPC meeting. She had obviously done no background research, either that or she had been misinformed because she stood and lectured the community and in particular the authors of the flyer on how they should have got involved earlier and trying to enter the process and derail the BNDP at this stage was not going to happen, it would have been laughable had she not had so much influence, as a result she told the BPC to disband the SG, this contravened the BPC's own SG terms of reference. At this meeting, the numbers quoted in the flyer were announced as being incorrect, when they were not. I admitted to being involved and corrected Linda Wilcox's inaccurate assumptions. I advised I had been involved for a long time, etc...not interested. This meeting was recorded.

Myself and another SG member wrote to the BPC asking them not to disband the SG. This request was ignored.

Kirkwells also came to a PC meeting and took some very basic questions from the BPC and gave guidance on PiP and the Settlement Boundary issue. When questioned by the members of the public the Kirkwells' representative struggled. I advised that the numbers in the USAR were incorrect and she advised I was wrong. I advised I had a list and she asked me to send with along with PP numbers, which I did. In a later email, she acknowledged my numbers were correct. Nobody took the time to advise the Parish of this fact. She also denied the content of her Company's letter where it was recommended to return to regulation 14. I had the letter with me at the meeting and read the paragraph to her. This meeting was also recorded.

The BNDP process, the BPC and the SG have let the community of Burghill Parish down. The BPC and SG keep quoting the amount of time they have spent on the BNDP. The BPC only spend 10 minutes a meeting on average discussing the BNDP and no time listening to the community. In fact they do not discuss, they allow the SG chair to read a statement at speed. Since HC returned their previous draft BNDP, BPC have clocked up a total of about 3 to 3.5 hours on the BNDP process. Also I have heard the word volunteer used a lot as an excuse' Although all volunteers should be commended, it should be remembered that a volunteer is someone who agrees to undertake a task without being paid, it does not mean that they should undertake the task without the responsibility attached to it. If members of the BPC or SG felt out of their depth or exhausted by the process then they should have stepped down and allowed others to take up the task.

In conclusion, as of 20<sup>th</sup> June 2018 BPC have achieved 123 planning permissions to date within the qualifying period, their growth target is 124. They still have 19 windfalls from the original submitted draft plan. The Rural nature of Herefordshire lends itself to windfalls, the natural way for small villages to grow. Planning applications for Burghill are being submitted all the time, by correcting settlement boundaries this may open up the opportunity for further windfalls and changes to the RA3 policy allowing 5 potential smaller dwellings also needs to be considered, especially in this area. To force these unnecessary housing developments around one small part of the Parish that simply doesn't have the infrastructure to support any development can only result in long term problems especially with flooding and traffic. To cover the costs of trying to build dwellings in these constrained areas and to maximise profits, developers will look to 4 and 5 bed detached executive homes, an unhealthy model that we are witnessing spreading across Herefordshire generally. To support the growth of a village we need to be providing dwellings for our next generation or our own retiring populations; 2 and 3 beds for families and smaller bungalows for retirees. Therefore, please reject the draft plan that is being proposed by the BPC at this regulation 16 stage and support the plan that is being proposed by the Community for the good of the Parish.

Clare Fenton

Samantha Banks  
Neighbourhood Planning Team,  
Planning Services,  
PO Box 4,  
Hereford, HR1 2ZB

14<sup>th</sup> June 2018

Dear Samantha,

### **Burghill Area April 2018 Submission NDP**

We have all, at various times, served on the Steering Group for the Burghill Area Neighbourhood Plan. Together we are about a quarter of the membership of the Steering Group. Some of us have moved out of the Parish but we feel strongly that we must speak out for a silent majority in the community which does not express itself because it assumes that only good will be done in its name.

We wish to express, in the strongest possible terms, our total disgust with the autocratic manner in which the Burghill NDP has been conducted.

There has been a lack of consultation with parishioners, contrary to National Guidance; Steering Group members who expressed opinions which diverged from the previous 'set in stone, predetermined agenda' have been intimidated; not only have the opinions of Steering Group members been ignored, but opinions of parishioners have been brushed-aside as well; there have been instances of downright rudeness to members of the public; the records of Steering Group meetings are the barest minimum, and there was a total failure to publish even abbreviated Steering Group 'Notes' until forced to do so following EIR and FoI Requests in Autumn 2016, nearly 3 years after the Steering Group had been in existence; the verbal reporting to the Parish Council and parishioners was repeatedly *sotto voce*, and very fast, rendering it incomprehensible, and in our view it was often selective; the verbal Steering Group Reports read out by its chairman were never minuted nor made available in hard copy so there was (and is) no way to verify that they represent the Steering Group proceedings, given that the notes for those were so scanty as well; leading statements were repeatedly made which influenced listeners to achieve particular outcomes; Steering Group members properly made Registers of Interests, and submitted them, but they have never been published; it is our belief, and this view has also been expressed by other members of the Steering Group, that the Group was wound down prematurely; there has been no direct engagement with nor by the community in the NDP process in the manner intended by the Localism Act since the 'Options Days' in late 2014; there was no mechanism at all, for members of the community to submit comments to the first Site Assessment Reports in September 2015, and representations at the Regulation 14 consultation and to the 2017 "Updated" Site Assessment Report were repeatedly ignored or peremptorily rebuffed; Settlement Boundaries have been drawn by "the Steering Group" in a top-down, arbitrary manner without full and proper consultation with the community itself; the same undeliverable sites have kept being featured throughout this process, and there have never been further opportunities for the proper debate, discussion and involvement with the community which Neighbourhood Planning requires, and with just a couple of houses remaining in order to meet the Herefordshire Council target, it is simply ludicrous for the Plan to be proposing housing estates containing 24 houses to cover that gap when there is ample evidence that windfalls (there are about 20 already-submitted, but ignored, so-called 'windfall' dwellings) will easily achieve the target now without ruining the character of this rural Parish.

If the examiner wishes, we can provide many examples which provide the evidence to support our criticisms above.

We urge Herefordshire Council or the examiner (should this plan be progressed to examination in its current state) to reject this plan because it cannot conceivably meet Basic Conditions. We recognise that without a plan there is a risk of speculative and damaging development. But at present, the choice is between the damaging, excessive development contained in the Submission Plan for which there is a lack of robust evidence, or the speculative and damaging development which may be the result of a rejected plan. We therefore support sensible alternatives which may be put forward to moderate the excessive development in the Submission Plan, and suggest that the Parish Council as Qualifying Body is advised to modify the Plan accordingly. They need to be reminded that in the 2014 Questionnaire an overwhelming 97% of respondents felt that more than 18% growth (which is what the Submission Plan proposes) is inappropriate.

Yours sincerely



Clare Fenton

David King

Martin Roberts



**Latham, James**

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**From:** Herefordshire CPRE Admin <admin@cpreherefordshire.org.uk>  
**Sent:** 10 May 2018 10:55  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Burghill Regulation 16 neighbourhood development plan consultation

Dear James

Thank you for your email, which I have forwarded to the relevant volunteers for comment

With kind regards  
Barbara

Barbara Bromhead-Wragg  
CPRE Herefordshire Administrator  
[www.cpreherefordshire.org.uk](http://www.cpreherefordshire.org.uk)

This email is confidential and may also be legally privileged. If you have received it in error, please notify us immediately by reply email and delete this message from your system. Views expressed in this message are those of the sender and may not necessarily reflect the views of CPRE Herefordshire. This email and its attachments have been checked by MacAfee Anti-Virus. No virus is believed to be resident but it is your responsibility to satisfy yourself that your systems will not be harmed by any of its contents.

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**From:** Neighbourhood Planning Team [mailto:neighbourhoodplanning@herefordshire.gov.uk]  
**Sent:** 10 May 2018 09:42  
**Subject:** Burghill Regulation 16 neighbourhood development plan consultation

Dear Consultee,

Burghill Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link:

[https://www.herefordshire.gov.uk/directory\\_record/3042/burghill\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3042/burghill_neighbourhood_development_plan)

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 10 May 2018 to 21 June 2018.

If you wish to make any comments on this Plan, please do so by e-mailing:

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk), or sending representations to the address below.

If you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the Neighbourhood Development Plan, please indicate this on your representation.

Kind regards

**Herefordshire.gov.uk**

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**James Latham**

## Latham, James

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**From:** Norman Ryan <Ryan.Norman@dwrcymru.com>  
**Sent:** 12 June 2018 12:04  
**To:** Neighbourhood Planning Team  
**Cc:** Evans Rhys  
**Subject:** RE: Burghill Regulation 16 neighbourhood development plan consultation

Dear Sir/Madam,

I refer to the below consultation and would like to thank you for consulting Welsh Water.

As you will be aware, we were consulted as part of the Regulation 14 stage in 2016 and are pleased to note that the Parish Council has incorporated our comments into Policy B13.

Should you require any further information, then please let me know.

Kind regards,



**Ryan Norman**  
**Forward Plans Officer | Developer Services | Dwr Cymru Welsh Water**  
Linea | Cardiff | CF3 0LT | T: 0800 917 2652 | [www.dwrcymru.com](http://www.dwrcymru.com)

*We will respond to your email as soon as possible but you should allow up to 10 working days to receive a response. For most of the services we offer we set out the timescales that we work to on our Developer Services section of our website. Just follow this link <http://www.dwrcymru.com/en/Developer-Services.aspx> and select the service you require where you will find more information and guidance notes which should assist you. If you cannot find the information you are looking for then please call us on 0800 917 2652 as we can normally deal with any questions you have during the call.*

*If we've gone the extra mile to provide you with excellent service, let us know. You can nominate an individual or team for a Diolch award through our [website](#).*

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**From:** Neighbourhood Planning Team [mailto:neighbourhoodplanning@herefordshire.gov.uk]  
**Sent:** 10 May 2018 09:42  
**Subject:** Burghill Regulation 16 neighbourhood development plan consultation

\*\*\*\*\* External Mail \*\*\*\*\*

Dear Consultee,

Burghill Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

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By email to  
[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)

Neighbourhood Planning Team  
Planning Services  
PO Box 230  
Hereford HR1 2ZB

20 June 2018

Dear Sir/Madam

**Objections to Burghill NDP – Regulation 16 April 2018 Re-Submission  
Consultation**

Please notify me in due course of the local planning authority's decision under Regulation 19 in relation to this Neighbourhood Development Plan (NDP).

**It is Groundhog Day!** Definition: "a situation in which a series of unwelcome or tedious events appear to be recurring in exactly the same way."

Nearly 2 years ago the Burghill Area Neighbourhood Plan was submitted at Regulation 16. It was rightly not progressed to examination by Herefordshire Council (hereafter referred to as "HC") due to lack of community consultation, a high number of objections, and doubts about the deliverability of included sites.

I have been dismayed by the manner in which the preparation of the Burghill Area Neighbourhood Development Plan (BNDP) has been conducted. I am not against development and I fully understand the objectives of the National Planning Policy Framework (NPPF) and Guidance (NPPG). However I am against processes which can be used to shut out the valid views of citizens or parishioners. Localism was a good concept but it can all too easily be undermined.

I was a member of the Steering Group (SG) of the BNDP from November 2013 until I felt it necessary to resign from it in October 2014 because, among other reasons, it was being managed and conducted in a manner which caused sites to be selected with inadequate consultation with parishioners, and there was an indecent haste to select and rank sites, and the methodology being used was flawed. I raised my concerns with the Burghill Parish Council (BPC) at that time, but can see no evidence that my concerns were ever addressed. I firmly see myself as a member of the wider community – as part of the Steering Group I did the original mapping and graphics, applying goodwill, lack of bias, huge amounts of personal time and effort to the NDP process; and many of the maps and graphics which I created are still being used in the 2018 Submission NDP. I have retained many friends in the Parish.

The June 2016 Regulation 16 NPD did not conform with Basic Conditions, and failed to be progressed to examination, and this latest April 2018 similarly does not conform. Little has changed:

**1. LACK OF PROPER CONSULTATION & ENGAGEMENT**

The huge flaw in the Neighbourhood Planning process is that it pre-supposes that communities will be fully consulted with, and that a Qualifying Body will properly oversee the process, ensuring that all views are properly taken into account, and that there is a proper engagement. Paragraph 47 of the NPPG, the basis for proper community engagement, states:

***What is the role of the wider community in neighbourhood planning?***

*A qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:*

- is kept fully informed of what is being proposed*
- is able to make their views known throughout the process*
- has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order*
- is made aware of how their views have informed the draft neighbourhood plan or Order.”*

Unfortunately, regarding the Burghill Area NDP,

- There is still lack of compliance with NPPF and NPPG particularly because of lack of consultation with the local community, and public engagement has been inadequate.
- The Plan has still not been properly informed by public debate, because the public debate was inadequate. It actually ended in November 2014, with the ‘Options Days’!
- The Plan still seems to be the product of an individual, or a few individuals, and not the community as a whole, and it certainly does not make the Localism Act a reality.

The Consultation Statement again attempts to make it ***appear*** that there has been sufficient consultation and engagement with the community, but **the reality is that:**

- a. ***“Consultation” has been restricted to a Questionnaire in 2014, just 2 “Options Days” on one weekend in November 2014, and then the publication of the Regulation 14 Draft NDP as a *fait accompli* over a year later.***
- b. I believe that there were just 3 occasions where there has been direct distribution of information (flyers) to households - one before the first public meeting in November 2013, one before the second public meeting in March 2014, and one in January 2016 to announce the commencement of the Regulation 14 consultation on 20 January 2016. Apart from that, the communication has been via the Parish Magazine, and always in one direction – from the “Parish Council” to the populace – in top-down style.
- c. The verbal NDP ‘progress reports’ presented at Parish Council meetings until the Steering Group was abolished in 2017 were consistently brief, scanty, and delivered at a fast pace in a muttered low voice. My wife on one occasion politely asked if the report could be delivered more slowly and clearly, and was rudely told by the Chairman of the Steering Group “no” and “keep up”. This is a disgraceful way to treat people. These ‘reports’ were a ***wholly inadequate means of informing the wider public***, and they did not allow for public discussion. The 10-minute public session usually came ***before*** the brief, scanty, verbal NDP progress report. Parishioners were and are not allowed to speak during Parish Council meetings so cannot discuss points raised at one meeting until the next 10-minute session ***a month later***, which is hardly a basis for engagement.

No Steering Group agendas nor minutes were published on the Parish Council website until September 2016 – nearly **THREE YEARS AFTER THE STEERING GROUP HAD BEEN SET UP** – and their eventual publication was only because I had made FoI and EIR requests in mid-2016.

- d. The ***results of the Questionnaire*** were published in late Spring/early Summer 2014 on a now defunct Burghill Community Website (this is not the Parish Council website) but by August 2016, they had disappeared from that, and they were not on the Parish Council website either (they were actually not available during the previous Regulation 16 consultation!).



- e. there has been an over-reliance on the use of the 'community Parish Magazine' to communicate information, but that only provides for one-way communication. When concerned parishioners attempted to submit balancing information to this magazine, it was suppressed.
- f. The November 2014 "Options Days" were the most recent opportunity for the public to **actively** engage with the NDP process in the manner intended by the National Planning Guidance. But the results of that were not published at all until December 2015/January 2016 (**13/14 months later**) when they were eventually published **in selective and partial form only for the then chosen sites** in the Regulation 14 Draft Plan! Looking at the Options Days "results" for all the sites, belatedly published in the Regulation 16 NDP itself (**too late for people to be informed at Regulation 14 stage!!**) it seems that there were only 80 'votes' on average per site because the attendance was rather poorer than made out. The consequence is that less than 7% of the electorate (average of 80 out of approx. 1,200) was commenting/'voting', and because the venue of the Options Days was Burghill's Simpson Hall, one wonders how many people attended from outside Burghill village itself. The danger is that "consultation" becomes an exercise in nimbyism, not localism. And a skewed sample of an average of 80 'votes' per site is unlikely to be representative or statistically significant. If the results had been published in full soon after those Options Days, and debated further with the community, then there would now be far less opposition to this plan.
- g. The Steering Group 'Terms of Reference' were not made public until after I made a series of EIR and Fol Requests to Burghill Parish Council in August 2016, and this was then published on the BPC website along with agendas and 'notes' of previous SG meetings. These Terms of Reference included the words "SG meetings will be open and welcoming to the public". However these SG meetings were never advertised for the 3 years from 2013 to Autumn 2016, and the first one which members of the public formally became aware of, and then attended in any number, because an Agenda had made it onto the BPC website, was actually the 29 September 2016 SG meeting just after the HC Progression to Examination report had 'bounced' the June 2016 Draft NDP on grounds of lack of consultation and doubts over deliverability. I attended that, and to say that that meeting was 'welcoming to the public' is not true. Members of the public were sneered at, and verbally attacked as being a 'vociferous minority which had derailed the NDP'.
- h. In addition I do not believe that there has been adequate dialogue with the submitters of sites, either. Therefore alternative options (e.g. using only parts of larger submitted sites adjacent to more sustainable locations which are already adjacent to the mains sewage network) have not adequately been explored.

## **2. FAILURE TO KEEP RECORDS BY THE QUALIFYING BODY**

Unfortunately correspondence and information which the community has a right to see, has not been maintained by the Qualifying Body, Burghill Parish Council. It is either lost, or not being provided.

I am aware that as recently as July 2017, another concerned parishioner made 10 Environmental Information Regulations (EIR) requests and 2 Freedom of Information (FOI) requests to the Parish Clerk of Burghill Parish Council. These were perfectly reasonable requests which a member of the public is entitled to make. It is particularly important in the context of Neighbourhood Planning which so irreparably changes the landscape, that there should be complete transparency and openness. Those Fol/EIR requests follow (with the preemptory and wholly unsatisfactory

responses in August 2017 in *italics*).

### **Environmental Information Requests made on 10 July 2017:**

1. All correspondence between the Burghill NDP Steering Group and Kirkwells Planning Consultants in relation to the Burghill NDP since 2012

***"I do not hold any of this information"***

2. All correspondence between the Burghill Parish Council and Kirkwells Planning Consultants in relation to the Burghill NDP since 2013

***"I have not inherited the email files of the previous Clerk, but have attached the correspondence I still have."***

There were only 3 attachments provided and they were known about already.

3. All correspondence between the Burghill Parish Council and the Burghill NDP Steering Group since 2012

***"I have not inherited the email files of the previous Clerk, but have attached the correspondence I still have. All reports from the Steering Group are in the Parish Council minutes which are available on the website."***

There was a single email attached. The Parish Council minutes do not answer the question.

4. All correspondence circulated between the Burghill NDP Steering Group members (including members that have resigned) in relation to the Burghill NDP since 2012.

***"Unfortunately, I do not have this information"***

5. All correspondence between the Burghill NDP Steering Group and Herefordshire Council in relation to the Burghill NDP since 2012.

***"This information can be obtained from Herefordshire Council, please see all I have."***

There were just 2 email exchanges attached. The question was to BPC; not HC.

6. All correspondence between the Burghill Parish Council and Herefordshire Council in relation to the Burghill NDP since 2012

***"This information can be obtained from Herefordshire Council, please see all I have."***

There were just 2 email exchanges attached. They are known. The question was to BPC, not HC.

7. All declarations of interest made by both Burghill Parish Council members and the Burghill NDP Steering Group members which relate to sites submitted to the Burghill NDP.

***"This information is contained in the Parish Council minutes, which can be found on the Parish Council's website. The Steering Group was a working group so there are no declarations of interests."***

The SG was a sub-committee of the PC and its Terms of Reference make its members subject to the BPC Code of Conduct. Therefore SG members are supposed both to Register Interests and make Declarations of Interest if appropriate. I was on the Steering Group for a period. I was asked to make a Registration of Interests declaration which I willingly did, and handed in. It vanished.

8. The responses of the National Grid (Gas & Elec) and Western Power (elec) in regard to the Burghill NDP and confirmation of how they were consulted.

***"I do not have these responses, they can be obtained from National Grid (Gas & elec) and Western Power (elec)."***

The question was to BPC, surely they must have this information if the utility providers were actually consulted with?

9. Will the BPC kindly provide the audited log which records the numbers of representations received from (i) site owners or their agents and (ii) members of the public:

(a) for representations received at the Regulation 14 stage?

(b) for representations received on the Updated Sites Assessment Report?

and will it please also provide the audited log which records the sites submitted to the NDP at the time of the Questionnaires returns in 2014? and will the BPC please confirm that all site submission questionnaires or representations at each of those stages were handled and recorded firstly by the Parish Clerk as the interface between the public and the PC?

***"I do not hold the audited logs they are now held by Kirkwells and shown in the NDP. I am unable to confirm that all site submission questionnaires or representations at each of those stages were handled and recorded firstly by the Parish Clerk as the interface between the public and the PC as I was not the Clerk at the time."***

If there are audited logs, they are not in the NDP.

10. All comments/objections received to the Kirkwells' Updated Site Assessment Report.

***"These will be in the final report from Kirkwells. Please note I am unable to give out correspondence I recently received from members of the public to other members of the public. These were sent to me in confidence with the understanding they would be sent to Kirkwells, and as stated will be in the report from Kirkwells."***

In fact the "Recent News" in the Parish Magazine in May & June just said to send written comments to the Clerk. They mentioned nothing about confidentiality, nor did they say that they would be sent to Kirkwells.

### **Freedom of Information Requests made on 10 July 2017**

1. All Notices of Registrable Interests for the Burghill NDP Steering Group.

***"I do not have these."***

These were handed to the Chairman of the Burghill NDP Steering Group or to the Clerk. So where are they?

2. The Notices of Registrable Interests for [Parish Councillor name removed] and [Parish Councillor name removed] are totally blank apart from their names; and the one for [Parish Councillor name removed] only declares land at [location removed]. Does this mean that they live outside the Parish?

***"Notices of Registrable Interests are the responsibility of the individual Councillor and these can be viewed on the Herefordshire Councils website."***

This response does not answer what is a reasonable question by a parishioner. The Notices of Registrable Interests referred to were obtained from the HC website!

This really is a sad indictment of the Parish Council's attitude to members of the public who they are supposed to represent. [REDACTED]

[REDACTED] Evidently, openness and transparency is not a major feature of the NDP process in Burghill Parish.

### **3. THE FACTS HAVE CHANGED, THE EVIDENCE IS OUT-OF-DATE**

Let us go back to the Questionnaire, which was done in Spring 2014 to garner opinions from as many households as possible. At that time, in April 2014, HC's 18% growth target for additional dwellings in the Burghill NP Area was 124, completions and commitments were 18, so the remaining housing required was 106.

The Questionnaire responses in 2014 were obviously against that background. 56% of Burghill Parish households said an 18% housing increase was too much, 64% of Burghill Parish households said that 10% or less might be acceptable, and ONLY 2% of Burghill Parish households said that more than 18% would be acceptable. A case was made to HC to reduce the target (I wrote it myself, based on evidence and with supporting facts) but either the BPC or the people involved with the NDP later abandoned that case, in my view prematurely, and HC refused to listen. Ancient history, but very unfortunate.

Now in June 2018 the facts have changed. The April 2018 Submission NDP claims (in a typically confusing and opaque presentation within paras 6.1.6, 6.1.7, and 6.1.8 on pp 32/33) that against the 124 target, completions and commitments were 53 at April 2017, and 65 more planning permissions had been granted to 22 January 2018, so the remaining housing required is 6.

**In fact that is not correct.** There were *three* approved changes of use at Cherry Orchard Cottages which qualify for inclusion against the NDP target, not two. The one which is omitted from the table in 6.1.7 is **P173311/U No. 2 Cherry Orchard Tillington** Certificate of Lawful development for the use of the property as a dwellinghouse, rather than as an agricultural workers accommodation (Approved 26/9/17).

Then, because the list of Planning Permissions is cut off at 22 January 2018, it omits **P174268/F Proposed two storey dwelling adj Bird In Hand Cottage Tillington** (Approved 20/3/18). This could so easily have been included in the NDP – according to the HC website, the NDP was re-submitted on 9 May 2018.

The list of Planning Permissions also omits the recent permission for **P152868/F Proposed change of use into a dwellinghouse, Burghill Gospel Hall, Portway, Burghill** (Approved 15 May 2018).

The list of Planning Permissions also omits the very recent permission for **P181455/O Proposed erection of a bungalow at The Chase, Burghill** (Approved 19 June 2018).

And in addition another one which has been omitted is **P170161/FH Ivor House Tillington Proposed conversion and extension of existing workshop attached to garage to form a single storey ancillary building for accommodation.** (Approved 6/3/17). The Ivor House Annexe is in fact (a) detached from Ivor House with its own entrance (b) has its own kitchen, bathroom, bedroom etc. HC omitted it from the 'Commitments as at 1 April 2017'. However it does qualify as an additional dwelling according to an email from Sam Banks to Clare Fenton on 8 May 2017: *"I have sought clarification for our Strategic Planning team with regards to annexes. A self-contained (with kitchen, bathroom, bedrooms etc) separate annex property should be treated as an additional dwelling as that is clearly their purpose."*

So, the corrected numbers should be (as at 19 June 2018):

18% Target	124
Less completions and commitments at April 2017 (including the Ivor House separate annexe)	54
Less planning permissions had been granted to 22 January 2018 (including no. 2 Cherry Orchard CLEUD)	66
Less planning permission 20 April 2018 P174268/F dwelling adj Bird In Hand Cottage Tillington	1
Less planning permission 15 May 2018 P152868/F Proposed change of use into a dwellinghouse, Burghill Gospel Hall, Portway, Burghill	1
Less planning permission 19 June 2018 P152868/F P181455/O Proposed erection of a bungalow at The Chase, Burghill	1
<i>Sub-total all completions &amp; commitments</i>	123
<b>Remaining housing required</b>	<b>1</b>

So this is the true context 4 years after the in Spring 2014 Questionnaire. **Just ONE dwelling is required now, not the 106 which were needed 4 years ago.**

To "fill" this shortfall of 1 dwelling – to 2031 – which is needed to meet the minimum target, the Submission NDP is proposing mini-housing estates with a capacity of 24 dwellings. This is ludicrous. 123 completions & commitments plus 24 as per the Submission NDP = 147 dwellings which equates to 21% growth. Remember the 2014 Questionnaire? Only 2% of households thought that more than 18% growth would be acceptable.....97% felt that 18% was enough.

There are in addition to this approximately 20 dwellings which have been defined as 'windfalls' (they are actually sites/plots actually submitted to the NDP so are rather more certain than 'windfalls'). Many of these will happen anyway, and windfalls have historically kept coming forward in this Parish. Add these onto the 147, and we get a total of 167, which would equate to 24% growth.

**One does not need to be a mathematician to realise that 20 'known' 'windfalls' alone (in fact the small sites submitted to the NDP) will easily surpass the 18% growth target, and at the same time will provide the gentle but deliverable growth which is less damaging in terms of highways safety, foul drainage constraints, and the jarring change to local rural distinctiveness. The 24 dwellings included on the NDP's proposed three mini-housing estates are unnecessary and do not recognise the wishes of parishioners' responses to the 2014 Questionnaire, and certainly won't recognise their wishes now. The facts have changed, and some individuals involved with this Plan must recognise that they need to change their fixed mindsets, too.**

#### **4. FAILURE TO CONSIDER SUSTAINABLE DEVELOPMENT ADJACENT TO PROPER INFRASTRUCTURE**

There is a failure to consider development in more sustainable locations. The sewage mains are in Burghill and Lower Burlton, and they run between those settlements. Large sites adjacent to Burghill and the sewage network have been ignored, without considering if the landowners would be prepared to develop the smaller housing groups apparently preferred by the community.

#### **5. FAILURE ADEQUATELY TO CONSIDER SUSTAINABLE DEVELOPMENT (CONVERSIONS & SMALL SITES)**

Numerous sites utilising the re-use of old farm buildings, or for housing on small sites, were submitted to the NDP in 2014. I know, because I mapped them then for evaluation. They have been completely ignored. The NDP is based on mini-housing estates of new houses. Those submitted sites utilising the re-use of old farm buildings or for housing on small sites have been designated "windfalls". This is ludicrous – how can a known site be a (unexpected) windfall? The consequence of this is that there is an over-dependency on new builds which have an immediate detrimental effect on the landscape and visual amenity in what is a rural landscape (conversions and small sites have far less impact, particularly conversions because the structures already exist). These mini-housing estates also have impact on existing properties, in particular flooding consequences due to rainwater run-off and treated wastewater from intensive pockets of development using package treatment works or septic tanks in unsustainable locations.

From Herefordshire Council: "*Windfall development has consistently taken place in rural areas and this is likely to continue. Windfall development includes non-allocated development that may come forward both within and outside settlement boundaries. If you so wish your neighbourhood plan can make an informed judgement about the likely level of windfall development that will be generated in your plan area during the period up to 2031.*" The Burghill NDP could actually do better than that, if its authors wanted it too. There are 20-odd dwellings which could have been included or even allocated which actually were submitted to the NDP and are therefore more certain than

'windfalls'. The April 2018 Submission NDP and the June 2016 Regulation NDP lists some of them (but, sadly omits listing as 'windfall' one for a conversion to three dwellings which the owner reconfirmed as recently as October 2017 that he wished specifically to be included as a submission).

The author of the NDP has ordained (Appendix 3 page 76) that "Housing groups within development projects shall not exceed 10 dwellings". Yet this has, in effect, been totally subverted where, at Tillington, 2 sites more-or less opposite each other have seemingly both been allocated, and which together supposedly have a capacity of 14 dwellings.

## **6. FAILURE TO CONSIDER IMPLICATIONS OF HEREFORDSHIRE COUNCIL'S DECLARED INTENT TO DEVELOP IN THE SOUTH OF THE PARISH**

The proposed Hereford Relief Road has, at last, had a belated mention in this Submission version of the NDP. However, the NDP fails to mention that Herefordshire Council at a Cabinet meeting on 14th April 2016 approved its Smallholdings Disposal Plan but "*recognised the need to exclude from sale certain sites with development potential.*" It was proposed that the following Burghill Parish sites be excluded:

*"Hospital Farm, Burghill, Hereford – potential for housing development site  
Tow Tree Farm, Burghill, Hereford – identified in the core strategy as potentially on route of the by pass."*

This does not even merit a mention in the NDP. The NDP surely must consider these factors, and Herefordshire Council must comment on them and provide policy detail. Isn't there a duty of co-operation?? Hospital Farm is a large site. The housing capacity is huge. The community has not been adequately consulted. There was a 'presentation' by the BPC recently about the Relief Road but where is the consultation with the community, either by HC or BPC about Hospital Farm where there is declared intent for what would be major strategic housing development within the Burghill NDP Area?

In fact, in the responses to the Regulation 14 'consultation' but not published until the June 2016 Regulation was submitted (and buried in the 'Consultation Statement'), Herefordshire Council said the following:

In response to the Burghill Parish Neighbourhood Development Plan 2011-31 Consultation Draft, Herefordshire Council owns the land shown hatched red on the attached plan and puts forward this land to be allocated within the Plan as land suitable for housing development during the plan period. The land is considered suitable for the following reasons:

- Its proximity and accessibility to the existing highway network
- Its proximity to the existing urban area of Hereford City and all the public services that provides.
- The massing of the development in this location will enable on and off site infrastructure to be delivered in a cost efficient manner and therefore improve the viability and deliverability of the development of this land for housing
- The land is owned by Herefordshire Council who can secure vacant possession and ensure the land is made available for development at the earliest opportunity, thus ensuring the requirements of the Plan are achieved within the Plan period, subject to all necessary consents and market demand.

I would be grateful if you could acknowledge receipt of this email and if you require any further information then please contact me.

The 'Parish Council' response was:

This site (2a) was included in the site assessments carried out. The site did not score as favourably as others and as such was not brought forward as a site allocation.

This 'Parish Council' response (in fact rebuttal) was, of course, based on a score given in the previous September 2015 "Kirkwells" Site Assessments. It is not known what instructions had been given to Kirkwells when that was commissioned. Despite being adjacent to the northern extension of Hereford within Burghill Parish, the Hospital Farm site was marked down because it was rated as "Open Countryside", and "Inappropriate development". Despite that, it remains a site which HC wishes to develop, its proximity to Hereford means that it is in a sustainable location, and its development would reduce pressure on the rest of the Parish. There has been a failure to co-operate with HC, and a failure to consider that site, properly, as an alternative.

## **7. DRAWING OF A SETTLEMENT BOUNDARY FOR TILLINGTON WITHOUT COMMUNITY CONSULTATION**

The Herefordshire Council Guidance Note 21 for Neighbourhood Planning clearly states:

**"It is key to identify a settlement boundary, or any alternative, by engaging your local community through public consultation. This will help to discuss and designate a settlement boundary which is fitting for your village."** This commonsense guidance has just been ignored.

At the November 2014 "Options Days" there were forms for Burghill (the main Settlement with an existing Settlement Boundary) and for Lower Burlton (in the Parish but previously included within the *Hereford* Settlement Boundary) asking for comments about possible Settlement Boundary changes, and the forms included the following:

**You also wanted a settlement boundaries drawn for Tillington & Tillington Common. We are not doing that just yet as the PC is waiting for the final version of Herefordshire Council's Core Strategy. This might declare that Tillington and Tillington Common are both in the countryside and a settlement boundary would not be necessary.**

It is questionable that the community "wanted" settlement boundaries anyway. This "wanted" phrase presumably dates from the Spring 2014 Questionnaire, which actually asked "Should we define a settlement boundary for Tillington Common?" and "Should we define a settlement boundary for Tillington?" There was no consideration of any alternative to a settlement boundary, as per the HC Guidance. One presumes that "we" was the Parish Council. Perhaps the Parish Council might confirm who "we" actually was?

The November 2014 Options Days deferred any debate about settlement boundaries for Tillington and Tillington Common, and there has been **NO SUBSEQUENT CONSULTATION or ENGAGEMENT WHATSOEVER on a Settlement Boundary for Tillington or Tillington Common.** But one just appeared as if by magic in the Regulation 14 Draft Plan in January 2016, over a year later. This has stubbornly persisted ever since then, despite repeated protests by myself and others that it was done without consultation or engagement with the community.

My wife was told by two Steering Group members at a Parish Council meeting in November 2015 that a Settlement Boundary for Tillington *had* been consulted on at the November 2014 Options Days. She and I knew that this was **incorrect**, and my wife emailed them both with a copy of the above Options Days form containing those words "we are not doing that just yet...." She had an email response from one of these Steering Group members on 19 November 2015 (copy available for the examiner if he/she requires) which included this:

I too went home and checked and **you are quite right - there wasn't a Tillington settlement boundary map at the Options Days.** There were a great many other maps but not that one so I can only apologise. It's interesting that [redacted] was under the same misapprehension!

An apology maybe, but never any attempt to rectify this omission. If Steering Group members themselves don't know what has been consulted on, this is a very poor show. It demonstrates the cavalier, top-down approach to the NDP and the arbitrary inclusion of a settlement boundary and

sites in a particular part of Tillington without consultation with the local, let alone the wider community.

Furthermore, this has a consequence. The Kirkwells Site Assessment Report (SAR) dated September 2015 was not published on the Parish Council website until partway through the Regulation 14 Consultation itself, and only as a result of the request by Herefordshire Council which had had a major landowner/site submitter request its publication. This SAR is also no longer visible on the BPC website (although I did download a copy at the time which I can pass to the examiner if he/she requires) but what is key to understand is that the SAR repeatedly rates chosen sites for allocations in Tillington as being "within proposed settlement boundary" as though that had some credibility. That is, of course, a *proposed* settlement boundary **WHICH HAS NEVER BEEN CONSULTED ON**, and to rate sites on that basis can only be described as **PREDETERMINATION!** The Site Assessment Report, and therefore the Neighbourhood Plan are both invalid certainly as far as Tillington is concerned due to lack of consultation and an arbitrary *imposed* settlement boundary.

In fact, there is a recording of a Parish Council Meeting on 12 July 2017 which had the following revealing exchange:

- Parishioner: "Could I just ask you who drew the Settlement Boundary around Tillington?"  
Kirkwells: "The Steering Group."  
Parishioner: "Anyone in the Steering Group, or was it a joint decision by the Steering Group?"  
Kirkwells: "Erm...**it was prior to Kirkwells being appointed, so we just got the Settlement Boundary.**"  
Parishioner: "Because there's just no consultation on the Settlement Boundary being drawn, you see..."  
Kirkwells: "Yeah, that's, that's..."  
Kirkwells: "**We got the information from the Steering Group and then used it to produce our reports.**"

This proves that the Site assessments done by Kirkwells were based on a Settlement Boundaries given to them by "the Steering Group". Surely this is indicative of predetermination about where development might be located?

In addition, that first 2015 SAR repeatedly determined that many sites were "...in countryside. Not assessed further. Inappropriate development". Whether or not they were in countryside should have been for debate within the community. Many of these sites were redundant buildings, were actually potential policy RA5 conversions and therefore quite suitable. The consequence of pre-determining them as "Not assessed further. Inappropriate development" has persisted, and they were not re-assessed in the 2017 "Updated" Site Assessments, either.

#### 8. **"UPDATED SITE ASSESSMENT REPORTS" (2017)**

The consultants Kirkwells were commissioned by the Parish Council on the advice of the Steering Group to undertake further Site Assessments following Herefordshire Council's negative Progression to Examination report in Autumn 2016. The April 2018 Submission NDP in para 6.1.28 actually acknowledges that "concerns have been expressed about two sites in Tillington regarding possible problems with sewage disposal and access" and that "these sites scored favourably in the site assessment process, done by independent consultants, *within the limits of what can be achieved with preliminary analysis* and limited expenditure." The preliminary analysis is **SIMPLISTIC** because the scoring system is **UNWEIGHTED**, and a key constraint such as lack of sewage connectivity (to be compared with other locations in the Parish) is buried within a "Services" score so further reducing attributed weight.



That 2017 Assessment is a triumph of hope over reality. Before the 2017 “Updated Site Assessment Report” a planning application for a new access on one of those Tillington sites HC was concerned about in the Progression to Examination report was refused on highway safety grounds (and objected to by BPCI), and since then another one recently has had to be withdrawn on advice from Herefordshire Council’s Development Control Department, because of constraints regarding both highway safety and concerns about waste water disposal.

I am very concerned that even those later 2017 Site Assessments for the NDP are flawed. Just looking at the 3 ‘preferred’ sites now contained in the NDP, and concentrating only on the above key constraints of highway safety & waste water, when the scoring is decoded into plain English, the flaws are revealed:

USAR Scoring Translation from the scores back to the descriptions:

	Access	Services	Suitability/Constraints	Constraints affecting deliverability
Site 10 Tillington	Existing road access to site is adequate	Utilities required to service site	Significant Constraints	Constraints can be overcome with some cost
Site 25 Tillington	Existing road access to site is adequate	Utilities required to service site	Minor Constraints	Constraints can be overcome with some cost
Site 21 Burghill	No access/Will require significant highway amends	Utilities required to service site	Significant Constraints	Constraints can be overcome with some cost

In fact, the existing road access **to all three sites** is poor, and visibility splays are unachievable without significant or unachievable works to the highway with consequent significant detriment to hedgerows and rural character. The existing access to Site 10 is poorly located on a side lane in a national speed limit. This side lane (Crowmoor Lane) also carries a large amount of traffic accessing the Pick-Your-Own at Court Farm in the Spring/Summer/Autumn months. The Pick-Your-Own has another access from A4110 but a large amount of traffic still accesses it by driving there along Crowmoor Lane from Whitmore Cross (or from the “Cross at Whitmore” as the NDP still ridiculously insists on calling it!!). The existing access to Site 25 is only a field gate, and inserting a new access required overcoming a huge list of highways concerns, as evidenced by the Transportation comments for the now-withdrawn planning application P180094/O. Site 21 at Redstone, Burghill is similarly inaccessible. The lanes on the frontage of all three sites are within 30 mph limits but speed surveys done for nearby planning applications in all cases reveal poor speed limit adherence, commonly with 85 percentile speeds of 40 mph, so very long and unachievable visibility splays are then required!

In all cases, as stated, utilities would be required to service the sites, **but in the case of the Tillington sites there is neither mains sewage nor mains drainage available.** This is a significant constraint for multi-dwelling development which has just been ignored.

The assessment recognised that the suitability of Site 10 and 21 is significantly constrained, but then states that for Site 25 that suitability is only subject to *minor* constraints. This latter site is the one which was subject of a recent planning application but which had to be withdrawn on the advice of the planning department due to constraints (see above). So the constraints are not ‘minor’. In all three cases, **the constraints are significant.**

Furthermore, there is a total anomaly in the proposed Policy B1 of the Submission NDP which states “new housing will be only be considered on an allocated site or within the settlement

boundaries.....subject to.....not [being] located adjacent to noise or nuisance generating agricultural, industrial or commercial activities". Yet the NDP also mentions the presence of commercial properties "within the Tillington group" including a garage, workshops and a pub. The garage and workshops generate industrial noise, and the pub generates commercial noise from the beer garden and car door banging from the car park, yet **the "preferred sites" at Tillington in this NDP are adjacent to these noise or nuisance generating agricultural, industrial or commercial activities!!**

Finally, to say that "Constraints can be overcome with some cost" is risible. There is no definition of "some cost". It is likely to be considerable, probably not viable, and that is only the economic cost. The environmental costs are incalculable.

Unfortunately the responses made to representations made by people with local knowledge to the "Updated Site Assessment Report" were characterised typically by (a) ignoring them and (b) responding with 'no change', 'no change', 'no change'.

In addition, the "Updated Site Assessment Report" did NOT reassess the Solar Farm proposal, which has simply been slipped into the NDP again **without further reassessment** – I understand that HC had previously rightly expressed misgivings about the deliverability of that as well.

The chronology and glacially-slow evolution of the NDP since its non-progression in 2016 needs to be noted:

- The HC Progression to Examination Report was published in October 2016, but the Parish Council did not undertake the recommended further community consultation.
- The BPC waited until December 2016 and then commissioned the "Updated Site Assessment Report" ("USAR").
- The USAR was not published until mid-April 2017, and then the period of the so-called 'consultation' on the "Updated Site Assessment Report March 2017" dragged on from mid April 2017 to end June 2017.
- During this period the Steering Group was abolished, thereby taking out any members who had expressed concerns, and removing potential opposition or constructive input. The eventual USAR Table of Responses revealed that the comments of about 10 respondents had not been included at all. That original table which omitted the comments has now been expunged from the Parish council website but copies have been retained by concerned members of the wider community (available for the examiner if required).
- BPC then decided to extend the period of the so-called 'consultation' of the "Final Updated Site Assessment Report August 2017 until mid-October 2017.
- Then in early November 2017 the Parish Council agreed to go ahead to Regulation 16 based on an NDP with the 3 preferred sites but it then took a further 4 months to edit the NDP to include the '3 preferred sites' (from 8 Nov 2017 to 13 March 2018), and a further 2 months to submit what BPC described in their Minutes as the 'adopted' NDP to HC (from 13 March 2017 to 9 May 2018).

Given that the Parish Council was declaring that it was concerned about delays to the NDP, one has to question why the Parish Council itself has dithered for so long itself, and therefore by itself put the Parish at risk of speculative planning applications. In summary the delays were:

- 2 months to commission further site assessment reports from the same consultants who had produced the earlier September 2015 site assessment reports which were the basis for the first, failed, June 2016 Reg 16 NDP
- 4 months to wait for the consultants to produce the reports
- 6 weeks of 'consultation' (publication on the BPC website therefore excluding many older residents)

- 3½ months of dithering while representations were tabulated for rebuttal, and then the USAR was 'consulted-on' further (again publication on the BPC website therefore excluding many older residents)
- A month before deciding to do a new Reg 16 NDP,
- then 4 months to edit the old one just to include the 3 sites
- then a further 2 months before submitting the new NDP

**A total of 17-18 months delay, during which time there was no proper consultation and genuinely active engagement with the community as defined by the National Planning Practice Guidance.**

The Parish Council as Qualifying Body, in its Submission NDP, itself described the 'Updated' Sites Assessment Report as being "within the limits of what can be achieved with preliminary analysis and limited expenditure". The Parish Council is deluding itself (or has been deluded) if it really believes that simply lengthening a consultation period to 12 weeks for what is (by its own admission) a limited Sites Assessment Report, is sufficient to be considered as true consultation, particularly as the representations by the wider community were then largely disregarded. This should not be about the length of the apparent consultation period, it should be about the **quality** of the consultation, and about **listening** to people.

**9. QUALITY & RESOLUTION OF GRAPHICS IN THE APRIL 2018 SUBMISSION NDP IS POOR – TO THE EXTENT THAT IMPORTANT INFORMATION IS NOT VISIBLE**

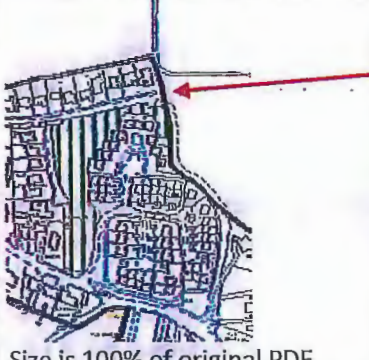
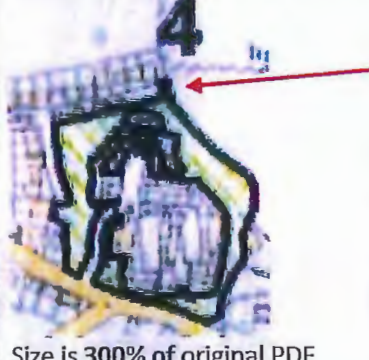
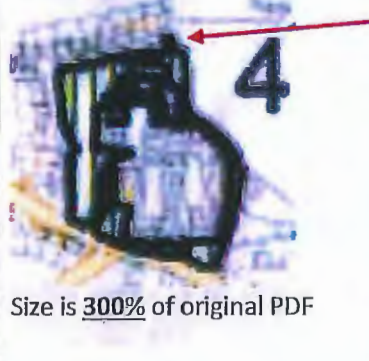
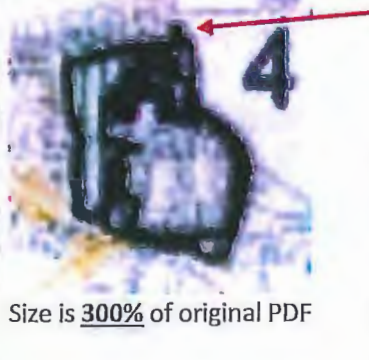
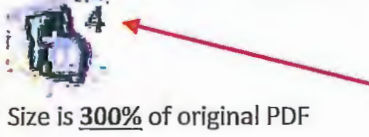
The resolution of all the graphics in the April 2018 Submission NDP is strikingly much worse than even the June 2016 Regulation NDP. The graphs reproduced from the old Questionnaire are very grainy and barely legible. I am particularly bothered by the poor quality and graininess of some of the Appendices maps. The Submitted Sites map and the "late submissions maps are rendered useless because they are now virtually unreadable.

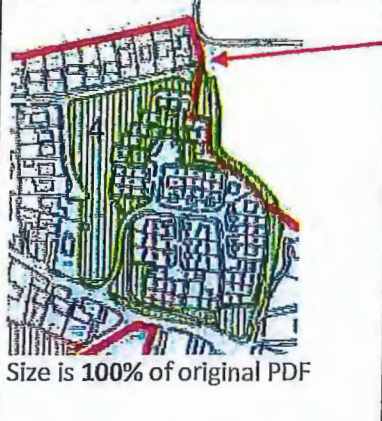
More specifically, the quality of the "Designated Local Green Spaces" Map is truly awful. This is supposed to inform readers but it is so unclear that that is impossible. It is not fit for purpose, and it wasn't fit for purpose before, either. I draw the examiner's attention not only to the appalling fuzziness of this map but also to a particular part of it. I have previously made this point at Regulation 14, at the old Regulation 16, and in my USAR comments, but I just get repeatedly ignored. Maybe someone will listen this time.

I refer to Green Space no. 4 which is listed in "Table 3 – Local Greenspace – NPPF Criteria" (a misnomer if ever there was one, because it does not accord with the NPPF):

The Green Areas at Leasown and Baker's Furlong	4	Within the Leasown and Baker's Furlong Housing area	Contiguous grassed open areas adding significant openness and character to a fairly compact housing zone. Also provides amenity area to these zones.	Owned and managed by the Herefordshire Housing.
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This is supposedly defined on the "Designated Local Green Spaces" Map 6. However, it is not defined. Here again is a progression of enlargements of that particular area which I have made using the same magnification, while using the maps as provided in the NDP and not changing their resolution (importantly, all on one page):

Map origin	Map extract of Leasown & Bakers Furlong area	Comment
<p>Original Inset Map 7 from the <b>HC UDP (2009) Burghill Map</b> which shows 'Protection of Open Areas and Green Space HBA9' in vertical green hatching  <a href="https://www.herefordshire.gov.uk/download/downloads/id/5405/burghill_map.pdf">https://www.herefordshire.gov.uk/download/downloads/id/5405/burghill_map.pdf</a>  <b>CLEAR BY HC IN THE UDP PROPOSALS MAP.....</b></p>	 <p>Size is <u>100%</u> of original PDF</p>	<p>On this UDP map the eastern end of Bakers Furlong is not within the 'Protection of Open Areas and Green Space HBA9', and therefore there is access from Bakers Furlong to the site to the east (NDP Site 35).</p>
<p>Map of same area from "Designated Local Green Spaces" Map 6 of <b>Regulation 14 NDP</b> (January 2016)   <b>BLURRY.....</b></p>	 <p>Size is <u>300%</u> of original PDF</p>	<p>On the Regulation 14 Map 6 if it is enlarged to 300% then one can see (just) that the eastern end of Bakers Furlong has been included in the Designated Local Green Spaces area, and therefore access from Bakers Furlong to the site to the east is <b>BLOCKED</b></p>
<p>Map of same area from "Designated Local Green Spaces" Map 6 of <b>Regulation 16 NDP</b> (June 2016)   <b>BLURRIER.....</b></p>	 <p>Size is <u>300%</u> of original PDF</p>	<p>On the Regulation 16 Map 6 if it is again enlarged to 300% then one can see (just) that the eastern end of Bakers Furlong has been included in the Designated Local Green Spaces area, and therefore access from Bakers Furlong to the site to the east is <b>BLOCKED</b>. It is evident that the original map has been 'worked on' because the "4" has been moved and changed. But the map has become <b>almost useless</b>.</p>
<p>Map of same area from "Designated Local Green Spaces" Map 6 <b>Submission NDP (April 2018)</b>   <b>BLURRIEST.....</b></p>	 <p>Size is <u>300%</u> of original PDF</p>	<p>On the re-Submission April 2018 Reg 16 Map 6 if it is again enlarged to 300% then it is now virtually impossible to see that this area has been drawn so that the eastern end of Bakers Furlong has been included in the Designated Local Green Spaces area, and therefore access from Bakers Furlong to the site to the east is <b>BLOCKED</b>. It seems to be a lower resolution of the already almost useless map from 2 years before. But now the map has become <b>totally useless</b>.</p>
<p>Map of same area from "Designated Local Green Spaces" Map 6 <b>Submission NDP (April 2018)</b>   <b>SUPERLATIVELY BLURRY &amp; TINY.....</b></p>	 <p>Size is <u>300%</u> of original PDF</p>	<p>It also means than the change in status has been hidden to the eye. <b><u>This is what the reader actually sees with the NDP at normal 100% size, as printed.</u></b></p>

<p>Map of same area from "Burghill proposed settlement boundary" Map.3 Submission NDP (April 2018)</p> <p><b>And OBSCURED.....</b></p>	 <p>Size is 100% of original PDF</p>	<p>Even if the reader looks at the Map 3 "Burghill proposed settlement boundary" (which has actually miraculously managed to be published at normal 100% size) it is still very difficult to see (because here it is obscured by the red line settlement boundary) how the eastern end of Bakers Furlong has been included in the Designated Local Green Spaces area, and therefore access from Bakers Furlong to the site to the east is BLOCKED.</p>
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My point is that the "Contiguous grassed open areas adding significant openness and character to a fairly compact housing zone. Also provides amenity area to these zones." is a flowery planning-speak description in "Table 3 – Local Greenspace – NPPF Criteria" which belies the fact that access to the site to the east has been stopped in a way that I consider to be contrary to the NPPF para 76 (the extension is clearly not a "special circumstance"), and the blocking-off has not been consulted on (openly) nor made clear in the maps, which have in fact become more obscured with the passage of time. When this issue was raised over 2 years ago in Regulation 14 representations, the "PC Comments" on them which subsequently appeared in the Regulation 16 "Consultation Statement" (page 87) stated "Better quality maps will be produced for the submission plan". My evidence above shows that they were not improved, and have become decidedly worse. I leave it for the examiner to draw his/her conclusions, but if nothing else this just demonstrates that the "Parish Council" does not listen to anybody, ignores representations, and ploughs on regardless. Localism? Is that really what it means, ignoring people?

I objected to this projection of this green space at the time of Regulation 14 because it seemed – perhaps - to have been designed to block access to the Site 35 submitted by Farmcare as a possible site for housing (which is just to the east of Bakers Furlong and which would otherwise be able to use this as an access). Site 35 is an eminently sustainable development site adjacent to the main settlement of Burghill village (which unlike Tillington is actually connected to Mains sewage and drainage).

The Planning Practice Guidance for the National Planning Policy Framework (NPPF) is clear - **Local Green Space designation should not be used in a way that undermines the identification of development land in suitable locations.**

The response by the "Parish Council" to my Reg 14 objection was "The Local Green Space has been extended beyond that identified in the Herefordshire UDP as Open Areas and Green Space to reflect what is actually evident on site." This is absolutely ridiculous because "what is actually evident on site " is this scruffy, sparsely covered bank behind the turning point (where access to Site 35 would be) as evidenced by this 2016 photograph :



This is not in conformity with the NPPF, therefore it does not meet Basic Conditions.

I say again, as I did at the 2016 Reg 16 consultation, that it is unbelievable, and unacceptable, that this Neighbourhood Plan on the one hand seeks to **prevent** development at this sustainable site 35 in Burghill (main settlement with mains sewage & drainage) by the inappropriate use of a greenspace designation; while at the same time, it seeks to **promote** overdevelopment at Tillington (which lacks mains sewage and drainage).

If local people at Leasown/Bakers Furlong want a greenspace then that is fair enough but the debate about that **should have been a wide, fully consulted-on debate, including with the owner of Site 35**. The author of the NDP will of course no doubt defend this by saying that 'this was covered in the 2014 Questionnaire'. There was a Green Space question in that, but the reality is that there were only 9 responses (i.e. only 2% of the 430 questionnaires returned) which mentioned protection of the "Green areas/spaces/sites (7) e.g. between Bakers Furlong and Leasown (2)". And none of that small number mentioned a desire to block off the end of Bakers Furlong itself with an extended Greenspace designation.

By the inappropriate use of the Greenspace designation, another alternative site has been excluded from full and proper consideration. Many challenges to the validity of NDPs across the country have succeeded because of failure by NDPs properly to consider alternatives.

### 10. MISTAKE BY HEREFORDSHIRE COUNCIL IN INCLUDING 'TILLINGTON' AS A 'MAIN GROWTH SETTLEMENT'

For the benefit of the NDP examiner, this error goes back to the Herefordshire Council Rural Background Paper which was the supposed 'evidence' to the Core Strategy [https://www.herefordshire.gov.uk/download/downloads/id/1705/rural\\_housing\\_background\\_paper\\_march\\_2013.pdf](https://www.herefordshire.gov.uk/download/downloads/id/1705/rural_housing_background_paper_march_2013.pdf). At the back, in Appendix 2 page 30, it clearly shows that it was Tillington **Common** which was assessed in what was later revealed during the Core Strategy Examination to have been based on desk-based research.

<b>HEREFORD Rural HMA Housing Target 1870</b>	Approximate number of residential dwellings within the main village envelope	Strategic Housing Land Availability Assessment	Affordable Housing Needs Survey	Public transport provision	Pub / Restaurant	Village Hall	Primary School	Shop	Post office	Existing employment site (within 5km)	Additional Key Services	Floodzone 3	AONB	Hierarchy matrix total points
<b>Stretton Sugwas</b>	79	110		3	3	3	3			3				20
<b>Bishopstone</b>	80	0		3										6
<b>Woolhope</b>	81		11 <sup>0</sup>	3										6
<b>Easton Bishop</b>	88		2 <sup>1</sup>	3		3								10
<b>Pipe and Lytle</b>	88		3 <sup>2</sup>	3						3				8
<b>Brenton</b>	102		9 <sup>5</sup>	1		3								7
<b>Tillington Common</b>	110		14 <sup>11</sup>	3	3			3						14

-30-

Rural Housing Background Paper  
March 2013

The same paper then arbitrarily changed the settlement name to 'Tillington' and then inserted 'Tillington' into Figure 6 (the Hereford rural HMA analysis summary table in that Paper). This then became the basis for the Core Strategy rural 'main growth settlements'. A comprehensive representation (I wrote it!) was submitted by Burghill Parish Council at the Pre-submission stage of the Core Strategy which covered all this and requested removal of Tillington from the list but the Inspector was not interested in that detail, no doubt because in its 'Summary of Points Raised' document for the examining Inspector, Herefordshire Council stated, in fact quite **wrongly stated**, on page 101 of that PDF (see extract below) that "no further information has been submitted to exclude them or move them into another list":

[\*\*This file has disappeared from the HC website, but I have retained a copy so there is proof of the mistake.]

15. Some parish councillors and local respondents queried why certain villages had been included in the lists of villages in fig 4.20 and 4.21. However, the villages feature in the relevant lists as they meet the criteria and **no further information has been submitted to exclude them or move them into another list.**

**Andrew Ashcroft**

**Assistant Director – Economic, Environment & Cultural Services**

**10 September 2014**

This was information which HC provided to the CS Inspector and it is clearly misleading and untrue. This heinous injustice has remained uncorrected to this day despite attempts by concerned members of the community to get it corrected but Herefordshire Council refuses point blank even to acknowledge that it made a mistake.

Unfortunately the error has subsequently been exploited to push development onto the Whitmore Cross area of Tillington, which has less than 20 dwellings, and is far removed from the larger settlement of Tillington **Common** which was the settlement actually assessed in that clearly very poor desk-based research done in 2009/10, the records for which apparently no longer exist presumably because they have been lost or destroyed. This is hardly the adequate, up-to-date and relevant evidence base which is demanded by the NPPF.

#### **11. FAILURE TO CONSULT ON SETTLEMENT BOUNDARY FOR TILLINGTON COMMON AS WELL AS FOR TILLINGTON**

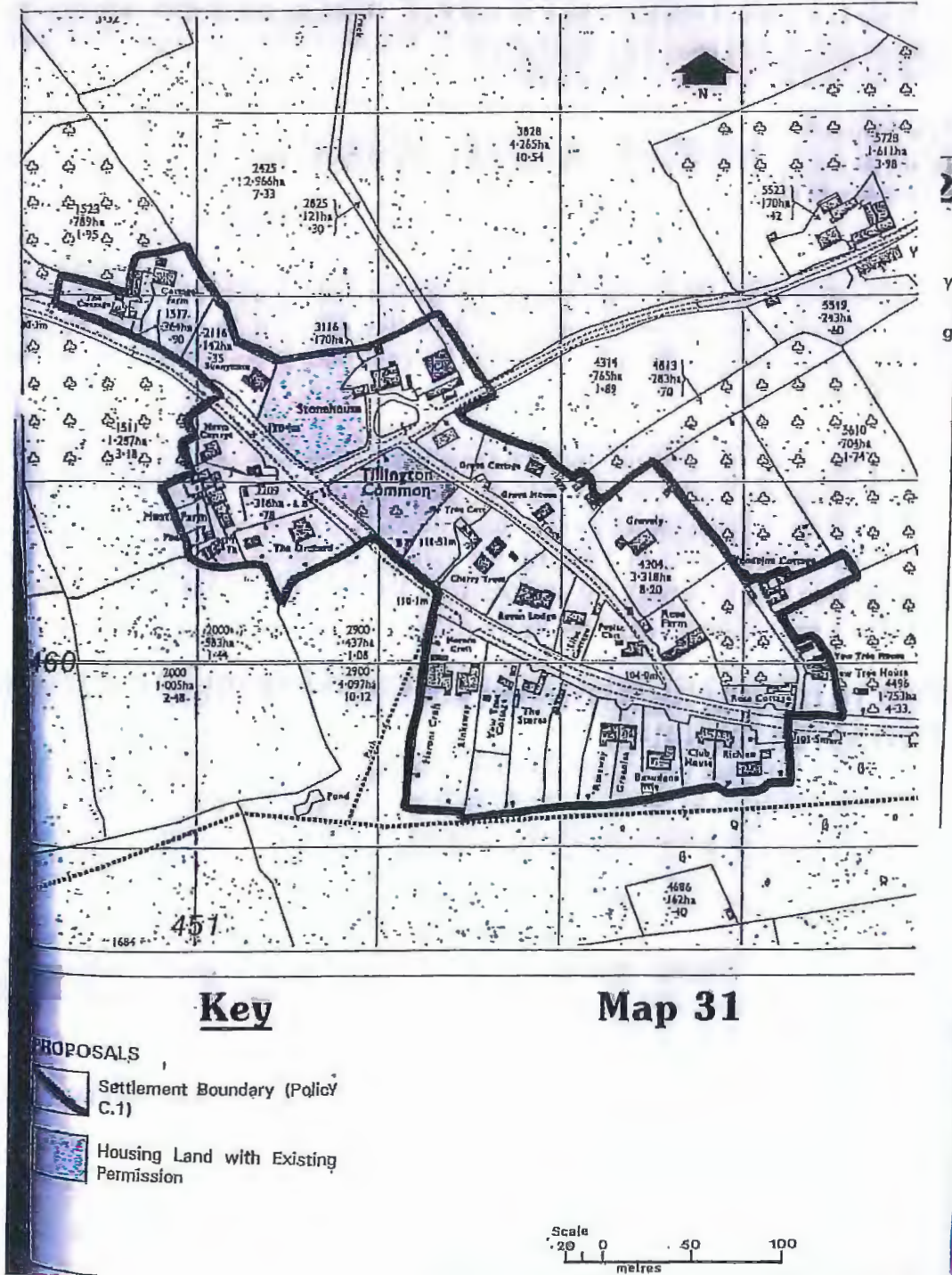
The Submission NDP, like the earlier one, states on page 34 in para 6.1.17 *“Figure 4.14 of the Core Strategy continues to identify both Burghill and Tillington as growth areas. The PC has previously agreed that growth should be confined to Tillington and not Tillington Common which is perceived to be an unsustainable countryside location for new development, as confirmed by previous planning decisions.”*

The statement that *“Tillington Common which is perceived to be an unsustainable countryside location for new development, as confirmed by previous planning decisions.”* is **completely baffling**, because Tillington Common:

(1) comprises a large group of about 50 houses (which have access to fibre broadband and to a 6 per day bus service to Hereford so it is hardly unsustainable).

(2) had a settlement boundary drawn around it in the past (see South Herefordshire Council proposed settlement boundary below) so clearly the local authority considered it to be suitable location.

# Tillington Common



(3) the “previous planning decisions” comment is totally misleading because all parts of this Parish apart from Burghill (main settlement) and that extreme southerly part within the Hereford Settlement Boundary were previously defined as “countryside” so **ANY** previous planning decisions anywhere in the Parish outside Burghill and the extreme south would have been determined on the basis that they were countryside anyway.

Page 20 of the Submission NDP reports the Questionnaire result (from Summer 2014) that “The majority of households (71%) think a settlement boundary for Tillington Common should also be defined.”

But then unilaterally and **without any consultation** with the community “Burghill Parish Council” in early 2015 (a) decided that Tillington Common should be excluded from



consideration as a settlement and (b) attempted to get Herefordshire Council to agree with its exclusion by means of a "Common Ground Statement" **which was not consulted on, either**. It was submitted without the knowledge of the community.

There were several site submissions from local people in Tillington Common which as a result are not now included in the NDP.

**Yet again, this is another illustration of a failure to consult with the community contrary to the (obvious) national planning advice**. And it is so **unfair** and **discriminatory** then to direct development towards that smaller settlement at Tillington Whitmore Cross.

## **12. INCLUSION OF A SOLAR FARM SITE WHICH WOULD IMPACT ON THE SETTING & WEAKEN THE STATUTORY PROTECTIONS OF CONSERVATION AREAS & LISTED BUILDINGS**

According to the advice in the Planning Practice Guidance, Basic conditions (b) and (c) that relate to listed buildings and conservation areas apply to Neighbourhood Development Orders, so that "making the order will not weaken the statutory protections for listed buildings and conservation areas". The NDP includes a site for a solar farm which is (a) on top of a hill to the north of the Burghill Conservation Area containing many listed buildings including the Grade II\* listed St Mary's Church and (b) that hilltop slopes towards the Conservation Area and Listed Buildings as well. I fear that having obtained the inclusion of the site in the NDP, the next step would be a Neighbourhood Development Order (NDO). Therefore if such a Solar Farm would not meet Basic Conditions for a NDO due to its impact on the setting of a Conservation Area and Listed Buildings, surely the inclusion of it in the NDP which would facilitate/give more credence to a subsequent NDO means that the NDP also should not be treated as meeting Basic Conditions in this respect? In any case, under the NPPF there should be due regard to the impact of an alien structure like this on heritage assets and on the landscape as a matter of course.

In addition, I understand that doubts were expressed by Herefordshire Council about this proposed Solar Farm at the time of the June 2016 Regulation NDP. **It has not been assessed since then, and it was not in the "Updated" Site assessment reports in 2017 either. It has not been properly consulted-on**. The last token consultation was at the November 2014 Options Days when the site location might have been seen by the 80-odd people who attended, but the constraints on this site, and its unfortunate impact on heritage assets and the landscape were not presented. It should be removed from the NDP, it should never have been put into it, and it should not still be in it.

And while the NDP has been stuck in its own time-warp for 4 years, Government Policy has moved on, discouraging solar farms by removing most of the financial support previously available.

## **13. NO CONSULTATION, NO EXPLANATION WHY PARTICULAR SITES FROM PREVIOUS June 2016 REGULATION 16 NDP HAVE NOW BEEN REMOVED**

The previous Reg June 16 NDP included these four "preferred sites":

- Site 22 - "Part – Frontage adjacent to the Bell"
- Site 2D - "Tillington Road Frontage, Lower Burlton"
- "Within curtilage of White Roses, A4110"
- Site 2B - "Lower Burlton, Near A4110"

They have all been removed from this April 2018 Submission Version. **There is no rationale, no reasoning, and there has been no consultation**. It has just been done.

Yet various statements were made at PC and SG Meetings over the last 18 months concerning removing sites from the NDP and changing Settlement Boundaries:

- At the 29 Sept 2016 SG meeting (this was just after the Progression to Examination report which rejected the previous Reg 16 NDP, and the first one which was actually advertised, so members of the public were present to hear what was said) it was said that *"If the NDP is materially changed then 'we' have to return to Reg 14 again"* and *"if 'we' go back and add another site or take one out then 'we' have to go back and reconsult."*
- In the SG 'notes' 30<sup>th</sup> November 2016 it was recorded *"We have been advised that if preferred sites were definitely shown to be undeliverable then their removal from the draft would not require us to return to Reg 14."*

[After 2 years in limbo, the NDP has clearly materially changed, not least due to the significant number of planning permissions including significant numbers on sites including those not deemed to be "preferred". And three of these four sites which were "preferred" in the June 2016 NDP have **not** been *"definitely shown to be undeliverable"*. The fourth, 2B, was tested in two Planning Applications and that one **is** demonstrably undeliverable.]

- The PC minutes 12 October 2016 state as a matter of fact: **█** *went on to explain that adding any different planning applications to the current NDP would not be possible as a new process would be required and this would be costly."*

[Clearly many planning applications have been netted into the NDP since then.]

- The PC minutes 16 November 2016 state as a matter of fact: *"It was discussed that with 50 houses being approved recently we can now request that 40 houses are removed from our allocation in the NDP plan, █ went through the issues of this and by changing our NDP plan we may need to go back the beginning of the process, █ said this can be checked with the Consultants.*
- The Consultants response (letter dated 11 April 2015) states as a matter of fact: *"Given the significant comments received at Regulation 14 and again at Regulation 16, and the sustainable settlements issue, I would strongly suggest there is a second Regulation 14 consultation undertaken by the Parish Council."*

[It is puzzling why (a) the checking with the Consultants took as long as 5 months and (b) why, given that the consultants response was that they *"strongly suggest there is a second Regulation 14 consultation undertaken by the Parish Council."* that there was no full and proper consultation with the community.]

There has been no proper dialogue with the community, and in the absence of consultation (which might then be NPPG-compliant) no explanation of the reasoning behind decisions to remove certain sites and retain others (albeit the retained "preferred" sites have capacity to provide far in excess of the HC target, and far in excess of what the community last said that it wanted).

Not only is there no reasoning why these sites have been removed, it is quite bizarre that comments have repeatedly been made which have implied that sites cannot be removed without further consultation, and then they have now been removed without consultation!

#### **14. NO MENTION OF THE IMPLICATIONS OF "PLANNING PERMISSION IN PRINCIPLE"**

The Housing and Planning Act 2016 was given Royal Assent on 12 May 2016, and it introduced PPIP for allocated sites, and for brownfield sites on a Brownfield Register. In effect it gives *automatic* Outline Planning Permission with only technical matters – akin to Reserved Matters – to be considered by the LPA. Yet in the Submission Burghill NDP there is still no mention of it, nor its implications (for the few people who are actually fully aware of the re-submission). Because of the introduction of PPIP one would hope that Examiners are now very vigilant concerning the selection of sites for allocations in NDPs.

If sites are wrongly included in NDPs, then PPIP becomes a potential nightmare because automatic planning permission may be given to planning applications on those sites which have been wrongly selected, which I am sure is not what the government intended. The Burghill NDP is an example of this because material considerations have not been taken into account in site allocations; to illustrate this, for Site 10 a Section-52 Agreement has been ignored, and it was claimed as brownfield for most of the evolution of the NDP, thereby wrongly elevating its *perceived* status to brownfield in the eyes of people who are not fully informed; lack of mains sewage & drainage has been ignored; the poor access and highway safety aspects have been inadequately considered; the impact of increased phosphates discharges from off-sewer development on the river catchments has been ignored; there has been no consultation on a Settlement Boundary for Tillington, it has just been imposed.

Despite all of these failings, sites in this plan could wrongly receive PPIP unless the Examiner modifies the Burghill NDP, or fails the Burghill NDP. The same goes for other sites included in the NDP as "preferred sites" which are similarly constrained.

Just as Site 10 in its original larger 4 acre version (including the BAP at the northern end!) mysteriously reappeared in the Rural SHLAA, wrongly defined as totally 'brownfield', one assumes that it will also only be a matter of time before it appears on Herefordshire Council's Brownfield Register as well, and may then receive automatic PPIP based on the wrong information.....!!

The "true" brownfield part of Site 10 is **only about 1.22 acres brownfield in total, including the "Employment Area"**. The brownfield part is on the frontage with the Tillington Road, not where the housing is proposed. It would be wrong if further obfuscation were to confer a higher status on this site than other sites in the Neighbourhood Area.

#### **15. UNSATISFACTORY "PARISH COUNCIL" RESPONSES TO REGULATION 14**

##### **COMMENTS**

Time and again the "Parish Council" responses to representations at the Regulation 14 stage were "No change", "No change", "No change" and the few more lengthy responses appear to me as variously patronising, supercilious, anodyne, pompous, defensive, and partial.

In addition, there was excessive redaction of comments (and redaction of supporting information/evidence as well), where the "Parish Council" had deemed that comments were 'defamatory' or contained 'confidential information' (or whatever excuse was selected) to suppress entirely valid, researched comments. This is not localism by any definition, it is censorship more worthy of a banana republic.

One gets the very clear impression (widely held by the few people who have followed the tortuous emergence of the NDP) that this Neighbourhood Plan is the Plan of one or several individuals, and the views and opinions of local people have been largely ignored, or dismissed out of hand.

I repeat: "Consultation" where residents might actually have the opportunity to respond consisted of only 2 public meetings, a Questionnaire, and one Saturday/Sunday called 'Options Days' in November 2014. There was no feedback from the Options Days until the Draft Regulation 14 NDP was published as a *fait accompli* over a year later (December 2015/January 2016), and that only related to the sites that the author of the NDP had selected, and "in favour" and "neutral" responses had been added together! There was a more complete listing of Options Days 'results' in the later Regulation 16 NDP (July 2016), from which it seems that an average of only 80 people were 'voting' on site selection, less than 7% of the electorate, by which time of course it was too late for the community to comment.

I was encouraged that Herefordshire Council decided not to progress the June 2016 Regulation 16 NDP to examination on grounds of need for further community consultation and concerns about deliverability of sites. However, that was back in Sept/Oct 2016 and the subsequent further community consultation since has been totally inadequate – not a single public meeting, not a single face-to-face re-consultation with the community about sites, only an exercise by Kirkwells in 'updating' the site assessments which involved refreshing the same old flawed assessments, excluding the same sites which had previously been excluded for further reassessment including ones which were compliant with Core Strategy Policy RA5 and NPPF para 55 (re-use of redundant or disused buildings), which culminated in tedious online publication of weighty PDFs which many people would not or could not engage with.

This time round, with this submission NDP 2 years later it is not due to Herefordshire Council that this plan is still not fit for purpose, it is due to the Qualifying Body failing to engage and recognise that things have moved on. If the Plan goes forward in its current form, as I said in my last Reg 16 comments, its legacy will be a divided community where smaller, more rural settlements will have had excessive development foisted upon them, and that will be legitimised with support from the nimbyistic tendencies of the larger, established settlements outvoting them in the referendums. Localism in Burghill Parish remains a pipe dream.

I do not wish to see this beautiful part of Herefordshire ruined unnecessarily. I can see that there is a risk that the wishes of local people could continue to be ignored, and that an examiner unfamiliar with the tedious minutiae of the background to this NDP might just let it go. But at the same time I recognise that there is a need for some development. It used to be called 'proportionate development' which was where I came in 4 years ago. I am aware that many local people in Tillington (and probably in the wider Parish as well) may be minded to accept a modified Plan along the lines of what I attach below as a change to NDP policy B1 with deletion of that imposed Settlement Boundary for Tillington. It allows development in Tillington, but essentially on the basis of one dwelling per owned site, so it achieves the minimum strain on constrained sites, and largely reflects what the wider community seemed to want when it was asked 4 years ago in the Questionnaire.

Thank you if you have managed to read all the way through this. There are just 3 more important pages to go....

Yours faithfully  
*David King*

David King

The following pages contain:

- Justification for a suggested modification to Policy B1
- A modified Policy B1 with other deletions/amendments
- A List of potentially developable sites to accompany the modified Policy B1

**NDP – JUSTIFICATION of alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**Applying these proposed changes to Policy B1:**

1. **Acknowledges and in part corrects an uncorrected error made by Herefordshire Council – the wrongful inclusion of 'Tillington' as a growth settlement in the Core Strategy.** This error was made by Herefordshire Council in its translation of background 'evidence' into the Core Strategy, and has been compounded by subsequent actions made by the Qualifying Body (Burghill Parish Council) without consulting the community. The proposed changes enable compromise between intransigent positions.
2. **By removing it, addresses the drawing of a Settlement Boundary around part of Tillington, which has been done without consultation with the community, and is therefore otherwise a gross failure of Basic Conditions for a NDP.**
3. **Takes account of the known environmental and other constraints which exist in this area** by reducing the impact of development to single rather than multiple dwellings per site because:

(a) the modification respects:

constraints which make multi-dwelling developments undeliverable. Examples are highway safety (the lanes are fast, narrow and winding in the Tillington area, and even where there is a 30mph limit it is badly adhered to, with 85 percentile speeds of 40 mph); pedestrian safety (eliminating multiple dwellings per site reduces the need for unachievable improvements); the impermeability of the local clay soils which exacerbate the foul drainage impact and surface water flooding; and

(b) the modification minimises:

loss of Best & Most Versatile Land; ecological damage (destruction of hedges and biodiversity); sheer overdevelopment of what is a 'hamlet' in a rural area; piecemeal ill-considered design and inappropriate housing types (facilitates the smaller houses which parishioners mainly wanted according to the 2014 questionnaire); loss of local distinctiveness; detrimental impact on the landscape.

**4. Is compliant with the NPPF, NPPG and the Local Plan**

The NPPG states in its Rural Housing guidance that:

*"blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence".*

The Core Strategy in its Policy RA1 – Rural housing distribution states

*"Local evidence and environmental factors will determine the appropriate scale of development".*

In the case of Tillington and Tillington Common, there is ample evidence contained in past planning applications and in submissions to the Neighbourhood Plan that there are overwhelming constraints which in practice limit multi-dwelling developments. There is a need for relaxed policies which reduce housing concentrations so that the impact particularly on highway safety, waste water and surface water flooding can be reduced without seeking to prevent development altogether. It is noticeable that there have been many objections to planning applications for multi-dwelling developments in the Parish, particularly Tillington, while planning applications for single dwellings have been largely unopposed, and the rural population is generally tolerant of more gentle development.

It is the Steering Group which has apparently sought to place a disproportionate amount of housing at Tillington Whitmore Cross, based on site assessments which are clearly flawed. It is an area where HC Land Drainage have noted in responses to recent planning applications *"Due to known issues in the area with foul water disposal, we request that percolation testing is undertaken ....to ensure that there is a means of disposal of treated effluent. This should be established prior to granting planning permission. It should be noted that we recommend and support the use of individual package treatment plants and individual drainage fields serving each property."*

**Space** is required to attain foul drainage (and surface water) arrangements which do not overload the impermeable soils in this area. Building regulations dictate that:

- Treatment Plants should be at least 10 metres from habitable buildings, preferably downslope
- Drainage fields should:
  - be at least 10m from any watercourse or permeable drain,
  - be at least 50m from the point of abstraction of any groundwater supply,
  - be at least 15m from any building,
  - be sufficiently far from any other drainage fields or soakaways so that the overall soakage

- capacity of the ground is not exceeded
- o be downslope of groundwater sources
- o have no access roads or driveways within the disposal area

The area which a laid-out drainage field (with Treatment Plant, Distribution chamber, trenches, separation between trenches, and separation from boundaries, buildings and other soakaways) occupies, is therefore large, typically 40m x 10m. As well as that, surface water drainage needs to be accommodated as well – “sufficiently far from any other drainage fields or soakaways so that the overall soakage capacity of the ground is not exceeded”. For this area, a principle of individual package treatment plants and individual drainage fields serving each property, as supported by Herefordshire Council’s Land Drainage engineers, seems eminently sensible.

Therefore these proposed changes to B1, unlike the NDP as it stands, take account of the soakage capacity of the ground yet allow some development in a sensible manner, provided other constraints can be overcome.

There is mention in the Submission NDP of “first time sewerage for many properties” but this really is a red herring because Section 101A of the Water Act applies to existing properties, not ones yet to be built; the deliverability of such a scheme, and the acceptability to the sewage undertaker of such a scheme is questionable given the small number of properties in the area; and in any case **it would not solve surface water issues because the water undertaker would not permit surface drainage connection to infiltrate a foul sewer**. On the other hand, the proposed changes below to B1 allow the **space** needed for modest development in this rural area to accommodate proper waste and surface water percolation so that proposals are likely to be deliverable now rather than at some unspecified future date, and address both foul and surface water issues satisfactorily.

The proposed amendment also overcomes non-compliance with paragraph 32 of the NPPF which states: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”* and also overcomes non-compliance with paragraph 120 of the NPPF which states: *“The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.”* Clearly the cumulative transport impacts of proposals for multi-dwelling developments are severe relative to the existing impact, because of concentration in such a small area. The proposal below allows some development, it does not prevent it.

5. **Respects the reality which is that there is a housing target** set by Herefordshire Council which is for a minimum of 18% housing growth in the Parish which equates to 124 additional dwellings between 2011 and 2031; and that 123 additional dwellings have already been delivered by granted planning permissions. There is only **1** residual dwelling now required to meet the minimum target, and windfalls have continued to deliver housing in the area.

In contrast, the authors of the NDP have continued to propose sites which vastly exceed the minimum target, and again, in the Submission NDP, the three ‘preferred’ sites with a capacity of 24 dwellings would vastly exceed the 124 target. As at 30 May, the addition of these 24 to the 123 already approved would bring the total to 147, which is over 21% growth, not the 18% required – unnecessary because ‘windfalls’ will continue to come forward anyway.

The NPPG states in its Rural Housing guidance that *“A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan and the plan proposal meets the basic conditions.”*

However there is not the evidence to demonstrate such need, and the persistent failure adequately to consult and engage with the wider community simply demonstrates non-compliance with Basic Conditions. The only ‘mandate’ goes back to the 2014 Questionnaire, now rather out-of-date, but then the overwhelming majority of respondents felt that 18% growth was too much. Therefore the evidence does not demonstrate need above 18% growth. Parishioners are hardly likely now to think that 21% is not too much, when they overwhelmingly believed 4 years ago that it was too much! Planning Permissions granted since 2011 already exceed the affordable housing provision which was last required for the Parish.

A criteria based policy amendment such as is proposed, and which does not allocate sites because recent housing developments have provided housing numbers very close to the housing target, was accepted by Herefordshire Council for the Bartestree NDP. A precedent has been set.

**NDP – Alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

An alternative, more acceptable policy B1 would therefore involve the following (deletions shown with strikethrough, additions highlighted in orange):

**ADD THE FOLLOWING DEFINITIONS TO THE GLOSSARY:**

<b>Blue Line Boundary</b>	<b>Required on a supporting plan to a planning application, a blue line drawn around any other land owned by the applicant, close to or adjoining the application site.</b>
<b>Red Line Boundary</b>	<b>Required on a supporting plan to a planning application, the application site itself should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).</b>

**DELETE Map 4 and reference to the settlement boundary for "Tillington"**

**ADD the text below, highlighted in orange to Policy B1, and DELETE the struckthrough text:**

**Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), ~~and Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- (a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- (b) Ensures appropriate and safe access;
- (c) Ensures adequate access to public transport facilities;
- (d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- (g) Reflects the scale and function of the settlement;
- (h) Ensures appropriate parking is provided on site; and
- (i) Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries** will be in accordance with the relevant Herefordshire planning policies. **For the avoidance of doubt, Tillington and Tillington Common will be treated for planning purposes as being under Policy RA3 of the Core Strategy, but with the exception of the list of potentially developable sites appended to this policy where single new dwellings may be proposed.**

**The list of potentially developable sites summarises submissions to the NDP which were defined as 'windfalls', plus three others which have been referred to as "preferred". These have already been submitted to the NDP as available. The list also includes two sites (25 & 10) included in the Draft April 2018 Submission NDP plus site 22 which was previously included in the June 2016 Regulation 16 NDP. With multiple dwellings, these three sites are considered to have a cumulative impact which is unacceptable due particularly to highways, foul drainage, and surface water constraints in this area, but if proposals come forward which each had a single dwelling on each site then the sites might then be considered deliverable. Any proposals which come forward from sites on the list will be considered if they are for one new dwelling per site, or for multiple units if conversions. Constraints must be adequately addressed, proposals must be otherwise compliant with Core Strategy policies, and must be sympathetic to the local area.**

**Proposals must be submitted with both red line and blue line boundaries (see glossary) showing a red line boundary where the curtilage must be proportionate to any proposed single dwelling. No further residential development will be permitted within the blue line boundary.**

**The list may be updated when the NDP is due for periodic review.**

**NDP – Appendix to support an Alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**List of Potentially Developable Sites for single dwellings (or multiple units in the case of conversions)**

This list includes those sites submitted to the NDP, which have neither yet had planning permission nor have been withdrawn. (The April 2018 Submission NDP diligently annotates "7 Field Shelter St Donat's" with "Site withdrawn not available" so one must presume that the other sites described as windfalls in the Submission NDP have not been withdrawn.)

Many of these sites have been described as 'windfalls' by the author of the NDP but of course they would only really be 'windfalls' if they were ignored as submissions. The reality is that they were, and are, site submissions.

Note that:

Site 39 (in same ownership as Site 40 and joined by land, in the same ownership) was included as a 'windfall' in the June 2016 Regulation 16 Draft NDP but has mysteriously disappeared from the April 2018 Submission version so it has been re-included below.

Site 27 was submitted in 2014 and the owner reconfirmed in October 2017 to the Clerk that the conversions should be included as a submission, but this has been ignored.

**In Bold: Small sites/conversions submitted to the NDP (from Submission NDP Appendix 7).  
Asterisked sites: are rural conversions and therefore suitable for multiple dwelling units.**

**In Red: 3 sites included in the June 2016 Regulation 16 Draft NDP or the April 2018 Resubmission Regulation 16 Draft NDP which are considered too constrained for multi-dwelling development.**

Site No	NDP Description	Note	Consultants' Score %	PC and SG Score	Options Days Returns (Numbers)			Net Dwellings
					For	Neutral	Against	
3	<b>Buildings at Hospital Farm (Windfall).</b>	Policy RA5 compliant	----	1.27	50	15	9	*6
12	<b>Land to the rear of No12 Redstone. (Windfall)</b>		26.7	5.35	44	22	2	1
33	<b>Land and buildings west of Burghill Grange (Windfall)</b>		63.3	5.35	29	29	28	1
8A	<b>Court Farm Yard – Hop Kiln (Windfall)</b>	Policy RA5 compliant	----	2.1	52	21	12	1
4	<b>The Parks Farm Buildings</b>	possible 2 extra as windfall	----	1.5	39	15	3	*2
5	<b>Lion Farm Buildings</b>	possible 1 extra as windfall	----	1.5	38	9	4	1
39	<b>Land southeast of Cherry Orchard Cottages</b>	Was described as Windfall previously	51.9	3.3	39	30	23	→4 1
40	<b>Land to the west of Cherry Orchard Cottages (Windfall)</b>		55.7	2.85	46	29	19	→2 1
27	<b>Field Farm Buildings</b>	Policy RA5 compliant	----	2.16	63	13	6	*3
22	<b>Adjacent to The Bell (Frontage only)</b>	Was previously NDP site	48.1	5.5	26	32	24	1
25	<b>Cherry Orchard, Tillington</b>	Site is in this submission NDP	34.6	4.0	29	27	27	1
10	<b>Tillington Business Park</b>	Site is in this submission NDP	44.2	2.84	45	24	13	1
<b>LIST OF POTENTIALLY DEVELOPABLE SITES SUBMITTED TO THE NDP WHICH ARE COUNTABLE AS SUBMISSIONS/WINDFALLS AND/OR ARE SUITABLE FOR DEVELOPMENT BASED ON A SINGLE DWELLING PER SITE, OR MULTIPLE IN THE CASE OF CONVERSIONS</b>								<b>19</b>



Rec'd 21/6/18

Desiree Parish



Herefordshire Council  
Neighbourhood Planning Team  
Planning Services  
Plough Lane  
Hereford  
HR4 0LE

21<sup>st</sup> June 2018

### **Re-submitted Regulation 16 BURGHILL PARISH NEIGHBOURHOOD DEVELOPMENT PLAN**

#### **OBJECTION**

I am objecting to the Draft Burghill NDP for several reasons.

#### **Inadequate public and community consultation:**

Two open days in November 2014, since then the draft plan with amendments have only been made available on HC website, Burghill PC website, hard copies presented at Simpson Hall, The Golf club, the Pub. There has been minimal community engagement.

**Settlement boundary** has been drawn around Tillington without any consultation within the parish or directly with local residents affected by the new ruling. It has simply been imposed upon them.

**The proposed sites for development** in Tillington's "settlement boundary" which consists of less than 20 dwellings are **unfair, grossly disproportionate and undeliverable**. Adhering to the CS recommended growth rate of 18% the number of proposed new dwellings is an unacceptable increase resulting in **overdevelopment**. The draft plan is now out of date as several planning applications submitted since 2011 have been granted planning permission. Tillington now only requires 2 or 3 more new builds to comply with the CS.

Tillington is characterised by roadside dwellings therefore the proposed mini housing estates are at odds with the local character and would change the appearance of Tillington hamlet forever. There is clear evidence that the local community favoured affordable housing however recent submitted planning applications do not reflect this.

There are serious highway safety issues on the C1095 which is a narrow windy road with poor visibility and vehicles travelling at high speed, way above the 30mph limit therefore proposed access onto this road is dangerous. There is no public footpath from the Bell to the Business Park therefore residents either use their cars to access these facilities or risk walking in the road.

**Surface Water Drainage.** Tillington area is renowned for bad drainage due to its soil type. There are concerns on how surface water will be managed on any future developments therefore reassurance are required that drainage solutions are workable.

**Foul Water Drainage.** Tillington is not connected to mains sewerage facilities.

**GP Surgery.** Credenhill Surgery is the nearest and at full capacity

**Burghill Community Academy** at full capacity

**Public Transport** with limited service

Villages have to grow but must be done sympathetically and proportionately whilst being fair therefore I hereby submit alternative options for consideration. (See attachment).

**DESIREE PARISH**

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**Appending the proposed changes to Policy B1:**

1. **Acknowledges a gross error made by the wrongful inclusion of ‘Tillington’ as growth settlement in the Core Strategy.** This error was made by Herefordshire Council in its translation of background ‘evidence’ into the Core Strategy, and the error has been compounded by subsequent actions made in the name of the Qualifying Body (Burghill Parish Council) without consulting the community. The proposed changes to Policy B1 would, to an extent, rectify the error as well.
2. **Addresses the drawing of a Settlement Boundary around part of Tillington, which has been done without consultation with the community, and is therefore is a gross failure of Basic Conditions for a NDP.**
3. **Takes account of the known environmental and other constraints which exist in this area by reducing the impact of development**  
to respect:
  - highway safety (the lanes are narrow and winding, and even where there is a 30mph limit it is badly adhered to, which 85 percentile speeds of 40 mph), pedestrian safety, the impermeability of the local clay soils which exacerbate the foul drainage impact and surface water flooding,to minimise:
  - loss of Best & Most Versatile Land, ecological damage (destruction of hedges and biodiversity), sheer overdevelopment of what is a ‘hamlet’, piecemeal ill-considered design, inappropriate housing types (4 or more bedrooms not the 3 or less which “the people” mainly wanted in the ignored 2014 questionnaire), loss of local distinctiveness and detrimental impact on the landscape
4. **Is compliant with the NPPF, NPPG and the Local Plan**

The NPPG states in its Rural Housing guidance that:

*“blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”.*

The Core Strategy in its Policy RA1 – Rural housing distribution states

*“Local evidence and environmental factors will determine the appropriate scale of development”.*

In the case of Tillington and Tillington Common, there is ample evidence contained in past planning applications and in (ignored) submissions to the Neighbourhood Plan that there are overwhelming constraints which in practice limit multi-dwelling developments. There is a need for relaxed policies which reduce housing concentrations so that the impact particularly on highway safety, waste water and surface water flooding can be reduced without seeking to preventing development altogether. It is noticeable that there have been many objections to planning applications for multi-dwelling developments while planning applications for single dwellings have been largely unopposed (apart from the odd nimby), and the rural population is generally tolerant of more gentle development – if they are asked.

The proposed amendment overcomes non-compliance with paragraph 32 of the NPPF which states: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”* and with paragraph 120 of the NPPF which states: *“The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.”*

Clearly the cumulative transport impacts of proposal for multi-dwelling developments are severe relative to the existing impact, given that this is such a small area

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

5. **Respects the reality which is that there is a housing target** set by Herefordshire Council which is for a minimum of 18% housing growth which equates to 124 additional dwellings between 2011 and 2031; and that 122 additional dwellings have already been delivered by granted planning permissions. There are only 2 residual dwellings no required to meet the minimum target, and windfalls have continued to deliver housing in the area.

In contrast, the authors of the NDP have continued to propose sites which vastly exceed the minimum target, and again, in the Submission NDP, the three 'preferred' sites with a capacity of 24 dwellings would again vastly exceed the 124 target. As at 30 May, the addition of these 24 to the 122 already approved would bring the total to 146, which is over 21% growth, not the 18% required – unnecessary because 'windfalls' will continue to come forward anyway.

The NPPG states in its Rural Housing guidance that *"A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan and the plan proposal meets the basic conditions."* There is not the evidence to demonstrate such need, and the persistent failure adequately to consult and engage with the wider community simply demonstrates non-compliance with Basic Conditions. The only mandate goes back to the 2014 Questionnaire, <sup>now</sup> rather out-of-date, but then the overwhelming majority of respondents felt that 18% growth was too much, and they are hardly likely now to think that 21% is not too much!

A criteria based policy amendment such as is proposed, and which does not allocate sites because recent housing developments have provided housing close to the housing target, was accepted by Herefordshire Council for the Bartestree NDP. A precedent has been set.

It has been a nightmare trying to concoct these options. It is hard to button down everything, which is why [REDACTED] likes Settlement Boundaries. These options should all have been created and discussed done before – by [REDACTED] and the PC, and.....by the community!

**N.B. the NPPF says that there should be no cap on development. I am concerned that options which apply a cap (by limiting to one per site or per land-in-ownership) may be challenged. BUT (see above) the NPPG says that "robust evidence" allows restriction, and the CS allows "Local evidence and environmental factors" to determine scale. The constraints are well-articulated and exposed, the speculative developments at Lower Burlton and now at Tillington have been made to jump through hoops, and no doubt objections to the Submission NDP will amplify the constraints.**

**The object, of course, is to permit development which does not drastically change the local character and distinctiveness, which minimises the detriment to others, is by and large what the local population can accept, is truly sustainable ("justifiable" in my terms), is safe (highways), does not cause flooding (waste & surface water), does not pollute (foul drainage), and does not adversely impact the ecology (hedges etc).**

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**Options Summary:**

**OPTION A**

Single new dwellings anywhere within the Tillington signage (100 metres south east of Whitmore crossroads to the village signage at the top of Tillington Common), development to be within 50m of C1095 and accessing it directly where safe.

Pros: limits to single, not multiple new dwellings. Includes Tillington Common too.

Cons: one per landowner would limit to a total potential of about 20 new houses (if constraints could be addressed – reality is likely to be 8 or 10 new houses)

**OPTION B**

**Application of CS Policy RA3 anywhere outside the Burghill and Lower Burlton Settlement Boundaries. (In essence, preserves the old countryside policy of the UDP).**

Pros: in practice limits to conversions only right across the area, might deliver 3 to 6 units.

Cons: examiner may reject it because no compromise (although it is the option most fitting for an area with poor infrastructure).

**OPTION C**

Single new dwellings anywhere within the Tillington signage (100 metres south east of Whitmore crossroads to a point 170 metres northwest\* of the Bell), development to be within 50m of C1095 and accessing it directly where safe. \*This is just east of Elm Cottage, before you get to Round Oak.

Pros: limits to single, not multiple new dwellings.

Cons: one per landowner would limit to a total potential of about 11 new houses (if constraints could be addressed – reality is likely to be 3 or 4 new houses). Implicitly recognises that Tillington is more sustainable than Tillington Common.

**OPTION D**

**Application of CS Policy RA3 anywhere outside the Burghill and Lower Burlton Settlement Boundaries. (In essence, preserves the old countryside policy of the UDP). List of ‘Windfalls’ (or to be precise, actual site submissions) attached to Option D. EXCEPTION: would permit the 6 new houses submitted by Farmcare (sites 39 & 40).**

Pros: lists ‘windfalls’ as submitted sites and gets that out into the open. The numbers demonstrate that ‘windfalls’ (to cover a shortfall of just 2) are deliverable because so many are available.

Cons: Just extracting windfalls has risks – the 6 Farmcare houses have to be included. Also, this ignores Sites 22, 25, and 10 which may be seen as unfair.

**OPTION E**

**In essence is OPTION D but limits new builds to one per site and brings back Sites 22, 25, and 10 but only 1 per site. Application of CS Policy RA3 anywhere outside the Burghill and Lower Burlton Settlement Boundaries. (In essence, preserves the old countryside policy of the UDP). List of ‘Windfalls’ (or to be precise, actual site submissions) attached to Option D. EXCEPTION: for new builds, restricted to only one per site/blue line boundary.**

Pros: lists ‘windfalls’ as submitted sites and gets that out into the open. The numbers demonstrate that ‘windfalls’ (to cover a shortfall of just 2) are deliverable because so many are available.

Cons: Still provides 20 houses, seems excessive to cover a shortfall of just 2. Potential overshoot of 18 in theory. But many of these just won’t happen or will get turned down due to constraints.

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**ALTERNATIVE POLICY OPTION A**

**Proposed additions to the Glossary:**

Blue Line Boundary	Required in any case as a supporting plan to a planning application, a blue line drawn around any other land owned by the applicant, close to or adjoining the application site.
Red Line Boundary	Required in any case In support of a planning application, the application site itself should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).

**Modify Policy B1:**

- **Delete** Map 4 and reference to the (imposed, not-consulted-on) settlement boundary for "Tillington",
- **Add** the words below, in red:

**Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), ~~and Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- (a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- (b) Ensures appropriate and safe access;
- (c) Ensures adequate access to public transport facilities;
- (d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- (g) Reflects the scale and function of the settlement;
- (h) Ensures appropriate parking is provided on site; and
- (i) Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries and outside the area of Tillington defined below** will be in accordance with the relevant Herefordshire planning policies.

**With regards to Tillington, it is a countryside location but proposals for**

- **new single dwellings, and**
- **conversions of existing rural (non-commercial, usually former agricultural) buildings to create single or multiple dwellings therein**

**will be supported in the area defined below, provided that constraints are adequately addressed, that proposals are otherwise compliant with Core Strategy policies, and are sympathetic to the local area.**

**For the purpose of definition, the part of 'Tillington' where sensitive new single dwellings will be acceptable in principle extends from the village signage in the south (100 metres south east of the Crowmore Lane/C1095 Tillington Road crossroads) to the village signage in the north (200 metres north west of the Badnage Lane/C1095 Tillington Road junction. Proposals will be considered only if they are within 50 metres of the C1095 Tillington Road and if the proposed accesses are directly onto the C1095 Tillington Road, and demonstrated to be safe.**

**Proposals must be submitted with both red line and blue line boundaries (see glossary) showing a red line boundary where the curtilage is proportionate to any proposed single dwelling. No further residential development will be permitted within the blue line boundary.**

**ALTERNATIVE POLICY OPTION B**

**Modify Policy B1:**

- **Delete** Map 4 and reference to the (imposed, not-consulted-on) settlement boundary for "Tillington",
- **Add** the words below, in red:

**Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), ~~and Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- (a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- (b) Ensures appropriate and safe access;
- (c) Ensures adequate access to public transport facilities;
- (d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- (g) Reflects the scale and function of the settlement;
- (h) Ensures appropriate parking is provided on site; and
- (i) Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries** will be in accordance with the relevant Herefordshire planning policies. **For the avoidance of doubt, Tillington and Tillington Common will be treated for planning purposes as being under Policy RA3 of the Core Strategy.**

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**ALTERNATIVE POLICY OPTION C**

**Proposed additions to the Glossary:**

Blue Line Boundary	Required in any case as a supporting plan to a planning application, a blue line drawn around any other land owned by the applicant, close to or adjoining the application site.
Red Line Boundary	Required in any case In support of a planning application, the application site itself should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).

**Modify Policy B1:**

- **Delete** Map 4 and reference to the (imposed, not-consulted-on) settlement boundary for "Tillington",
- **Add** the words below, in red:

**Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), **and** ~~Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- Ensures appropriate and safe access;
- Ensures adequate access to public transport facilities;
- Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- Reflects the scale and function of the settlement;
- Ensures appropriate parking is provided on site; and
- Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries and outside the area of Tillington defined below** will be in accordance with the relevant Herefordshire planning policies.

**With regards to Tillington, it is a countryside location but proposals for**

- **new single dwellings, and**
- **conversions of existing rural (non-commercial, usually former agricultural) buildings to create single or multiple dwellings therein**

**will be supported in the area defined below, provided that constraints are adequately addressed, that proposals are otherwise compliant with Core Strategy policies, and are sympathetic to the local area.**

**For the purpose of definition, the part of 'Tillington' where sensitive new single dwellings will be acceptable in principle extends from the village signage in the south (100 metres south east of the Crowmore Lane/C1095 Tillington Road crossroads) to a point 170 metres on the C1095 north west of the Bell Inn. Proposals will be considered only if they are within 50 metres of the C1095 Tillington Road and if the proposed accesses are directly onto the C1095 Tillington Road, and demonstrated to be safe.**

**Proposals must be submitted with both red line and blue line boundaries (see glossary) showing a red line boundary where the curtilage is proportionate to any proposed single dwelling. No further residential development will be permitted within the blue line boundary.**



**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**ALTERNATIVE POLICY OPTION D**

**Proposed additions to the Glossary:**

Blue Line Boundary	Required in any case as a supporting plan to a planning application, a blue line drawn around any other land owned by the applicant, close to or adjoining the application site.
Red Line Boundary	Required in any case In support of a planning application, the application site itself should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).

**Modify Policy B1:**

- **Delete** Map 4 and reference to the (imposed, not-consulted-on) settlement boundary for "Tillington",
- **Add** the words below, in red:

**Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), **and** ~~Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- (a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- (b) Ensures appropriate and safe access;
- (c) Ensures adequate access to public transport facilities;
- (d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- (g) Reflects the scale and function of the settlement;
- (h) Ensures appropriate parking is provided on site; and
- (i) Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries** will be in accordance with the relevant Herefordshire planning policies. **For the avoidance of doubt, Tillington and Tillington Common will in general be treated for planning purposes as being under Policy RA3 of the Core Strategy.**

**With regards to Tillington, it is a countryside location but proposals which are on the following list of sites which have already been submitted to the NDP as available, including those for new dwellings not exceeding the numbers per site on the list, will also be considered provided that constraints are adequately addressed, that proposals are otherwise compliant with Core Strategy policies, and are sympathetic to the local area.**

**The list may be updated when the NDP is due for periodic review.**

**Proposals must be submitted with both red line and blue line boundaries (see glossary) showing a red line boundary where the curtilage is proportionate to any proposed single dwelling. No further residential development will be permitted within the blue line boundary.**

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**Option D List**

**Small sites/conversions submitted to the NDP (from Submission NDP Appendix 7).**

These have been described as 'windfalls' by the author of the NDP but of course they would only really be 'windfalls' if they are ignored as submissions. They are site submissions.

This list includes those sites submitted to the NDP, which have neither yet had planning permission nor have been withdrawn. (The NDP includes "7 Field Shelter St Donat's" with "Site withdrawn not available" diligently highlighted so one must presume that the other sites described as windfalls in the Submission NDP have not been withdrawn.)

Note that:

Site 39 was included as a 'windfall' in the June 2016 Regulation 16 Draft NDP but has mysteriously disappeared from the April 2018 Submission version so is re-included below.

Site 27 was submitted in 2014 and the owner reconfirmed in October 2017 to the Clerk that the conversions should be included as a submission, but this has been ignored.

Site No	NDP Description	Note	Consultants' Score %	PC and SG Score	Options Days Returns (Numbers)			Net Dwellings
					For	Neutral	Against	
15	Rear of The Villa, Burghill (Windfall)	Planning permission granted (for 1)	----	3.63	48	18	23	0
3	Buildings at Hospital Farm (Windfall).		----	1.27	50	15	9	6
12	Land to the rear of No12 Redstone. (Windfall)		26.7	5.35	44	22	2	1
33	Land and buildings west of Burghill Grange (Windfall)		63.3	5.35	29	29	28	1
8A	Court Farm Yard – Hop Kiln (Windfall)		----	2.1	52	21	12	1
4	The Parks Farm Buildings	granted planning permission with possible 2 extra as windfall	----	1.5	39	15	3	2
5	Lion Farm Buildings	granted planning permission with possible 1 extra as windfall	----	1.5	38	9	4	1
39	Land southeast of Cherry Orchard Cottages	Was described as Windfall previously	51.9	3.3	39	30	23	4
40	Land to the west of Cherry Orchard Cottages (Windfall)		55.7	2.85	46	29	19	2
27	Field Farm Buildings	Policy RA5 compliant	----	2.16	63	13	6	3
<b>TOTAL SMALL SITES SUBMITTED TO THE NDP WHICH ARE COUNTABLE AS SUBMISSIONS/WINDFALLS</b>								<b>21</b>

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**ALTERNATIVE POLICY OPTION E**

**Proposed additions to the Glossary:**

Blue Line Boundary	Required in any case as a supporting plan to a planning application, a blue line drawn around any other land owned by the applicant, close to or adjoining the application site.
Red Line Boundary	Required in any case in support of a planning application, the application site itself should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).

**Modify Policy B1:**

- **Delete** Map 4 and reference to the (imposed, not-consulted-on) settlement boundary for "Tillington",
- **Add** the words below, in red:

**Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), **and** ~~Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- (a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- (b) Ensures appropriate and safe access;
- (c) Ensures adequate access to public transport facilities;
- (d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- (g) Reflects the scale and function of the settlement;
- (h) Ensures appropriate parking is provided on site; and
- (i) Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries** will be in accordance with the relevant Herefordshire planning policies. **For the avoidance of doubt, Tillington and Tillington Common will be treated for planning purposes as being under Policy RA3 of the Core Strategy.**

**The following list of sites summarises submissions to the NDP which have been defined as 'windfalls'. These have already been submitted to the NDP as available. The list also includes two sites (25 & 10) included in this Draft April 2018 Submission NDP plus site 22 which was previously included in the June 2016 Regulation 16 NDP. With multiple dwellings, the three sites are considered to have a cumulative impact which is unacceptable due particularly to highways and foul drainage constraints in this area, but if proposals come forward which each had a single dwelling then the sites might then be considered deliverable. Any proposals which come forward from sites on the list will be considered if they are for one new dwelling per site, or for multiple units if conversions. Constraints must be adequately addressed, proposals must be otherwise compliant with Core Strategy policies, and be sympathetic to the local area.**

**Proposals must be submitted with both red line and blue line boundaries (see glossary) showing a red line boundary where the curtilage is proportionate to any proposed single dwelling. No further residential development will be permitted within the blue line boundary.**

**The list may be updated when the NDP is due for periodic review.**

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**Option E List**

**Small sites/conversions submitted to the NDP (from Submission NDP Appendix 7).**

These have been described as 'windfalls' by the author of the NDP but of course they would only really be 'windfalls' if they are ignored as submissions. They are site submissions.

This list includes those sites submitted to the NDP, which have neither yet had planning permission nor have been withdrawn. (The NDP includes "7 Field Shelter St Donat's" with "Site withdrawn not available" diligently highlighted so one must presume that the other sites described as windfalls in the Submission NDP have not been withdrawn.)

Note that:

Site 39 was included as a 'windfall' in the June 2016 Regulation 16 Draft NDP but has mysteriously disappeared from the April 2018 Submission version so is re-included below.

Site 27 was submitted in 2014 and the owner reconfirmed in October 2017 to the Clerk that the conversions should be included as a submission, but this has been ignored.

Site No	NDP Description	Note	Consultants' Score %	PC and SG Score	Options Days Returns (Numbers)			Net Dwellings
					For	Neutral	Against	
3	Buildings at Hospital Farm (Windfall).		----	1.27	50	15	9	6
12	Land to the rear of No12 Redstone. (Windfall)		26.7	5.35	44	22	2	1
33	Land and buildings west of Burghill Grange (Windfall)		63.3	5.35	29	29	28	1
8A	Court Farm Yard – Hop Kiln (Windfall)		----	2.1	52	21	12	1
4	The Parks Farm Buildings	possible 2 extra as windfall	----	1.5	39	15	3	2
5	Lion Farm Buildings	possible 1 extra as windfall	----	1.5	38	9	4	1
39	Land southeast of Cherry Orchard Cottages	Was described as Windfall previously	51.9	3.3	39	30	23	<del>4</del> 1
40	Land to the west of Cherry Orchard Cottages (Windfall)		55.7	2.85	46	29	19	<del>2</del> 1
27	Field Farm Buildings	Policy RA5 compliant	----	2.16	63	13	6	3
22	Adjacent to The Bell (Frontage only)	Was previously NDP site	48.1	5.5	26	32	24	1
25	Cherry Orchard, Tillington	Site is in this submission NDP	34.6	4.0	29	27	27	1
10	Tillington Business Park	Site is in this submission NDP	44.2	2.84	45	24	13	1
<b>TOTAL SMALL SITES SUBMITTED TO THE NDP WHICH ARE COUNTABLE AS SUBMISSIONS/WINDFALLS</b>								<b>20</b>

**NDP – JUSTIFICATION of alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**Applying these proposed changes to Policy B1:**

1. **Acknowledges and in part corrects an uncorrected error made by Herefordshire Council - the wrongful inclusion of 'Tillington' as a growth settlement in the Core Strategy.** This error was made by Herefordshire Council in its translation of background 'evidence' into the Core Strategy, and has been compounded by subsequent actions made by the Qualifying Body (Burghill Parish Council) without consulting the community. The proposed changes enable compromise between intransigent positions.
2. **By removing it, addresses the drawing of a Settlement Boundary around part of Tillington, which has been done without consultation with the community, and is therefore otherwise a gross failure of Basic Conditions for a NDP.**
3. **Takes account of the known environmental and other constraints which exist in this area by reducing the impact of development to single rather than multiple dwellings per site because:**

(a) the modification respects:

constraints which make multi-dwelling developments undeliverable. Examples are highway safety (the lanes are fast, narrow and winding in the Tillington area, and even where there is a 30mph limit it is badly adhered to, with 85 percentile speeds of 40 mph); pedestrian safety (eliminating multiple dwellings per site reduces the need for unachievable improvements); the impermeability of the local clay soils which exacerbate the foul drainage impact and surface water flooding; and

(b) the modification minimises:

loss of Best & Most Versatile Land; ecological damage (destruction of hedges and biodiversity); sheer overdevelopment of what is a 'hamlet' in a rural area; piecemeal ill-considered design and inappropriate housing types (facilitates the smaller houses which parishioners mainly wanted according to the 2014 questionnaire); loss of local distinctiveness; detrimental impact on the landscape.

**4. Is compliant with the NPPF, NPPG and the Local Plan**

The NPPG states in its Rural Housing guidance that:

*"blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence".*

The Core Strategy in its Policy RA1 – Rural housing distribution states

*"Local evidence and environmental factors will determine the appropriate scale of development".*

In the case of Tillington and Tillington Common, there is ample evidence contained in past planning applications and in submissions to the Neighbourhood Plan that there are overwhelming constraints which in practice limit multi-dwelling developments. There is a need for relaxed policies which reduce housing concentrations so that the impact particularly on highway safety, waste water and surface water flooding can be reduced without seeking to prevent development altogether. It is noticeable that there have been many objections to planning applications for multi-dwelling developments in the Parish, particularly Tillington, while planning applications for single dwellings have been largely unopposed (apart from the odd nimbby), and the rural population is generally tolerant of more gentle development.

It is the Steering Group which has apparently sought to place a disproportionate amount of housing at Tillington Whitmore Cross, based on site assessments which are clearly flawed. It is an area where HC Land Drainage have noted in responses to recent planning applications *"Due to known issues in the area with foul water disposal, we request that percolation testing is undertaken ....to ensure that there is a means of disposal of treated effluent. This should be established prior to granting planning permission. It should be noted that we recommend and support the use of individual package treatment plants and individual drainage fields serving each property."*

**Space** is required to attain foul drainage (and surface water) arrangements which do not overload the impermeable soils in this area. Building regulations dictate that:

- Treatment Plants should be at least 10 metres from habitable buildings, preferably downslope
- Drainage fields should:
  - be at least 10m from any watercourse or permeable drain,
  - be at least 50m from the point of abstraction of any groundwater supply,
  - be at least 15m from any building,
  - be sufficiently far from any other drainage fields or soakaways so that the overall soakage

- capacity of the ground is not exceeded
- be downslope of groundwater sources
- have no access roads or driveways within the disposal area

The area which a laid-out drainage field (with Treatment Plant, Distribution chamber, trenches, separation between trenches, and separation from boundaries, buildings and other soakaways) occupies, is therefore large, typically 40m x 10m. As well as that, surface water drainage needs to be accommodated as well – “sufficiently far from any other drainage fields or soakaways so that the overall soakage capacity of the ground is not exceeded”. For this area, a principle of individual package treatment plants and individual drainage fields serving each property, as supported by Herefordshire Council’s Land Drainage engineers, seems eminently sensible.

Therefore these proposed changes to B1, unlike the NDP as it stands, take account of the soakage capacity of the ground yet allow some development in a sensible manner, provided other constraints can be overcome.

There is mention in the Submission NDP of “first time sewerage for many properties” but this really is a red herring because Section 101A of the Water Act applies to existing properties, not ones yet to be built; the deliverability of such a scheme, and the acceptability to the sewage undertaker of such a scheme is questionable given the small number of properties in the area; and in any case **it would not solve surface water issues because the water undertaker would not permit surface drainage connection to infiltrate a foul sewer.** On the other hand, the proposed changes to B1 allows the space needed for modest development in this rural area to accommodate proper waste and surface water percolation so that proposals are likely to be deliverable now rather than at some unspecified future date, and address both foul and surface water issues satisfactorily.

The proposed amendment also overcomes non-compliance with paragraph 32 of the NPPF which states: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”* and also overcomes non-compliance with paragraph 120 of the NPPF which states: *“The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.”* Clearly the cumulative transport impacts of proposals for multi-dwelling developments are severe relative to the existing impact, because of concentration in such a small area.

5. **Respects the reality which is that there is a housing target** set by Herefordshire Council which is for a minimum of 18% housing growth in the Parish which equates to 124 additional dwellings between 2011 and 2031; and that 122 additional dwellings have already been delivered by granted planning permissions. There are only 2 residual dwellings now required to meet the minimum target, and windfalls have continued to deliver housing in the area.

In contrast, the authors of the NDP have continued to propose sites which vastly exceed the minimum target, and again, in the Submission NDP, the three ‘preferred’ sites with a capacity of 24 dwellings would vastly exceed the 124 target. As at 30 May, the addition of these 24 to the 122 already approved would bring the total to 146, which is over 21% growth, not the 18% required – unnecessary because ‘windfalls’ will continue to come forward anyway.

The NPPG states in its Rural Housing guidance that *“A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan and the plan proposal meets the basic conditions.”*

However there is not the evidence to demonstrate such need, and the persistent failure adequately to consult and engage with the wider community simply demonstrates non-compliance with Basic Conditions. The only ‘mandate’ goes back to the 2014 Questionnaire, now rather out-of-date, but then the overwhelming majority of respondents felt that 18% growth was too much. Therefore the evidence does not demonstrate need above 18% growth. Parishioners are hardly likely now to think that 21% is *not* too much, when they overwhelmingly believed 4 years ago that it was too much! Planning Permissions granted since 2011 already exceed the affordable housing provision which was last required for the Parish.

A criteria based policy amendment such as is proposed, and which does not allocate sites because recent housing developments have provided housing numbers very close to the housing target, was accepted by Herefordshire Council for the Bartestree NDP. A precedent has been set.

**NDP – Alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

An alternative, more acceptable policy B1 would therefore involve the following (deletions shown with strikethrough, additions highlighted in orange):

**ADD THE FOLLOWING DEFINITIONS TO THE GLOSSARY:**

<b>Blue Line Boundary</b>	<b>Required on a supporting plan to a planning application, a blue line drawn around any other land owned by the applicant, close to or adjoining the application site.</b>
<b>Red Line Boundary</b>	<b>Required on a supporting plan to a planning application, the application site itself should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).</b>

**DELETE Map 4 and reference to the settlement boundary for "Tillington"**

**ADD the text below, highlighted in orange to Policy B1, and DELETE the ~~struckthrough~~ text:**

**Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), ~~and Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- (a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- (b) Ensures appropriate and safe access;
- (c) Ensures adequate access to public transport facilities;
- (d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- (g) Reflects the scale and function of the settlement;
- (h) Ensures appropriate parking is provided on site; and
- (i) Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries** will be in accordance with the relevant Herefordshire planning policies. **For the avoidance of doubt, Tillington and Tillington Common will be treated for planning purposes as being under Policy RA3 of the Core Strategy, but with the exception of the list of potentially developable sites appended to this policy where single new dwellings may be proposed.**

**The list of potentially developable sites summarises submissions to the NDP which were defined as 'windfalls', plus three others which have been referred to as "preferred". These have already been submitted to the NDP as available. The list also includes two sites (25 & 10) included in the Draft April 2018 Submission NDP plus site 22 which was previously included in the June 2016 Regulation 16 NDP. With multiple dwellings, these three sites are considered to have a cumulative impact which is unacceptable due particularly to highways, foul drainage, and surface water constraints in this area, but if proposals come forward which each had a single dwelling on each site then the sites might then be considered deliverable. Any proposals which come forward from sites on the list will be considered if they are for one new dwelling per site, or for multiple units if conversions. Constraints must be adequately addressed, proposals must be otherwise compliant with Core Strategy policies, and must be sympathetic to the local area.**

**Proposals must be submitted with both red line and blue line boundaries (see glossary) showing a red line boundary where the curtilage must be proportionate to any proposed single dwelling. No further residential development will be permitted within the blue line boundary.**

**The list may be updated when the NDP is due for periodic review.**

**NDP – Appendix to support an Alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**List of Potentially Developable Sites for single dwellings (or multiple units in the case of conversions)**

This list includes those sites submitted to the NDP, which have neither yet had planning permission nor have been withdrawn. (The April 2018 Submission NDP diligently annotates "7 Field Shelter St Donat's" with "Site withdrawn not available" so one must presume that the other sites described as windfalls in the Submission NDP have not been withdrawn.)

Many of these sites have been described as 'windfalls' by the author of the NDP but of course they would only really be 'windfalls' if they were ignored as submissions. The reality is that they are site submissions.

Note that:

Site 39 (in same ownership as Site 40 and joined by land in the same ownership) was included as a 'windfall' in the June 2016 Regulation 16 Draft NDP but has mysteriously disappeared from the April 2018 Submission version so it has been re-included below.

Site 27 was submitted in 2014 and the owner reconfirmed in October 2017 to the Clerk that the conversions should be included as a submission, but this has been ignored.

**In Bold: Small sites/conversions submitted to the NDP (from Submission NDP Appendix 7).**

**Asterisked sites: are rural conversions and therefore suitable for multiple dwelling units.**

**In Red: 3 sites included in the June 2016 Regulation 16 Draft NDP or the April 2018 Resubmission Regulation 16 Draft NDP which are considered too constrained for multi-dwelling development.**

Site No	NDP Description	Note	Consultants' Score %	PC and SG Score	Options Days Returns (Numbers)			Net Dwellings
					For	Neutral	Against	
3	<b>Buildings at Hospital Farm (Windfall).</b>	Policy RA5 compliant	----	1.27	50	15	9	*6
12	<b>Land to the rear of No12 Redstone. (Windfall)</b>		26.7	5.35	44	22	2	1
33	<b>Land and buildings west of Burghill Grange (Windfall)</b>		63.3	5.35	29	29	28	1
8A	<b>Court Farm Yard – Hop Kiln (Windfall)</b>	Policy RA5 compliant	----	2.1	52	21	12	1
4	<b>The Parks Farm Buildings</b>	possible 2 extra as windfall	----	1.5	39	15	3	*2
5	<b>Lion Farm Buildings</b>	possible 1 extra as windfall	----	1.5	38	9	4	1
39	<b>Land southeast of Cherry Orchard Cottages</b>	Was described as Windfall previously	51.9	3.3	39	30	23	→ 1
40	<b>Land to the west of Cherry Orchard Cottages (Windfall)</b>		55.7	2.85	46	29	19	→ 1
27	<b>Field Farm Buildings</b>	Policy RA5 compliant	----	2.16	63	13	6	*3
22	<b>Adjacent to The Bell (Frontage only)</b>	Was previously NDP site	48.1	5.5	26	32	24	1
25	<b>Cherry Orchard, Tillington</b>	Site is in this submission NDP	34.6	4.0	29	27	27	1
10	<b>Tillington Business Park</b>	Site is in this submission NDP	44.2	2.84	45	24	13	1
<b>LIST OF POTENTIALLY DEVELOPABLE SITES SUBMITTED TO THE NDP WHICH ARE COUNTABLE AS SUBMISSIONS/WINDFALLS AND/OR ARE SUITABLE FOR DEVELOPMENT BASED ON A SINGLE DWELLING PER SITE</b>								<b>19</b>



Herefordshire Council  
Neighbourhood Planning Team  
Plough Lane  
Hereford  
HR4 0LE

**Our ref:** SV/2018/109876/OR-  
06/PO1-L01

**Your ref:**

**Date:** 19 June 2018

**F.A.O: Mr. James Latham**

Dear Sir

### **BURGHILL REGULATION 16 NEIGHBOURHOOD PLAN**

I refer to your email of the 10 May 2018 in relation to the above Neighbourhood Plan (NP) consultation. We have reviewed the submitted document and would offer the following comments at this time.

As part of the recently adopted Herefordshire Council Core Strategy updates were made to both the Strategic Flood Risk Assessment (SFRA) and Water Cycle Strategy (WCS). This evidence base ensured that the proposed development in Hereford City, and other strategic sites (Market Towns), was viable and achievable. The updated evidence base did not extend to Rural Parishes at the NP level so it is important that these subsequent plans offer robust confirmation that development is not impacted by flooding and that there is sufficient waste water infrastructure in place to accommodate growth for the duration of the plan period.

We would not, in the absence of specific sites allocated within areas of fluvial flooding, offer a bespoke comment at this time.

However, it should be noted that the Flood Map provides an indication of 'fluvial' flood risk only. You are advised to discuss matters relating to surface water (pluvial) flooding with your drainage team as the Lead Local Flood Authority (LLFA).

I trust the above is of assistance at this time. Please can you also copy in any future correspondence to my team email address at [SHWGPlanning@environment-agency.gov.uk](mailto:SHWGPlanning@environment-agency.gov.uk)

Yours faithfully

**Mr. Graeme Irwin**

Environment Agency  
Hafren House, Welshpool Road, Shelton, Shropshire, Shrewsbury, SY3 8BB.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

**Senior Planning Advisor**

Direct dial: 02030 251624

Direct e-mail: [graeme.irwin@environment-agency.gov.uk](mailto:graeme.irwin@environment-agency.gov.uk)

Geraldine Roberts

19.06.2018

OBJECTION TO BURGHILL NEIGHBOURHOOD DEVELOPMENT PLAN REGULATION 16

Dear Sir or Madam,

I am writing to object to the 2018 Burghill Parish NDP submission for the following reasons: -

- The proposed sites for Tillington are not suitable for development. They present major problems of sewage disposal, surface water run-off and access. Site 25 is near a particularly dangerous bend.
- The sites do not conform to what the parishioners asked for in the initial consultation. For example:

\*81% wanted any new development to be on brownfield sites – which these are not.

\*64% wanted less than 10% growth so why is the Parish Council not sensitive to this? We know we have to have the 18% required but why go over this figure if we do not have to? The document says that there is only a residual requirement of 6 dwellings which I understand has now dropped to 2 and approximately 20 more have been deemed as recognized and allowable windfalls. We do not need these developments – It is a plan for developers and not for the community.

\*The document says that the most common sentiment of the parishioners was that the parish retain its rural character and that developments should be small scale. However the favoured sites are more like mini housing estates and will change the character of the area. Small infill developments of one or two houses or barn conversions are more in keeping with the area.

- The document recognizes that 'teaching space is a problem' at the local school and that one class is already in a temporary classroom. There is no certainty that developers would consider contributing an extra classroom and apparently there is no legal requirement (except in large scale developments) for them to do so.
- The selection of sites has taken place with no proper consultation with the community. It certainly hasn't been a 'creative or collective enterprise' as encouraged by the NDP Framework.

I ask you to reject this plan for the reasons stated above.

Yours faithfully,

Geraldine Roberts



Historic England

WEST MIDLANDS OFFICE

Mr James Latham  
Herefordshire Council  
Neighbourhood Planning & Strategic Planning  
Planning Services, PO Box 230, Blueschool House  
Blueschool Street  
Hereford  
HR1 2ZB

Direct Dial: 0121 625 6887

Our ref: PL00030046

14 June 2018

Dear Mr Latham

**BURGHILL NEIGHBOURHOOD PLAN - REGULATION 16 CONSULTATION**

Thank you for the invitation to comment on the above Neighbourhood Plan. Our previous general Regulation 14 comments remain entirely relevant, that is: *“Historic England are supportive of the Vision and objectives set out in the Plan and the content of the document, particularly its’ emphasis on local distinctiveness including undesignated heritage assets and the maintenance of historic rural character”*.

Overall the plan reads as a well-considered, concise and fit for purpose document which we consider takes a suitably proportionate approach to the historic environment of the Parish.

Beyond those observations we have no further substantive comments to make on what Historic England considers is a good example of community led planning. I hope you find this advice helpful.

Yours sincerely,

Peter Boland  
Historic Places Advisor  
peter.boland@HistoricEngland.org.uk

cc:



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6870  
HistoricEngland.org.uk



**Latham, James**

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**From:** David Hunter-Miller <clerk@holmershelwick.co.uk>  
**Sent:** 12 June 2018 09:46  
**To:** Neighbourhood Planning Team  
**Subject:** Re: Burghill Regulation 16 neighbourhood development plan consultation

Dear James,

Holmer and Shelwick Parish Council considered this at their meeting 11/06/18 and were in unanimous support of Burghill Parish Council's proposed Neighbourhood Development Plan.

Could we be kept apprised of further developments relating to this plan.

Kind regards,

Mr David Hunter-Miller Bsc(Hons), PSLCC, MCIHT  
Clerk to Holmer and Shelwick Parish Council  
Tel: 07513 122918  
holmershelwick.co.uk

On 10-May-18 9:42 AM, Neighbourhood Planning Team wrote:

Dear Consultee,

Burghill Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link:

[https://www.herefordshire.gov.uk/directory\\_record/3042/burghill\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3042/burghill_neighbourhood_development_plan)

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 10 May 2018 to 21 June 2018.

If you wish to make any comments on this Plan, please do so by e-mailing:

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk), or sending representations to the address below.

If you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the Neighbourhood Development Plan, please indicate this on your representation.

Kind regards

**Herefordshire.gov.uk**

---

**James Latham**

**Technical Support Officer**

Neighbourhood Planning and Strategic Planning teams  
Herefordshire Council  
Plough Lane  
Hereford  
HR4 0LE

Tel: 01432 383617

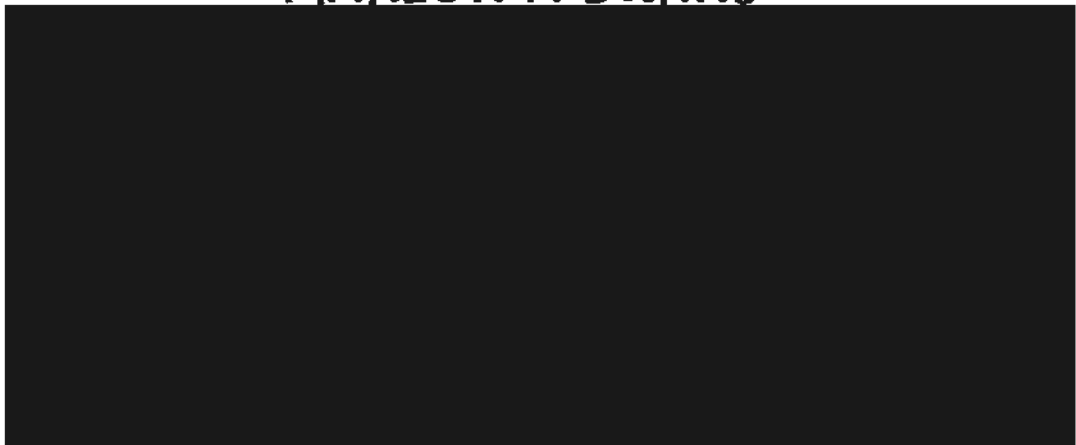
## Latham, James

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**From:** donotreply@herefordshire.gov.uk  
**Sent:** 22 May 2018 14:07  
**To:** Neighbourhood Planning Team  
**Subject:** A comment on a proposed Neighbourhood Area was submitted

Comment on a proposed neighbourhood plan form submitted fields	
Caption	Value
Address	
Postcode	
First name	Joanna
Last name	Helme
Which plan are you commenting on?	Burghill NDP
Comment type	Support
Your comments	<p>I wish to express my support for the Burghill Neighbourhood Plan. It represents a great deal of work over a number of years and a long process of consultation with the local community. Last time the plan was submitted at Regulation 16, there were unfortunately a number of misleading comments relating to development proposals which were not even in the plan and I hope that this time, any such will be excluded as irrelevant. I also think that comments or objections from people who do not live in the parish - apart from statutory consultees or owners of businesses in the parish - should not be allowed as part of this consultation.</p>

MARION A BURNS



Neighbourhood Planning Team  
Herefordshire Council  
Planning Services  
Plough Lane  
PO Box 230  
HR1 2ZB

19<sup>th</sup> June 2018

Dear Sirs,

Burghill Parish Neighbourhood Development Plan.

Further to my e-mailed objection to the Burghill Parish NDP I now enclose a hard copy of my objection to the plan which includes photographs material to the road safety concerns expressed in the e-mail I have sent via your system this afternoon. For some reason these photographs do not appear to have transferred with the e-mailed objection.

I hope the photographs serve to illustrate my concerns regarding road safety and the character of the hamlet in question and that you will find them useful in your deliberations.

Yours faithfully



Marion Burns  
(Resident)

## BURGHILL PARISH NEIGHBOURHOOD DEVELOPMENT PLAN ~ OBJECTION

I wish to object to the Burghill Parish Neighbourhood Plan for the following reasons: -

1. **It is no longer relevant.** The plan was originally conceived in 2013/2014 and although it was rejected in 2016 as the council considered that there had not been sufficient consultation with parishioners and it was undeliverable. Since then there have been a number of independent planning applications have been submitted and a development of some 24 houses is underway at Pyefinch Meadow (opposite the entrance to Burghill Golf Club. Additionally, a considerable plot of land adjacent to the Tillington Road/Roman Road junction is being advertised as Prime Building Lane with planning permission for 50 houses. If these sites were all built on there would be an addition of some 130+ new dwellings in the parish together with other piecemeal planning permissions that have been granted during the intervening several years.
2. **No Meaningful Consultation has been undertaken.** Since the original plan was devised there have only been two face to face consultations with the parish council on the plan. When comments were requested from parishioners, the comments put forward and the objections raised were dismissed out of hand by the steering group. **No investigation was undertaken into the substance of the concerns raised by local householders and the objectors were labelled "NIMBYs" by the Parish Council.** The concerns regarding the proposed development of some additional 24 large homes in the hamlet of Tillington (not Tillington Common) on Road Safety and Surface Drainage grounds were valid and have since been backed up by investigations made into the individual planning permissions on these individual sites. In spite of the genuine concerns raised by parishioners, the Parish Council made no attempt to revise their proposals and spent a lot of additional money trying to validate their original plan. They now propose to impose settlement boundaries without the knowledge or consent of the vast majority of the parishioners.
3. **Ground Water Pollution from the proposed developments at Tillington:** There is no provision of mains sewerage at Tillington and it is unlikely even if the proposed housing developments go ahead that Welsh Water would consider it viable to build such provision in the foreseeable future as the number of additional customers would not generate enough income to cover the considerable cost of the investment required. Thus all the houses proposed for Tillington would need to have bore-hole drainage. However, even if this were provided with sufficient filtration there is no local water course to discharge this additional water into.

(I refer you to the comments of Welsh Water in their response to the planning application submitted by the owners of The Bell Inn Planning Application No. P180985.) This particularly concerns me as I live on the opposite side of the orchard behind the proposed Cherry Orchard development. My home is beside a large drainage ditch designed to take away excess ground water which flows down to the low lying area of Crowmoor Lane. This ditch, which contains what is a very fast flowing stream in winter but tends to be dry during the summer months. I am concerned that



all the additional waste water from the 10 large properties with their attendant bathrooms, shower rooms, utility rooms, washing machines, dishwashers and large kitchens and garages will mean that the ditch is damp even during the summer months and this will obviously encourage considerably more insects than at present. Since living in the property, I have already been bitten by a Blandford Fly. These flies leave a particularly nasty bite which is prone to infection. Indeed, a report in the Hereford Times last year detailed the story of a Hereford builder who had been bitten by a Blandford Fly and sustained brain damage as a result. These insects frequent damp boggy ground and small water-courses and are known to be active in Herefordshire. (Warning notices are posted in local doctors' surgeries). This ditch is only a matter of two meters from my kitchen and after my previous experience with these insects I am concerned for my own safety and that of my neighbours. To make matters worse, several acres of the trees in the orchard have recently been removed so the ground water they would have absorbed will now be added to the ground water levels which flow down toward our homes.

Should these developments go ahead, due to the nature of our Herefordshire Clay and the topography of the land then surplus ground water would also be bound to accumulate at the Bell Inn cross-roads and The Bird cross roads. This is why the Bird Pool is situated where it is and the cellar at the Bell is frequently flooded at times of heavy rain. Also in winter the surface water which collects along this stretch of the Tillington road and the roads which run away from these cross ways are prone to flooding and freezing so great care must be taken to traverse these lanes safely. This is known to the locals but drivers using the area as a back road to Hereford or as a cut through from Credenhill are not always aware and their additional speed makes the area very dangerous and this traffic hazard will only be exacerbated.

- 4. The proposed development at Tillington is unsafe on Road Safety Grounds.** The hamlet of Tillington (Not Tillington Common) is a small rural community of some 25 or so dwellings interspersed with agricultural land. Most of the existing homes are in the area around the Tillington Road between The Bell Inn and the Tillington Boundary adjacent to The Bird Garage. A distance of approximately 350 yards. The NDP proposes that some 24 large dwelling houses (plus an additional 5 dwellings which individual planning permission has been sought but were not included in the NDP), should be built in this small area. That's 30 large properties with probably 2 or 3 vehicles per home i.e. between 60 and 90 vehicles requiring access to this little stretch of Tillington Road. All of these vehicles would need to access the Tillington Road which in this area is a narrow undulating and winding road and visibility for drivers turning onto the road is already restricted. The area already includes two sets of cross-roads, entrance to the pub car park, access to the little industrial estate and shop as well as the tiny lane which forms the entrance to Cherry Tree Orchard properties.

View Toward the shop from Bell cross-roads



View toward the Bell from CTO entrance/Shop Entrance Opposite the Bird Pool



View Toward Hereford from CTO



View Toward the Bell from CTO



Toward the shop from The Bird Garage/Tillington Boundary



The ancient hedge bordering the Tillington Road has a retention orders on it, so it cannot just be removed for the convenience of the developers and the required splay of visibility for the new developments cannot be achieved without demolishing the hedge.

The 30 m.p.h. speed limit is frequently ignored by motorists and the road is at times very busy taking traffic to Hereford from Weobley and the surrounding area especially at peak times and as Burghill School is just some few yards further along the road toward Hereford, this little stretch of road is very dangerous for both parents and children especially when they are trying to call at the shop, which is also accessed from this small stretch of road by the Bird Pool. It is also a cut through from Credenhill and the main Brecon Road and onto Wellington and the A49 toward Leominster.

There have been several recent accidents on this stretch of road due to excess speed of drivers, the winding and undulating nature of the road and its limited visibility, the poor state of the highway and the overhanging vegetation. The rural nature of the area means that the road often has to accommodate big tractors and trailers and other agricultural vehicles which reduce to road to a single lane and on-coming traffic has to pull in to a gateway to stop in to let them pass. This road is also very popular with recreational cyclists who often ride two or three abreast seemingly oblivious to the nature of the road conditions.

It is also used frequently by horse-riders and two horses were killed on this stretch of road because the car driver could not see them in time to stop.

In short this stretch of road, while short in length is already a potential accident black-spot and the additional traffic from the proposed developments is clearly dangerous and foolish to even contemplate and is "a serious accident waiting to happen."

**So, to summarise my objections to the Burghill Neighbourhood Plan**

- 1. It is four years out of date and does not take into account the current development situation in the parish. It does not take into account the proposed housing development closer to Hereford which will not put as much strain on the local infrastructure, particularly the poorly maintained, winding and undulating Tillington Road which is already stretched to safely accommodate the existing level of traffic.**
- 2. The authors of NDP have not taken account of the wishes of the parishioners. Valid and considered objections have NOT been investigated or taken into consideration. A settlement boundary has been imposed with little or no notice to the parishioners.**
- 3. Almost half of the proposed housing development in the parish is gathered together in a very small area which will more than double the population of the hamlet. This is more like a 100% increase in housing rather than the 18% required to meet the council's target. This is proposed without consideration of the consequences of additional housing for the existing population and exposes them to additional danger on the road and because of the unsuitability of the area with regard to disposal of additional foul ground water.**
- 4. The proposed housing development at Tillington totally changes the character of the hamlet. The mini-housing estates proposed are totally contrary to the present character of the hamlet where individual houses and agricultural nature of the area does not "gel" with the addition of mini housing estates.**
- 5. In order to provide safe access to these proposed new housing developments in Tillington, it would be necessary to destroy existing protected hedge-rows which provide a refuge for many birds and small mammals and to will disturb the integrity of the Bird Pool which is known to a habitat for Great Crested Newts and water fowl.**

**This Burghill Neighbourhood Plan proposes development on inappropriate sites, is an exercise in riding roughshod over the wishes of the people of the parish and is set to bring misery to the residents and wildlife of Tillington. I therefore vehemently object to it.**

## **BURGHILL REGULATION 16 NDP**

There needs to be some mention of adequate cycle parking/storage in Policy B8 (f) on Page 50.

In Appendix 3 – Burghill Parish design Guide – INFRASTRUCTURE bullet point 6 - The Herefordshire design guide for new developments recommended 3.5m for shared pedestrian and cyclist facilities. It maybe the case this is not feasible in every location. 2m is acceptable for footway widths.

In Appendix 3 – Burghill Parish design guide – Transport bullet points 3 and 4 - The parking provision is designated by the Highways design guide and dependent on number of bedrooms for dwellings e.g. a 1 bedroom dwelling would only require 1 car park space.

Mathew Howells  
Senior Transport Planning Officer  
Transportation Department  
Herefordshire Council

## **Latham, James**

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**From:** Knight, Matthew  
**Sent:** 21 June 2018 15:46  
**To:** Neighbourhood Planning Team  
**Subject:** Burghill

Regarding: 'Policy B14 - Development of Renewable Energy Facilities in Burghill Parish'

Notwithstanding sections 'C' and 'D' of the policy outlined below we would query the location of the site due to the proximity and potential to affect those aspects of the setting of listed buildings 650m to the South which contribute to their significance. It may be that given the former use of the site as a landfill pit, that it is lower than the surrounding landscape. It is felt that more evidence is required to demonstrate that this site is suitable for solar panels.

(c) there is no adverse impact on the character of the landscape, sites of nature conservation, archaeological and historical value;

(d) there is no detrimental impact on any neighbouring land uses, including Listed Building or Conservation Area;

Regards

Matthew Knight  
Principal Building Conservation Officer

Martin Roberts

17.06.2018

OBJECTION TO "BURGHILL NEIGHBOURHOOD DEVELOPMENT PLAN  
REGULATION 16"

Dear Sir or Madam,

I write to make clear my objections and serious concerns regarding the "Burghill Neighbourhood Development Plan Regulation 16."

The 2016 version of the NDP was rejected, amongst other things, because of lack of community consultation and the possibility that some sites would not be deliverable.

These same issues have not been addressed this time around.

It is essential for any plan to meet 'Basic Conditions' and sadly this has not been the case with this latest submission.

Again consultation has been woefully inadequate. Parishioners should be kept fully informed throughout the process and have opportunities to be actively involved. This has not happened. There has been a lack of proper consultation and engagement with the community. People's local knowledge regarding such fundamentals as drainage and surface water issues have been ignored. Huge constraints such as poor access and visibility and the lack of sewage infrastructure in certain areas have again been ignored.

The Core Strategy states, "local evidence and environmental factors will determine the appropriate scale of development." This has not happened.

A 'settlement boundary' was drawn for Tillington which has never been consulted on. Indeed the NDP document states on page 26, 3.34, "the analysis of the opinion expressed regarding Settlement Boundaries was not so comprehensive and could not be used to make an informed judgement on their appropriateness." How on earth can a 'Settlement Boundary' for Tillington be imposed without consultation? The Parish Council itself said, "Tillington and Tillington Common are both in the countryside and a settlement boundary would not be necessary."

It was 'Tillington Common', a cluster of over 50 houses, which was originally recognised by Herefordshire Council as a possible area for growth rather than 'Tillington' which is an area of no more than 20 scattered houses. Unfortunately 'Common' was left off by mistake in subsequent documents and this has been used wrongly to identify 'Tillington' as an area for growth. This was a gross error which HC still refuse to acknowledge!

We were promised that all sites would be reassessed. This has not happened. Two of the sites in the original, failed NDP, have been put back in as 'Favoured Sites'. One of those, site 25,



put in for planning prior to this latest NDP but it was withdrawn because of major constraints mentioned before. What on earth is it doing back in the plan as a 'Favoured Site' when it is undeliverable?

Another one, site 10, fails to mention the fact that a large part of it is actually greenfield because of the Section 52 Agreement on it. This is misrepresentation and also all of the major constraints apply to it as well.

I also question if this site should even be in the NDP because of a conversation I had with the owner at 8.00 a.m. on Wednesday 18<sup>th</sup> April. I said "Good morning" to him. He replied, "More bloody houses," nodding in the direction of the recent speculative planning applications that had been put in. He then said, "I'm the only one who doesn't want to build."

For a site to be in the NDP it needs to be "Available, Achievable and Deliverable." If the owner is saying that he does not want to build houses, then site 10 is not available! I informed the parish council of this on Tuesday may 8<sup>th</sup> at the PC meeting but I was ignored.

The NPPF states, "A neighbourhood plan should be based on up to date and robust evidence." This is clearly not the case regarding sites 25 and 10! Indeed, the plan itself states on page 63, 7.1, 'Plans are only valuable when kept up to date.' This plan has not been kept up to date!

The maps and plans reproduced in the document are dreadful. It is very difficult to get an accurate picture which is so important when related to such a potential life changing decision process for the parish. In previous, clearer map representations it was obvious that an extension had been made to a green space designation to prevent access to site 35 which is very close to existing infrastructure. This is impossible to see on the scale of map now provided. Surely this is completely out of order.

The growth target, for Burghill Parish, set by Herefordshire Council was 18% which equated to 124 houses by the year 2031. At the time of writing we already have 122 granted planning permissions. That means 2 more needed to achieve the target by 2031. We do not need the excessive numbers proposed especially as there are 20 recognisable and allowable windfalls that should be taken into account.

There are so many inaccuracies and anomalies in this NDP submission. I have read the document many times and often in my notes I find myself writing, "No consultation with parishioners." There are overwhelming problems which relate to the document not fulfilling the requirements to observe 'Basic Conditions'.

I urge you to reject this plan and request that Burghill Parish Council look again at their proposals.

Yours faithfully,



Martin Roberts

I understand and recognise the need for an NDP for Burghill.

In the absence of proper consultation with the local community right from the start of this NDP process I have worked with others to generate a more sensible and acceptable Policy B1 to allow some housing growth despite the constraints which clearly exist and despite the 'mistake' made by Herefordshire Council regarding the 'Tillington/Tillington Common' issue.

I attach copies of those proposals which I trust you will take into consideration very seriously.



Martin Roberts.

**NDP – Alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

An alternative, more acceptable policy B1 would therefore involve the following (deletions shown with strikethrough, additions highlighted in orange):

**ADD THE FOLLOWING DEFINITIONS TO THE GLOSSARY:**

<b>Blue Line Boundary</b>	<b>Required on a supporting plan to a planning application, a blue line drawn around any other land owned by the applicant, close to or adjoining the application site.</b>
<b>Red Line Boundary</b>	<b>Required on a supporting plan to a planning application, the application site itself should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).</b>

**DELETE Map 4 and reference to the settlement boundary for "Tillington"**

**ADD the text below, highlighted in orange to Policy B1, and DELETE the ~~struckthrough~~ text:**

**Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), ~~and Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- (a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- (b) Ensures appropriate and safe access;
- (c) Ensures adequate access to public transport facilities;
- (d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- (g) Reflects the scale and function of the settlement;
- (h) Ensures appropriate parking is provided on site; and
- (i) Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries** will be in accordance with the relevant Herefordshire planning policies. **For the avoidance of doubt, Tillington and Tillington Common will be treated for planning purposes as being under Policy RA3 of the Core Strategy, but with the exception of the list of potentially developable sites appended to this policy where single new dwellings may be proposed.**

**The list of potentially developable sites summarises submissions to the NDP which were defined as 'windfalls', plus three others which have been referred to as "preferred". These have already been submitted to the NDP as available. The list also includes two sites (25 & 10) included in the Draft April 2018 Submission NDP plus site 22 which was previously included in the June 2016 Regulation 16 NDP. With multiple dwellings, these three sites are considered to have a cumulative impact which is unacceptable due particularly to highways, foul drainage, and surface water constraints in this area, but if proposals come forward which each had a single dwelling on each site then the sites might then be considered deliverable. Any proposals which come forward from sites on the list will be considered if they are for one new dwelling per site, or for multiple units if conversions. Constraints must be adequately addressed, proposals must be otherwise compliant with Core Strategy policies, and must be sympathetic to the local area.**

**Proposals must be submitted with both red line and blue line boundaries (see glossary) showing a red line boundary where the curtilage must be proportionate to any proposed single dwelling. No further residential development will be permitted within the blue line boundary.**

**The list may be updated when the NDP is due for periodic review.**

**NDP – Appendix to support an Alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**List of Potentially Developable Sites for single dwellings (or multiple units in the case of conversions)**

This list includes those sites submitted to the NDP, which have neither yet had planning permission nor have been withdrawn. (The April 2018 Submission NDP diligently annotates "7 Field Shelter St Donat's" with "Site withdrawn not available" so one must presume that the other sites described as windfalls in the Submission NDP have not been withdrawn.)

Many of these sites have been described as 'windfalls' by the author of the NDP but of course they would only really be 'windfalls' if they were ignored as submissions. The reality is that they are site submissions.

Note that:

Site 39 (in same ownership as Site 40 and joined by land in the same ownership) was included as a 'windfall' in the June 2016 Regulation 16 Draft NDP but has mysteriously disappeared from the April 2018 Submission version so it has been re-included below.

Site 27 was submitted in 2014 and the owner reconfirmed in October 2017 to the Clerk that the conversions should be included as a submission, but this has been ignored.

**In Bold: Small sites/conversions submitted to the NDP (from Submission NDP Appendix 7).**

**Asterisked sites: are rural conversions and therefore suitable for multiple dwelling units.**

**In Red: 3 sites included in the June 2016 Regulation 16 Draft NDP or the April 2018 Resubmission Regulation 16 Draft NDP which are considered too constrained for multi-dwelling development.**

Site No	NDP Description	Note	Consultants' Score %	PC and SG Score	Options Days Returns (Numbers)			Net Dwellings
					For	Neutral	Against	
3	<b>Buildings at Hospital Farm (Windfall).</b>	Policy RA5 compliant	----	1.27	50	15	9	*6
12	<b>Land to the rear of No12 Redstone. (Windfall)</b>		26.7	5.35	44	22	2	1
33	<b>Land and buildings west of Burghill Grange (Windfall)</b>		63.3	5.35	29	29	28	1
8A	<b>Court Farm Yard – Hop Kiln (Windfall)</b>	Policy RA5 compliant	----	2.1	52	21	12	1
4	<b>The Parks Farm Buildings</b>	possible 2 extra as windfall	----	1.5	39	15	3	*2
5	<b>Lion Farm Buildings</b>	possible 1 extra as windfall	----	1.5	38	9	4	1
39	<b>Land southeast of Cherry Orchard Cottages</b>	Was described as Windfall previously	51.9	3.3	39	30	23	→ 1
40	<b>Land to the west of Cherry Orchard Cottages (Windfall)</b>		55.7	2.85	46	29	19	→ 1
27	<b>Field Farm Buildings</b>	Policy RA5 compliant	----	2.16	63	13	6	*3
22	<b>Adjacent to The Bell (Prontage only)</b>	Was previously NDP site	48.1	5.5	26	32	24	1
25	<b>Cherry Orchard, Tillington</b>	Site is in this submission NDP	34.6	4.0	29	27	27	1
10	<b>Tillington Business Park</b>	Site is in this submission NDP	44.2	2.84	45	24	13	1
<b>LIST OF POTENTIALLY DEVELOPABLE SITES SUBMITTED TO THE NDP WHICH ARE COUNTABLE AS SUBMISSIONS/WINDFALLS AND/OR ARE SUITABLE FOR DEVELOPMENT BASED ON A SINGLE DWELLING PER SITE</b>								<b>19</b>

**NDP – JUSTIFICATION of alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**Applying these proposed changes to Policy B1:**

1. **Acknowledges and in part corrects an uncorrected error made by Herefordshire Council - the wrongful inclusion of 'Tillington' as a growth settlement in the Core Strategy.** This error was made by Herefordshire Council in its translation of background 'evidence' into the Core Strategy, and has been compounded by subsequent actions made by the Qualifying Body (Burghill Parish Council) without consulting the community. The proposed changes enable compromise between intransigent positions.
2. **By removing it, addresses the drawing of a Settlement Boundary around part of Tillington, which has been done without consultation with the community, and is therefore otherwise a gross failure of Basic Conditions for a NDP.**
3. **Takes account of the known environmental and other constraints which exist in this area** by reducing the impact of development to single rather than multiple dwellings per site because:

(a) the modification respects:

constraints which make multi-dwelling developments undeliverable. Examples are highway safety (the lanes are fast, narrow and winding in the Tillington area, and even where there is a 30mph limit it is badly adhered to, with 85 percentile speeds of 40 mph); pedestrian safety (eliminating multiple dwellings per site reduces the need for unachievable improvements); the impermeability of the local clay soils which exacerbate the foul drainage impact and surface water flooding; and

(b) the modification minimises:

loss of Best & Most Versatile Land; ecological damage (destruction of hedges and biodiversity); sheer overdevelopment of what is a 'hamlet' in a rural area; piecemeal ill-considered design and inappropriate housing types (facilitates the smaller houses which parishioners mainly wanted according to the 2014 questionnaire); loss of local distinctiveness; detrimental impact on the landscape.

**4. Is compliant with the NPPF, NPPG and the Local Plan**

The NPPG states in its Rural Housing guidance that:

*"blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence".*

The Core Strategy in its Policy RA1 – Rural housing distribution states

*"Local evidence and environmental factors will determine the appropriate scale of development".*

In the case of Tillington and Tillington Common, there is ample evidence contained in past planning applications and in submissions to the Neighbourhood Plan that there are overwhelming constraints which in practice limit multi-dwelling developments. There is a need for relaxed policies which reduce housing concentrations so that the impact particularly on highway safety, waste water and surface water flooding can be reduced without seeking to prevent development altogether. It is noticeable that there have been many objections to planning applications for multi-dwelling developments in the Parish, particularly Tillington, while planning applications for single dwellings have been largely unopposed (apart from the odd nimby), and the rural population is generally tolerant of more gentle development.

It is the Steering Group which has apparently sought to place a disproportionate amount of housing at Tillington Whitmore Cross, based on site assessments which are clearly flawed. It is an area where HC Land Drainage have noted in responses to recent planning applications *"Due to known issues in the area with foul water disposal, we request that percolation testing is undertaken ...to ensure that there is a means of disposal of treated effluent. This should be established prior to granting planning permission. It should be noted that we recommend and support the use of individual package treatment plants and individual drainage fields serving each property."*

**Space** is required to attain foul drainage (and surface water) arrangements which do not overload the impermeable soils in this area. Building regulations dictate that:

- Treatment Plants should be at least 10 metres from habitable buildings, preferably downslope
- Drainage fields should:
  - be at least 10m from any watercourse or permeable drain,
  - be at least 50m from the point of abstraction of any groundwater supply,
  - be at least 15m from any building,
  - be sufficiently far from any other drainage fields or soakaways so that the overall soakage

- capacity of the ground is not exceeded
- be downslope of groundwater sources
- have no access roads or driveways within the disposal area

The area which a laid-out drainage field (with Treatment Plant, Distribution chamber, trenches, separation between trenches, and separation from boundaries, buildings and other soakaways) occupies, is therefore large, typically 40m x 10m. As well as that, surface water drainage needs to be accommodated as well – “sufficiently far from any other drainage fields or soakaways so that the overall soakage capacity of the ground is not exceeded”. For this area, a principle of individual package treatment plants and individual drainage fields serving each property, as supported by Herefordshire Council’s Land Drainage engineers, seems eminently sensible.

Therefore these proposed changes to B1, unlike the NDP as it stands, take account of the soakage capacity of the ground yet allow some development in a sensible manner, provided other constraints can be overcome.

There is mention in the Submission NDP of “first time sewerage for many properties” but this really is a red herring because Section 101A of the Water Act applies to existing properties, not ones yet to be built; the deliverability of such a scheme, and the acceptability to the sewage undertaker of such a scheme is questionable given the small number of properties in the area; and in any case **it would not solve surface water issues because the water undertaker would not permit surface drainage connection to infiltrate a foul sewer**. On the other hand, the proposed changes to B1 allows the **space** needed for modest development in this rural area to accommodate proper waste and surface water percolation so that proposals are likely to be deliverable now rather than at some unspecified future date, and address both foul and surface water issues satisfactorily.

The proposed amendment also overcomes non-compliance with paragraph 32 of the NPPF which states: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”* and also overcomes non-compliance with paragraph 120 of the NPPF which states: *“The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.”* Clearly the cumulative transport impacts of proposals for multi-dwelling developments are severe relative to the existing impact, because of concentration in such a small area.

5. **Respects the reality which is that there is a housing target** set by Herefordshire Council which is for a minimum of 18% housing growth in the Parish which equates to 124 additional dwellings between 2011 and 2031; and that 122 additional dwellings have already been delivered by granted planning permissions. There are only 2 residual dwellings now required to meet the minimum target, and windfalls have continued to deliver housing in the area.

In contrast, the authors of the NDP have continued to propose sites which vastly exceed the minimum target, and again, in the Submission NDP, the three ‘preferred’ sites with a capacity of 24 dwellings would vastly exceed the 124 target. As at 30 May, the addition of these 24 to the 122 already approved would bring the total to 146, which is over 21% growth, not the 18% required – unnecessary because ‘windfalls’ will continue to come forward anyway.

The NPPG states in its Rural Housing guidance that *“A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan and the plan proposal meets the basic conditions.”*

However there is not the evidence to demonstrate such need, and the persistent failure adequately to consult and engage with the wider community simply demonstrates non-compliance with Basic Conditions. The only ‘mandate’ goes back to the 2014 Questionnaire, now rather out-of-date, but then the overwhelming majority of respondents felt that 18% growth was too much. Therefore the evidence does not demonstrate need above 18% growth. Parishioners are hardly likely now to think that 21% is *not* too much, when they overwhelmingly believed 4 years ago that it was too much! Planning Permissions granted since 2011 already exceed the affordable housing provision which was last required for the Parish.

A criteria based policy amendment such as is proposed, and which does not allocate sites because recent housing developments have provided housing numbers very close to the housing target, was accepted by Herefordshire Council for the Bartestree NDP. A precedent has been set.

## BURGHILL NEIGHBOURHOOD DEVELOPMENT PLAN

Michael White, [REDACTED]

I think it fair to say that Burghill Parish needs a Development Plan and every effort should be made to secure a plan which serves the residents of the parish and creates a path for future generations.

\*The Plan as presented at the moment gives a glossy picture of the Parish Plan and it would be easy to fall into the trap of thinking that this is well thought out and represents the feelings of the parishioners. Sadly, this is not the case. The Plan as presented for the second time is little more than a re-hash of the previous rejected plan, and continues to reflect an agenda of a very small group of people. The direction of the plan has changed little from the very early days more than four years ago, and almost all efforts by the wider community to modify the plan have been repulsed by this small group.

\*The Steering Group met at short notice and no effort was made to bring in parishioners with other ideas, options, suggestions or thoughts. In September 2016, I, with a few other parishioners discovered in advance the time and place of a Steering Group meeting. We were in no way made to feel welcome. We were made to sit outside their ring of tables and chairs and were angrily accused of making the first NDP submission fail! Some weeks later, after some pressure, two parishioners were co-opted into the Steering Group and again were treated with similar contempt. Interestingly, the Steering Group was disbanded not long afterwards and a revised plan was more or less left in the lap of Kirkwells....another astonishingly bad decision!

\*Herefordshire Council (HC) listed guidelines for parishes to follow when proceeding with a Development Plan. Unfortunately these were given scant regard in Burghill's attempts at a neighbourhood Plan. You will be told that there has been 'full consultation' with the wider community. Burghill's interpretation of this is "This is what has been decided....comments please." Following this 'consultation' little communication followed. In the original Reulation 14 the "Parish Council's" response to almost every point was "No change"....total disregard of parishioners points of view, and one of the main reasons why the Plan was found to be unacceptable by HC. Sadly, the lesson has not been learnt, and here we are again with another Plan which has not engaged or involved active participation of the wider community throughout the on-going progress. The Settlement Boundary for Tillington was drawn by one person, with not a single resident of Tillington brought in for points of view...that's just one example, there are many others.

\* There has been throughout the development of the Plan a continued opposition to 'windfall' planning applications by the "Parish Council". Almost all were objected to, and for the most ridiculous reasons in some cases. What is totally unacceptable is that these 'ridiculous objections' could easily be applied to the sites which have been included in the NDP....but of course, such objections have not materialised! One has to ask why! The 50 houses on the site by Roman Road were objected to by "The Parish Council" under the guidance of the Steering Group.....totally misleading information being provided to the Parish Council. Why would one object object to a site which will go a long way towards the 18%? The answer, no doubt, is that 'windfalls' and unexpected sites such as the one on Roman Road would have an unwanted

effect on the numbers game in the 'set-in-concrete' agenda.

\*Ask yourself why sites from the first Plan submission, deemed as undeliverable by HC, are STILL BEING INCLUDED in the second submission! There is no need to include these sites and yet they are being foisted on the community despite the huge constraints. You have to keep asking the question 'Why?' Another guideline being completely ignored....that the plan must take into consideration the character of an area and not to change this character more than minimally. This area of Tillington in which FOUR mini-estates are being proposed is totally contrary to this guideline! Tillington is a small hamlet! There has to be a reason why this 'orchestration' appears to be happening.

\*One of the objections used in attempts to prevent 'windfalls' from being accepted was that "it is open countryside and must be protected"...another was "it is less than 100m from a working orchard".....! No surprise that some of these sites in Tillington fall into those two categories.....but have been included in the new Plan despite the fact that these two 'objections' are valid...WHY if previous applications received those objections from the "Parish Council"? There are far too many of these anomalies, inconsistencies and double standards. "Make and break rules according to your requirements" appears to be regularly applied!

\*There are over 50 houses in Tillington Common. There are fewer than 20 houses in this central part of Tillington. Tillington Common was not considered for development as it is 'open countryside'. Tillington has been wrongly classified as a 4.14 settlement of over 80 houses!! It is evident that this error, made by someone not fully aware of the local geography, has been taken advantage of, and is in danger of allowing a more than 100% increase in size. This is SURELY WRONG and again contravenes HC's guidelines! Had it been classified correctly (fewer than 20 houses) then it would not have been down for development. Due to this error we are now fighting a rearguard action to avoid a catastrophe which will have irreversible repercussions!

\*Throughout the development of the Plan several parishioners have been pointing out at Parish Council meetings just how unfair and disproportionate the Plan was and still is. As I have previously pointed out, parishioners viewpoints have been totally ignored. The Parish Council suggested that the Parish Magazine should be a vehicle for the viewpoints of residents regarding the NDP. A fine idea in that the Magazine is delivered to EVERY household in the parish. However, and this will surprise you perhaps, anyone with a view different from the 'official' viewpoint had to be published alongside an opposing letter!! On occasions, an opposing viewpoint could not be found in time for the deadline and so one's letter was delayed, missing giving a timely point of view or reminder. My request for the 'Officer's Appraisal' (of the first NDP) to be printed in the Magazine was totally ignored with no apology or explanation! Frankly, the Parish Council didn't want parishioners to know about the causes of the failure.

\*In May 2017 a group of very frustrated parishioners wrote a signed letter to the Magazine telling parishioners that there were other ways forward other than the proliferation of mini estates in an area where they would be totally inappropriate. It was absolutely essential that the information went into the June magazine, but, you've guessed it, it was delayed because it arrived too late for an opposing letter to be raised! We then in desperation, at our own expense, printed and sent by mail a copy of the details to almost all addresses in the parish.



THIS IS HOW DIFFICULT IT HAS BEEN TO HAVE ONE'S POINT OF VIEW considered. (We were then admonished at the following PC meeting for not putting our names to the information we mailed. A mistake we admit, but really, we were being admonished for having a different point of view.)

\*There has been much inconsistency during the past 4/5 years and many examples of double standards. Keeping track of what has been said, when and where has been very difficult. In autumn 2016 a request for information had to be made for Parish Council meeting minutes and Steering Group minutes to be published on the parish web-site. Up until then there was little or nothing available concerning the NDP....and even then, the notes (could hardly be called minutes!) were lacking in consistently reliable detail.

\* Most of us who have been referred to as 'trouble-makers' by some, are not affected by any of the developments in the Plan. We are not in any way 'nimbys'. We are however concerned that the course of this Plan, both before and after the rejection, has not been progressed as it should have been. There are many questions unanswered and I have alluded to some already. We are not likely to receive answers, and in this respect we would ask that a worthy alternative Plan is considered. There has been much friction between parishioners and people involved in steering the plan, and 'fairness' has been in short supply and the cause of much discontent. A much bigger population in Burghill Village will always have sway in numbers. This should have been taken into account from the start, exercising the full meaning of the word 'proportional' and explaining how this might be achieved. A voting system, flawed from the start, led to the creation of a skewed and disproportionate plan to the disadvantage of a sparsely populated Tillington. A Plan which has hardly moved its position during four years has to be challenged and questions asked. Looking at 'Comments' from Herefordshire Council's draft Core Strategy of May 2013 one notices what is possibly some kind of pre-determination. These comments, all by the same person, appear to be preparing the way for Site 10 well before the Burghill NDP was set up. A copy of those comments is attached. It is also worth pointing out that none of the people making these decisions for mini-estates in Tillington come from the Tillington area of the parish, and no consultation with local residents has ever been made as far as I recollect. It is beyond belief that the Parish Council insist on saying that they have involved and engaged the wider community in coming to these decisions, and can say that the NDP is fair and proportionate.

\*The main drift of the arguments against these four developments in Tillington is as follows:

- 1) This area is without question 'countryside' and according to our "parish experts" countryside must be protected. So why are these "parish experts" so keen to have it developed in this grotesque way?
- 2) The road through this part of Tillington is totally inappropriate for the developments being suggested.....part of the 'undeliverable' reasoning. Nothing has changed. They are still undeliverable due to the heavy constraints. Bringing in bulldozers, ripping up ancient hedgerows, spoiling the 'look' and feel of the place is contrary to HC's guidelines.
- 3) The people orchestrating this group of four developments are intent on by-passing all local feeling.

4) The only people benefitting from these mini estates are the sellers of the land and the developers. This, therefore, is not a Plan by the people of the parish for the people of the parish. It is a Plan by the few, for a few! I'm pretty sure that this is not the outcome hoped for by HC and Burghill parishioners, but as it stands, that is the Plan we have.....totally unsatisfactory.

5) The problems with this Plan are surmountable. Some of the problems, I suspect, exist because of personal agendas and therefore can easily be dispensed with.

6) Herefordshire Council MUST take on board the wrong classification of Tillington settlement as being 80+ residences! In reality, it is fewer than 20 houses and as a consequence should not be down for developments as in the NDP. Four houses in TOTAL would be acceptable....giving a 25% increase....well above the required 18%.

In my opening comment I expressed the wish that we are in need of a better NDP. I ask you to allow us some more time to develop a more meaningful, more proportional and fairer Plan. An "in- touch" Parish Council would have wiped the slate clean after the first debacle and started afresh. Unfortunately, they were not really in-touch and as a consequence we have an almost repeat performance. The parishioners deserve more. We ask you to look sympathetically at what we have to offer. Some ideas are attached.



*June 2018*

We would appreciate your checking the name of the author of the comments below against a list of Parish Councillors and Steering Group members.

**Draft Core Strategy survey - Lists of comments v.1.0 May 2013**

[https://www.herefordshire.gov.uk/media/6773183/Draft\\_Core\\_Strategy\\_consultation\\_2013\\_comments.pdf](https://www.herefordshire.gov.uk/media/6773183/Draft_Core_Strategy_consultation_2013_comments.pdf)

Page 254:

"The proposed expansion of the villages of Burghill and Tillington is also very contentious and has the potential to destroy the rural characteristics of the villages. Local residents are very concerned that a large number of houses densely built on green-field sites will have a severely detrimental impact on local road safety and the general amenity of the village. There is a risk of urbanising the villages. Herefordshire is an agricultural county and needs protecting as such. Building on green belt land would also destroy historic park land at St Mary's Park Burghill."

AND 'BROWNFIELD' !!

Page 649:

"My principal comments relate to: 1) A reassessment of the need for the Proposed Western Relief Road in conjunction with the Trunk Road Authority. 2) The linking of Tillington with Burghill in the HMAs. 3) The availability of brownfield land in Tillington ideally suited for residential development"

Page 445:

"With regard to Burghill and Tillington, I can understand the need for some housing but the sites should be chosen with care. It should be Brownfield sites rather than farming land. Farming is essential not just for the present but also for the future."

Page 458:

"The areas of Tillington and Burghill should be united as they are indivisibly linked through joint services and social interaction. There is ample land at Tillington, on a brownfield site, which could accommodate up to 30 dwellings of mixed style. It is preferable to identified sites at Burghill."

Page 462:

"These comments are to be added to my earlier comments: The areas of Tillington and Burghill should be united as they are indivisibly linked through joint services and social interaction. There is ample land at Tillington, on a brownfield site, which could accommodate up to 30 dwellings of mixed style. It is preferable to identified sites at Burghill. The suggested area for mixed residential development is on a brownfield site at the Tillington business park. This is a site that has considerable potential for sustainable development as it is previously used land that has an established use for commercial storage linked to the activities of the business park and the Bird Garage. It is a site that is close to community services comprising a shop, school, public house, golf club, garage and MOT station, village hall, PIY and leisure area, village sports facility, village hall and church. All these community facilities are within walking distance of this site. The site is on a bus route. It is a site that has few constraints in terms of land use planning and would be more favourable to the communities of Tillington and Burghill as its development would be unlikely to attract any objections from local residents. Furthermore, owing to the established use of this site its future needs to be regularised to prevent a change in ownership. invigorating its commercial presence within the village."

\* 30 dwellings in an area of fewer than  
No consideration for the character of the area! 20!

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The NPPG states in its Rural Housing guidance that *“A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan and the plan proposal meets the basic conditions.”*

However there is not the evidence to demonstrate such need, and the persistent failure adequately to consult and engage with the wider community simply demonstrates non-compliance with Basic Conditions. The only ‘mandate’ goes back to the 2014 Questionnaire, now rather out-of-date, but then the overwhelming majority of respondents felt that 18% growth was too much. Therefore the evidence does not demonstrate need above 18% growth. Parishioners are hardly likely now to think that 21% is *not* too much, when they overwhelmingly believed 4 years ago that it was too much! Planning Permissions granted since 2011 already exceed the affordable housing provision which was last required for the Parish.

A criteria based policy amendment such as is proposed, and which does not allocate sites because recent housing developments have provided housing numbers very close to the housing target, was accepted by Herefordshire Council for the Bartestree NDP. A precedent has been set.

**NDP – Alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

An alternative, more acceptable policy B1 would therefore involve the following (deletions shown with strikethrough, additions highlighted in orange):

**ADD THE FOLLOWING DEFINITIONS TO THE GLOSSARY:**

<b>Blue Line Boundary</b>	<b>Required on a supporting plan to a planning application, a blue line drawn around any other land owned by the applicant, close to or adjoining the application site.</b>
<b>Red Line Boundary</b>	<b>Required on a supporting plan to a planning application, the application site itself should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).</b>

**DELETE Map 4 and reference to the settlement boundary for "Tillington"**

**ADD the text below, highlighted in orange to Policy B1, and DELETE the ~~strikethrough~~ text:**

**Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), ~~and Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- (a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- (b) Ensures appropriate and safe access;
- (c) Ensures adequate access to public transport facilities;
- (d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- (g) Reflects the scale and function of the settlement;
- (h) Ensures appropriate parking is provided on site; and
- (i) Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries** will be in accordance with the relevant Herefordshire planning policies. **For the avoidance of doubt, Tillington and Tillington Common will be treated for planning purposes as being under Policy RA3 of the Core Strategy, but with the exception of the list of potentially developable sites appended to this policy where single new dwellings may be proposed.**

**The list of potentially developable sites summarises submissions to the NDP which were defined as 'windfalls', plus three others which have been referred to as "preferred". These have already been submitted to the NDP as available. The list also includes two sites (25 & 10) included in the Draft April 2018 Submission NDP plus site 22 which was previously included in the June 2016 Regulation 16 NDP. With multiple dwellings, these three sites are considered to have a cumulative impact which is unacceptable due particularly to highways, foul drainage, and surface water constraints in this area, but if proposals come forward which each had a single dwelling on each site then the sites might then be considered deliverable. Any proposals which come forward from sites on the list will be considered if they are for one new dwelling per site, or for multiple units if conversions. Constraints must be adequately addressed, proposals must be otherwise compliant with Core Strategy policies, and must be sympathetic to the local area.**

**Proposals must be submitted with both red line and blue line boundaries (see glossary) showing a red line boundary where the curtilage must be proportionate to any proposed single dwelling. No further residential development will be permitted within the blue line boundary.**

**The list may be updated when the NDP is due for periodic review.**

**NDP – Appendix to support an Alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**List of Potentially Developable Sites for single dwellings (or multiple units in the case of conversions)**

This list includes those sites submitted to the NDP, which have neither yet had planning permission nor have been withdrawn. (The April 2018 Submission NDP diligently annotates "7 Field Shelter St Donat's" with "Site withdrawn not available" so one must presume that the other sites described as windfalls in the Submission NDP have not been withdrawn.)

Many of these sites have been described as 'windfalls' by the author of the NDP but of course they would only really be 'windfalls' if they were ignored as submissions. The reality is that they are site submissions.

Note that:

Site 39 (In same ownership as Site 40 and joined by land in the same ownership) was included as a 'windfall' in the June 2016 Regulation 16 Draft NDP but has mysteriously disappeared from the April 2018 Submission version so it has been re-included below.

Site 27 was submitted in 2014 and the owner reconfirmed in October 2017 to the Clerk that the conversions should be included as a submission, but this has been ignored.

**In Bold: Small sites/conversions submitted to the NDP (from Submission NDP Appendix 7). Asterisked sites: are rural conversions and therefore suitable for multiple dwelling units.**

**In Red: 3 sites included in the June 2016 Regulation 16 Draft NDP or the April 2018 Resubmission Regulation 16 Draft NDP which are considered too constrained for multi-dwelling development.**

Site No	NDP Description	Note	Consultants' Score %	PC and SG Score	Options Days Returns (Numbers)			Net Dwellings
					For	Neutral	Against	
3	<b>Buildings at Hospital Farm (Windfall).</b>	Policy RA5 compliant	----	1.27	50	15	9	*6
12	<b>Land to the rear of No12 Redstone. (Windfall)</b>		26.7	5.35	44	22	2	1
33	<b>Land and buildings west of Burghill Grange (Windfall)</b>		63.3	5.35	29	29	28	1
8A	<b>Court Farm Yard – Hop Kiln (Windfall)</b>	Policy RA5 compliant	----	2.1	52	21	12	1
4	<b>The Parks Farm Buildings</b>	possible 2 extra as windfall	----	1.5	39	15	3	*2
5	<b>Lion Farm Buildings</b>	possible 1 extra as windfall	----	1.5	38	9	4	1
39	<b>Land southeast of Cherry Orchard Cottages</b>	Was described as Windfall previously	51.9	3.3	39	30	23	=4 1
40	<b>Land to the west of Cherry Orchard Cottages (Windfall)</b>		55.7	2.85	46	29	19	=2 1
27	<b>Field Farm Buildings</b>	Policy RA5 compliant	----	2.16	63	13	6	*3
22	<b>Adjacent to The Bell (Frontage only)</b>	Was previously NDP site	48.1	5.5	26	32	24	1
25	<b>Cherry Orchard, Tillington</b>	Site is in this submission NDP	34.6	4.0	29	27	27	1
10	<b>Tillington Business Park</b>	Site is in this submission NDP	44.2	2.84	45	24	13	1
<b>LIST OF POTENTIALLY DEVELOPABLE SITES SUBMITTED TO THE NDP WHICH ARE COUNTABLE AS SUBMISSIONS/WINDFALLS AND/OR ARE SUITABLE FOR DEVELOPMENT BASED ON A SINGLE DWELLING PER SITE</b>								<b>19</b>





Neighbourhood Planning and Strategic Planning teams  
Herefordshire Council  
Plough Lane  
Hereford  
HR4 0LE

Hannah Lorna Bevins  
Consultant Town Planner

Tel: 01926 439127  
[n.grid@amecfw.com](mailto:n.grid@amecfw.com)

Sent by email to:  
[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)

16 May 2018

Dear Sir / Madam

### **Burghill Neighbourhood Plan Consultation SUBMISSION ON BEHALF OF NATIONAL GRID**

National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.

#### **About National Grid**

National Grid owns and operates the high voltage electricity transmission system in England and Wales and operate the Scottish high voltage transmission system. National Grid also owns and operates the gas transmission system. In the UK, gas leaves the transmission system and enters the distribution networks at high pressure. It is then transported through a number of reducing pressure tiers until it is finally delivered to our customers. National Grid own four of the UK's gas distribution networks and transport gas to 11 million homes, schools and businesses through 81,000 miles of gas pipelines within North West, East of England, West Midlands and North London.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our assets.

#### **Specific Comments**

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.

#### **Key resources / contacts**

National Grid has provided information in relation to electricity and transmission assets via the following internet link:

<http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/>

The electricity distribution operator in Herefordshire Council is Western Power Distribution. Information regarding the transmission and distribution network can be found at: [www.energynetworks.org.uk](http://www.energynetworks.org.uk)

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database:

Gables House  
Kenilworth Road  
Leamington Spa  
Warwickshire CV32 6JX  
United Kingdom  
Tel +44 (0) 1926 439 000  
woodplc.com

Wood Environment  
& Infrastructure Solutions UK Limited  
Registered office:  
Booths Park, Chelford Road, Knutsford,  
Cheshire WA16 8QZ  
Registered in England.  
No. 2190074



Hannah Lorna Bevins  
Consultant Town Planner

[n.grid@amecfw.com](mailto:n.grid@amecfw.com)

Wood E&I Solutions UK Ltd  
Gables House  
Kenilworth Road  
Leamington Spa  
Warwickshire  
CV32 6JX

Spencer Jefferies  
Development Liaison Officer, National Grid

[box.landandacquisitions@nationalgrid.com](mailto:box.landandacquisitions@nationalgrid.com)

National Grid House  
Warwick Technology Park  
Gallows Hill  
Warwick  
CV34 6DA

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

Yours faithfully

[via email]

**Hannah Lorna Bevins**  
**Consultant Town Planner**

cc. Spencer Jefferies, National Grid

Date: 16 June 2018  
Our ref: 246442  
Your ref: Burghill NDP – Reg 16



Mr J Latham  
Technical Support Officer  
Herefordshire Council  
Plough Lane  
Hereford  
HR4 0LE

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)  
[jlatham@herefordshire.gov.uk](mailto:jlatham@herefordshire.gov.uk)

Dear Mr Latham

**Burghill Neighbourhood Development Plan – Reg 16 Consultation**

Thank you for your consultation on the above dated and received 10<sup>th</sup> May 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

**Natural England does not have any specific comments on this neighbourhood plan.**

For any further consultations on your plan, please contact: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Sharon Jenkins  
Consultations Team

## Latham, James

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**From:** Neil Christie  
**Sent:** 20 June 2018 14:13  
**To:** Neighbourhood Planning Team  
**Subject:** Burghill Neighbourhood Development Plan

This latest presentation fails on the same basis as its predecessor, proposing inappropriate, unnecessary and unwanted development at the same undeliverable locations.

The NDP covers the period 2011-2031. As at today's date there have been 123 planning approvals in the Parish, just one short of the 124 (18%) HC advisory target; it is obviously likely that at least one more will arise as a "windfall" over the next 13 years, yet the Parish Council persists in advocating the development of mini-estates that the residents have clearly stated they do not want. WHY?

The NDP repeats its focus on sites in the vicinity of Whitmore Cross (sites 25 & 10) - not only located in open countryside but already rejected as being undeliverable. WHY?

Once again the Parish Council has failed to engage with residents or respect their expressed preferences. The PC resolved in November 2017 to submit this Plan to Regulation 16, yet it was not actually submitted for six months (in May 2018, coinciding with a spate of planning applications around Whitmore Cross - why?). The PC announced in the Parish Magazine at the beginning of this year that the NDP would be submitted for Reg.16 "soon" yet made no announcement in the last two editions that it was in fact now available for comment. This Reg.16 publication is indeed the first opportunity residents have had to see the new NDP put forward on their behalf; only the most committed and internet-savvy follower of the HC website would have spotted it, and most Burghill residents are not of that generation or inclination. Obfuscation or incompetence by the PC?

The PC appears to have arbitrarily drawn a "Settlement Boundary" around the Whitmore Cross area, designated "Tillington" - there is no electoral mandate to do this, residents have not been consulted. Perhaps to bolster the proposal to develop site 10? The location is rural and should be recognised as such.

Proposed developments in the vicinity of Whitmore Cross have already been shown to be flawed by reason of significant drainage problems and road safety, yet this NDP persists with these sites. WHY?

Clearly there are noise, smell and other antisocial emanations from the pub and the business park, the burning of noxious material has previously been noted (and is also in fact licenced at the garage opposite); NDP policy B1 states development shall not be located adjacent to "noise or nuisance generating agricultural industrial or commercial activities" and yet proposes exactly such a development!! The NDP is nonsensical.

Reference is made to prospects for connection to the main sewer and other "infrastructure improvements" to facilitate the selected sites. This statement is totally inappropriate, it is the personal opinion or preference of the author of the NDP and has never been consulted on. Local opinion in Tillington is that the private foul drainage systems currently in place are entirely satisfactory as well as being economical.

I have been a resident in Burghill Parish for 31 years in which time the Parish Council has generally served constructively and for the benefit of the community. The current saga of the NDP has however been one of obfuscation, misinformation, contradiction, manipulation, and instances of shameful bullying of residents who attempt to raise matters of concern at PC meetings. On occasion residents attending have been treated

with shocking disdain and rudeness, prompting me to email a complaint to the Clerk (as I know others have had cause to do more recently). Decisions affecting the future lifestyle quality of the Parish, an area chosen by many residents for the rural charm ironically epitomised by the selected photographs disingenuously reproduced in the NDP document, have been made by what appears to be a coterie of mutually appointed individuals (the overwhelming majority of Parish Council members have been co-opted and have no electoral mandate); deliberations of the NDP Steering Group have been inadequately minuted and the SG itself was disbanded before the NDP was finalised (and apparently shortly after new members began to question policy).

The NDP has persistently followed a blinkered course advocating the development of mini-estates in a very specific rural area, contrary to site constraints, contrary to expressed local preferences, contrary to the character of the area, and despite numerical targets already being virtually met by a combination of major developments and individual builds. Again one has to ask why.

Others have put forward a simpler and more restrained proposal that would meet any requirement by HC for development in excess of the 18% guideline, without detriment to the rural character and charm of the Parish; this has been rejected out of hand.

The NDP process has been autocratic, dictatorial and deceitful. The appointment of paid Consultants has been misused to provide a smokescreen behind which evidence has been manipulated and ignored. This NDP is inaccurate, misleading, inappropriate, unrepresentative, contradictory and a misapplication of assumed authority. It is not fit for purpose. Reject it.

Neil Christie

Oliver and Lisa Kamester



Herefordshire Council  
Neighbourhood Planning Team  
Planning Services  
Plough Lane  
Hereford  
HR4 0LE

21<sup>st</sup> June 2018

**Re-submitted Regulation 16 BURGHILL PARISH NEIGHBOURHOOD DEVELOPMENT PLAN**

**OBJECTION**

We strongly object to the Draft Burghill NDP for several reasons.

**Inadequate public and community consultation:**

Burghill Parish Council have not consulted the wider community on the recent re-submitted Burghill NDPT. There has been minimal community engagement throughout the process.

**Settlement boundary** has been drawn around Tillington without any consultation within the parish or directly with local residents affected by the new boundary. It has simply been imposed upon us.

**The proposed sites identified for development are unfair, grossly disproportionate and undeliverable.** The number of proposed new dwellings is an unacceptable increase resulting in **overdevelopment**. We only need another 2 or 3 more houses to make the plan fair.

Tillington is characterised by roadside dwellings therefore the proposed mini housing estates are at odds with the local character and would change the appearance of Tillington hamlet forever.

**Deliverability**

HC questioned the deliverability of a number of identified sites – nothing has changes since.

**Highway Safety**

There are serious highway safety issues on the C1095 which is a narrow windy road with poor visibility and vehicles travelling at high speed, way above the 30mph limit therefore proposed access onto this road is dangerous. There is no public footpath from the Bell to

the Business Park therefore residents either use their cars to access these facilities or risk walking in the road.

**Surface Water Drainage.** Tillington area is renowned for bad drainage due to its soil type. There are concerns on how surface water will be managed on any future developments therefore reassurance are required that drainage solutions are workable.

**Foul Water Drainage.** Tillington is not connected to mains sewerage facilities.

**GP Surgery.** Credenhill Surgery is the nearest and at full capacity

**Burghill Community Academy** at full capacity

**Public Transport** with limited service

Villages have to grow but must be done sympathetically and proportionately whilst being fair therefore I hereby submit alternative options for consideration. (See attachment).

**OLIVER AND LISA KAMESTER**

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**Appending the proposed changes to Policy B1:**

1. **Acknowledges a gross error made by the wrongful inclusion of 'Tillington' as growth settlement in the Core Strategy.** This error was made by Herefordshire Council in its translation of background 'evidence' into the Core Strategy, and the error has been compounded by subsequent actions made in the name of the Qualifying Body (Burghill Parish Council) without consulting the community. The proposed changes to Policy B1 would, to an extent, rectify the error as well.
2. **Addresses the drawing of a Settlement Boundary around part of Tillington, which has been done without consultation with the community, and is therefore is a gross failure of Basic Conditions for a NDP.**
3. **Takes account of the known environmental and other constraints which exist in this area** by reducing the impact of development  
to respect:
  - highway safety (the lanes are narrow and winding, and even where there is a 30mph limit it is badly adhered to, which 85 percentile speeds of 40 mph), pedestrian safety, the impermeability of the local clay soils which exacerbate the foul drainage impact and surface water flooding,to minimise:
  - loss of Best & Most Versatile Land, ecological damage (destruction of hedges and biodiversity), sheer overdevelopment of what is a 'hamlet', piecemeal ill-considered design, inappropriate housing types (4 or more bedrooms not the 3 or less which "the people" mainly wanted in the ignored 2014 questionnaire), loss of local distinctiveness and detrimental impact on the landscape

**4. Is compliant with the NPPF, NPPG and the Local Plan**

The NPPG states in its Rural Housing guidance that:

*"blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence".*

The Core Strategy in its Policy RA1 – Rural housing distribution states

*"Local evidence and environmental factors will determine the appropriate scale of development".*

In the case of Tillington and Tillington Common, there is ample evidence contained in past planning applications and in (Ignored) submissions to the Neighbourhood Plan that there are overwhelming constraints which in practice limit multi-dwelling developments. There is a need for relaxed policies which reduce housing concentrations so that the impact particularly on highway safety, waste water and surface water flooding can be reduced without seeking to prevent development altogether. It is noticeable that there have been many objections to planning applications for multi-dwelling developments while planning applications for single dwellings have been largely unopposed (apart from the odd nimby), and the rural population is generally tolerant of more gentle development – if they are asked.

The proposed amendment overcomes non-compliance with paragraph 32 of the NPPF which states: *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."* and with paragraph 120 of the NPPF which states: *"The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account."*

Clearly the cumulative transport impacts of proposal for multi-dwelling developments are severe relative to the existing impact, given that this is such a small area



**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

5. **Respects the reality which is that there is a housing target** set by Herefordshire Council which is for a minimum of 18% housing growth which equates to 124 additional dwellings between 2011 and 2031; and that 122 additional dwellings have already been delivered by granted planning permissions. There are only 2 residual dwellings no required to meet the minimum target, and windfalls have continued to deliver housing in the area.

In contrast, the authors of the NDP have continued to propose sites which vastly exceed the minimum target, and again, in the Submission NDP, the three 'preferred' sites with a capacity of 24 dwellings would again vastly exceed the 124 target. As at 30 May, the addition of these 24 to the 122 already approved would bring the total to 146, which is over 21% growth, not the 18% required – unnecessary because 'windfalls' will continue to come forward anyway.

The NPPG states in its Rural Housing guidance that *"A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan and the plan proposal meets the basic conditions."* There is not the evidence to demonstrate such need, and the persistent failure adequately to consult and engage with the wider community simply demonstrates non-compliance with Basic Conditions. The only mandate goes back to the 2014 Questionnaire, no rather out-of-date, but then the overwhelming majority of respondents felt that 18% growth was too much, and they are hardly likely now to think that 21% is not too much!

A criteria based policy amendment such as is proposed, and which does not allocate sites because recent housing developments have provided housing close to the housing target, was accepted by Herefordshire Council for the Bartestree NDP. A precedent has been set.

It has been a nightmare trying to concoct these options. It is hard to button down everything, which is why [REDACTED] likes Settlement Boundaries. These options should all have been created and discussed done before – by [REDACTED] and the PC, and.....by the community!

**N.B. the NPPF says that there should be no cap on development. I am concerned that options which apply a cap (by limiting to one per site or per land-in-ownership) may be challenged. BUT (see above) the NPPG says that "robust evidence" allows restriction, and the CS allows "Local evidence and environmental factors" to determine scale. The constraints are well-articulated and exposed, the speculative developments at Lower Burlton and now at Tillington have been made to jump through hoops, and no doubt objections to the Submission NDP will amplify the constraints.**

**The object, of course, is to permit development which does not drastically change the local character and distinctiveness, which minimises the detriment to others, is by and large what the local population can accept, is truly sustainable ("justifiable" in my terms), is safe (highways), does not cause flooding (waste & surface water), does not pollute (foul drainage), and does not adversely impact the ecology (hedges etc).**

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**Options Summary:**

**OPTION A**

Single new dwellings anywhere within the Tillington signage (100 metres south east of Whitmore crossroads to the village signage at the top of Tillington Common), development to be within 50m of C1095 and accessing it directly where safe.

Pros: limits to single, not multiple new dwellings. Includes Tillington Common too.

Cons: one per landowner would limit to a total potential of about 20 new houses (if constraints could be addressed – reality is likely to be 8 or 10 new houses)

**OPTION B**

**Application of CS Policy RA3 anywhere outside the Burghill and Lower Burlton Settlement Boundaries. (In essence, preserves the old countryside policy of the UDP).**

Pros: In practice limits to conversions only right across the area, might deliver 3 to 6 units.

Cons: examiner may reject it because no compromise (although it is the option most fitting for an area with poor infrastructure).

**OPTION C**

Single new dwellings anywhere within the Tillington signage (100 metres south east of Whitmore crossroads to a point 170 metres northwest\* of the Bell), development to be within 50m of C1095 and accessing it directly where safe. \*This is just east of Elm Cottage, before you get to Round Oak.

Pros: limits to single, not multiple new dwellings.

Cons: one per landowner would limit to a total potential of about 11 new houses (if constraints could be addressed – reality is likely to be 3 or 4 new houses). Implicitly recognises that Tillington is more sustainable than Tillington Common.

**OPTION D**

**Application of CS Policy RA3 anywhere outside the Burghill and Lower Burlton Settlement Boundaries. (In essence, preserves the old countryside policy of the UDP). List of 'Windfalls' (or to be precise, actual site submissions) attached to Option D. EXCEPTION: would permit the 6 new houses submitted by Farmcare (sites 39 & 40).**

Pros: lists 'windfalls' as submitted sites and gets that out into the open. The numbers demonstrate that 'windfalls' (to cover a shortfall of just 2) are deliverable because so many are available.

Cons: Just extracting windfalls has risks – the 6 Farmcare houses have to be included. Also, this ignores Sites 22, 25, and 10 which may be seen as unfair.

**OPTION E**

**In essence is OPTION D but limits new builds to one per site and brings back Sites 22, 25, and 10 but only 1 per site. Application of CS Policy RA3 anywhere outside the Burghill and Lower Burlton Settlement Boundaries. (In essence, preserves the old countryside policy of the UDP). List of 'Windfalls' (or to be precise, actual site submissions) attached to Option D. EXCEPTION: for new builds, restricted to only one per site/blue line boundary.**

Pros: lists 'windfalls' as submitted sites and gets that out into the open. The numbers demonstrate that 'windfalls' (to cover a shortfall of just 2) are deliverable because so many are available.

Cons: Still provides 20 houses, seems excessive to cover a shortfall of just 2. Potential overshoot of 18 in theory. But many of these just won't happen or will get turned down due to constraints.

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**ALTERNATIVE POLICY OPTION A**

**Proposed additions to the Glossary:**

Blue Line Boundary	Required in any case as a supporting plan to a planning application, a blue line drawn around any other land owned by the applicant, close to or adjoining the application site.
Red Line Boundary	Required in any case in support of a planning application, the application site itself should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).

**Modify Policy B1:**

- **Delete** Map 4 and reference to the (imposed, not-consulted-on) settlement boundary for "Tillington",
- **Add** the words below, in red:

**Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), ~~and Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- (a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- (b) Ensures appropriate and safe access;
- (c) Ensures adequate access to public transport facilities;
- (d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- (g) Reflects the scale and function of the settlement;
- (h) Ensures appropriate parking is provided on site; and
- (i) Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries and outside the area of Tillington defined below** will be in accordance with the relevant Herefordshire planning policies.

**With regards to Tillington, it is a countryside location but proposals for**

- **new single dwellings, and**
- **conversions of existing rural (non-commercial, usually former agricultural) buildings to create single or multiple dwellings therein**

**will be supported in the area defined below, provided that constraints are adequately addressed, that proposals are otherwise compliant with Core Strategy policies, and are sympathetic to the local area.**

**For the purpose of definition, the part of 'Tillington' where sensitive new single dwellings will be acceptable in principle extends from the village signage in the south (100 metres south east of the Crowmore Lane/C1095 Tillington Road crossroads) to the village signage in the north (200 metres north west of the Badnage Lane/C1095 Tillington Road junction. Proposals will be considered only if they are within 50 metres of the C1095 Tillington Road and if the proposed accesses are directly onto the C1095 Tillington Road, and demonstrated to be safe.**

**Proposals must be submitted with both red line and blue line boundaries (see glossary) showing a red line boundary where the curtilage is proportionate to any proposed single dwelling. No further residential development will be permitted within the blue line boundary.**

## **ALTERNATIVE POLICY OPTION B**

### **Modify Policy B1:**

- **Delete** Map 4 and reference to the (imposed, not-consulted-on) settlement boundary for "Tillington",
- **Add** the words below, in red:

#### **Policy B1 – Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), ~~and Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- (a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- (b) Ensures appropriate and safe access;
- (c) Ensures adequate access to public transport facilities;
- (d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- (g) Reflects the scale and function of the settlement;
- (h) Ensures appropriate parking is provided on site; and
- (i) Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries** will be in accordance with the relevant Herefordshire planning policies. **For the avoidance of doubt, Tillington and Tillington Common will be treated for planning purposes as being under Policy RA3 of the Core Strategy.**

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**ALTERNATIVE POLICY OPTION C**

**Proposed additions to the Glossary:**

Blue Line Boundary	Required in any case as a supporting plan to a planning application, a blue line drawn around any other land owned by the applicant, close to or adjoining the application site.
Red Line Boundary	Required in any case in support of a planning application, the application site itself should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).

**Modify Policy B1:**

- Delete Map 4 and reference to the (imposed, not-consulted-on) settlement boundary for "Tillington",
- Add the words below, in red:

**Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), ~~and Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- (a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- (b) Ensures appropriate and safe access;
- (c) Ensures adequate access to public transport facilities;
- (d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- (g) Reflects the scale and function of the settlement;
- (h) Ensures appropriate parking is provided on site; and
- (i) Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries and outside the area of Tillington defined below** will be in accordance with the relevant Herefordshire planning policies.

**With regards to Tillington, it is a countryside location but proposals for**

- **new single dwellings, and**
- **conversions of existing rural (non-commercial, usually former agricultural) buildings to create single or multiple dwellings therein**

**will be supported in the area defined below, provided that constraints are adequately addressed, that proposals are otherwise compliant with Core Strategy policies, and are sympathetic to the local area.**

**For the purpose of definition, the part of 'Tillington' where sensitive new single dwellings will be acceptable in principle extends from the village signage in the south (100 metres south east of the Crowmore Lane/C1095 Tillington Road crossroads) to a point 170 metres on the C1095 north west of the Bell Inn. Proposals will be considered only if they are within 50 metres of the C1095 Tillington Road and if the proposed accesses are directly onto the C1095 Tillington Road, and demonstrated to be safe.**

**Proposals must be submitted with both red line and blue line boundaries (see glossary) showing a red line boundary where the curtilage is proportionate to any proposed single dwelling. No further residential development will be permitted within the blue line boundary.**

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**ALTERNATIVE POLICY OPTION D**

**Proposed additions to the Glossary:**

Blue Line Boundary	Required in any case as a supporting plan to a planning application, a blue line drawn around any other land owned by the applicant, close to or adjoining the application site.
Red Line Boundary	Required in any case in support of a planning application, the application site itself should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).

**Modify Policy B1:**

- Delete Map 4 and reference to the (imposed, not-consulted-on) settlement boundary for "Tillington",
- Add the words below, in red:

**Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), ~~and Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- (a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- (b) Ensures appropriate and safe access;
- (c) Ensures adequate access to public transport facilities;
- (d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- (g) Reflects the scale and function of the settlement;
- (h) Ensures appropriate parking is provided on site; and
- (i) Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries** will be in accordance with the relevant Herefordshire planning policies. **For the avoidance of doubt, Tillington and Tillington Common will in general be treated for planning purposes as being under Policy RA3 of the Core Strategy.**

**With regards to Tillington, it is a countryside location but proposals which are on the following list of sites which have already been submitted to the NDP as available, including those for new dwellings not exceeding the numbers per site on the list, will also be considered provided that constraints are adequately addressed, that proposals are otherwise compliant with Core Strategy policies, and are sympathetic to the local area.**

**The list may be updated when the NDP is due for periodic review.**

**Proposals must be submitted with both red line and blue line boundaries (see glossary) showing a red line boundary where the curtilage is proportionate to any proposed single dwelling. No further residential development will be permitted within the blue line boundary.**

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**Option D List**

**Small sites/conversions submitted to the NDP (from Submission NDP Appendix 7).**

These have been described as 'windfalls' by the author of the NDP but of course they would only really be 'windfalls' if they are ignored as submissions. They are site submissions.

This list includes those sites submitted to the NDP, which have neither yet had planning permission nor have been withdrawn. (The NDP includes "7 Field Shelter St Donat's" with "Site withdrawn not available" diligently highlighted so one must presume that the other sites described as windfalls in the Submission NDP have not been withdrawn.)

Note that:

Site 39 was included as a 'windfall' in the June 2016 Regulation 16 Draft NDP but has mysteriously disappeared from the April 2018 Submission version so is re-included below.

Site 27 was submitted in 2014 and the owner reconfirmed in October 2017 to the Clerk that the conversions should be included as a submission, but this has been ignored.

Site No	NDP Description	Note	Consultants' Score %	PC and SG Score	Options Days Returns (Numbers)			Net Dwellings
					For	Neutral	Against	
15	Rear of The Villa, Burghill (Windfall)	Planning permission granted (for 1.)	-----	3.63	48	18	23	0
3	Buildings at Hospital Farm (Windfall).		-----	1:27	50	15	9	6
12	Land to the rear of No12 Redstone. (Windfall)		26.7	5.35	44	22	2	1
33	Land and buildings west of Burghill Grange (Windfall)		63.3	5.35	29	29	28	1
8A	Court Farm Yard – Hop Kiln (Windfall)		-----	2.1	52	21	12	1
4	The Parks Farm Buildings	granted planning permission with possible 2 extra as windfall	-----	1.5	39	15	3	2
5	Lion Farm Buildings	granted planning permission with possible 1 extra as windfall	-----	1.5	38	9	4	1
39	Land southeast of Cherry Orchard Cottages	Was described as Windfall previously	51.9	3.3	39	30	23	4
40	Land to the west of Cherry Orchard Cottages (Windfall)		55.7	2.85	46	29	19	2
27	Field Farm Buildings	Policy RA5 compliant	-----	2.16	63	13	6	3
<b>TOTAL SMALL SITES SUBMITTED TO THE NDP WHICH ARE COUNTABLE AS SUBMISSIONS/WINDFALLS</b>								<b>21</b>

**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**ALTERNATIVE POLICY OPTION E**

**Proposed additions to the Glossary:**

Blue Line Boundary	Required in any case as a supporting plan to a planning application, a blue line drawn around any other land owned by the applicant, close to or adjoining the application site.
Red Line Boundary	Required in any case In support of a planning application, the application site itself should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).

**Modify Policy B1:**

- **Delete** Map 4 and reference to the (imposed, not-consulted-on) settlement boundary for "Tillington",
- **Add** the words below, in red:

**Policy B1 - Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), **and** ~~Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- Ensures appropriate and safe access;
- Ensures adequate access to public transport facilities;
- Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- Reflects the scale and function of the settlement;
- Ensures appropriate parking is provided on site; and
- Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries** will be in accordance with the relevant Herefordshire planning policies. **For the avoidance of doubt, Tillington and Tillington Common will be treated for planning purposes as being under Policy RA3 of the Core Strategy.**

**The following list of sites summarises submissions to the NDP which have been defined as 'windfalls'. These have already been submitted to the NDP as available. The list also includes two sites (25 & 10) included in this Draft April 2018 Submission NDP plus site 22 which was previously included in the June 2016 Regulation 16 NDP. With multiple dwellings, the three sites are considered to have a cumulative impact which is unacceptable due particularly to highways and foul drainage constraints in this area, but if proposals come forward which each had a single dwelling then the sites might then be considered deliverable. Any proposals which come forward from sites on the list will be considered if they are for one new dwelling per site, or for multiple units if conversions. Constraints must be adequately addressed, proposals must be otherwise compliant with Core Strategy policies, and be sympathetic to the local area.**

**Proposals must be submitted with both red line and blue line boundaries (see glossary) showing a red line boundary where the curtilage is proportionate to any proposed single dwelling. No further residential development will be permitted within the blue line boundary.**

**The list may be updated when the NDP is due for periodic review.**



**NDP – Alternative policy options which better respect the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area;**

**Option E List**

**Small sites/conversions submitted to the NDP (from Submission NDP Appendix 7).**

These have been described as 'windfalls' by the author of the NDP but of course they would only really be 'windfalls' if they are ignored as submissions. They are site submissions.

This list includes those sites submitted to the NDP, which have neither yet had planning permission nor have been withdrawn. (The NDP includes "7 Field Shelter St Donat's" with "Site withdrawn not available" diligently highlighted so one must presume that the other sites described as windfalls in the Submission NDP have not been withdrawn.)

Note that:

Site 39 was included as a 'windfall' in the June 2016 Regulation 16 Draft NDP but has mysteriously disappeared from the April 2018 Submission version so is re-included below.

Site 27 was submitted in 2014 and the owner reconfirmed in October 2017 to the Clerk that the conversions should be included as a submission, but this has been ignored.

Site No	NDP Description	Note	Consultants' Score %	PC and SG Score	Options Days Returns (Numbers)			Net Dwellings
					For	Neutral	Against	
3	Buildings at Hospital Farm (Windfall).		----	1.27	50	15	9	6
12	Land to the rear of No12 Redstone. (Windfall)		26.7	5.35	44	22	2	1
33	Land and buildings west of Burghill Grange (Windfall)		63.3	5.35	29	29	28	1
8A	Court Farm Yard – Hop Kiln (Windfall)		----	2.1	52	21	12	1
4	The Parks Farm Buildings	possible 2 extra as windfall	----	1.5	39	15	3	2
5	Lion Farm Buildings	possible 1 extra as windfall	----	1.5	38	9	4	1
39	Land southeast of Cherry Orchard Cottages	Was described as Windfall previously	51.9	3.3	39	30	23	<del>4</del> 1
40	Land to the west of Cherry Orchard Cottages (Windfall)		55.7	2.85	46	29	19	<del>2</del> 1
27	Field Farm Buildings	Policy RA5 compliant	----	2.16	63	13	6	3
22	Adjacent to The Bell (Frontage only)	Was previously NDP site	48.1	5.5	26	32	24	1
25	Cherry Orchard, Tillington	Site is in this submission NDP	34.6	4.0	29	27	27	1
10	Tillington Business Park	Site is in this submission NDP	44.2	2.84	45	24	13	1
<b>TOTAL SMALL SITES SUBMITTED TO THE NDP WHICH ARE COUNTABLE AS SUBMISSIONS/WINDFALLS</b>								<b>20</b>

**NDP – JUSTIFICATION of alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**Applying these proposed changes to Policy B1:**

1. **Acknowledges and in part corrects an uncorrected error made by Herefordshire Council - the wrongful inclusion of 'Tillington' as a growth settlement in the Core Strategy.** This error was made by Herefordshire Council in its translation of background 'evidence' into the Core Strategy, and has been compounded by subsequent actions made by the Qualifying Body (Burghill Parish Council) without consulting the community. The proposed changes enable compromise between intransigent positions.
2. **By removing it, addresses the drawing of a Settlement Boundary around part of Tillington, which has been done without consultation with the community, and is therefore otherwise a gross failure of Basic Conditions for a NDP.**
3. **Takes account of the known environmental and other constraints which exist in this area** by reducing the impact of development to single rather than multiple dwellings per site because:

(a) the modification respects:

constraints which make multi-dwelling developments undeliverable. Examples are highway safety (the lanes are fast, narrow and winding in the Tillington area, and even where there is a 30mph limit it is badly adhered to, with 85 percentile speeds of 40 mph); pedestrian safety (eliminating multiple dwellings per site reduces the need for unachievable improvements); the impermeability of the local clay soils which exacerbate the foul drainage impact and surface water flooding; and

(b) the modification minimises:

loss of Best & Most Versatile Land; ecological damage (destruction of hedges and biodiversity); sheer overdevelopment of what is a 'hamlet' in a rural area; piecemeal ill-considered design and inappropriate housing types (facilitates the smaller houses which parishioners mainly wanted according to the 2014 questionnaire); loss of local distinctiveness; detrimental impact on the landscape.

**4. Is compliant with the NPPF, NPPG and the Local Plan**

The NPPG states in its Rural Housing guidance that:

*"blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence".*

The Core Strategy in its Policy RA1 – Rural housing distribution states

*"Local evidence and environmental factors will determine the appropriate scale of development".*

In the case of Tillington and Tillington Common, there is ample evidence contained in past planning applications and in submissions to the Neighbourhood Plan that there are overwhelming constraints which in practice limit multi-dwelling developments. There is a need for relaxed policies which reduce housing concentrations so that the impact particularly on highway safety, waste water and surface water flooding can be reduced without seeking to prevent development altogether. It is noticeable that there have been many objections to planning applications for multi-dwelling developments in the Parish, particularly Tillington, while planning applications for single dwellings have been largely unopposed (apart from the odd nimbby), and the rural population is generally tolerant of more gentle development.

It is the Steering Group which has apparently sought to place a disproportionate amount of housing at Tillington Whitmore Cross, based on site assessments which are clearly flawed. It is an area where HC Land Drainage have noted in responses to recent planning applications *"Due to known issues in the area with foul water disposal, we request that percolation testing is undertaken ....to ensure that there is a means of disposal of treated effluent. This should be established prior to granting planning permission. It should be noted that we recommend and support the use of individual package treatment plants and individual drainage fields serving each property."*

**Space** is required to attain foul drainage (and surface water) arrangements which do not overload the impermeable soils in this area. Building regulations dictate that:

- Treatment Plants should be at least 10 metres from habitable buildings, preferably downslope
- Drainage fields should:
  - be at least 10m from any watercourse or permeable drain,
  - be at least 50m from the point of abstraction of any groundwater supply,
  - be at least 15m from any building,
  - be sufficiently far from any other drainage fields or soakaways so that the overall soakage

- o capacity of the ground is not exceeded
- o be downslope of groundwater sources
- o have no access roads or driveways within the disposal area

The area which a laid-out drainage field (with Treatment Plant, Distribution chamber, trenches, separation between trenches, and separation from boundaries, buildings and other soakaways) occupies, is therefore large, typically 40m x 10m. As well as that, surface water drainage needs to be accommodated as well – “sufficiently far from any other drainage fields or soakaways so that the overall soakage capacity of the ground is not exceeded”. For this area, a principle of individual package treatment plants and individual drainage fields serving each property, as supported by Herefordshire Council’s Land Drainage engineers, seems eminently sensible.

Therefore these proposed changes to B1, unlike the NDP as it stands, take account of the soakage capacity of the ground yet allow some development in a sensible manner, provided other constraints can be overcome.

There is mention in the Submission NDP of “first time sewerage for many properties” but this really is a red herring because Section 101A of the Water Act applies to existing properties, not ones yet to be built; the deliverability of such a scheme, and the acceptability to the sewage undertaker of such a scheme is questionable given the small number of properties in the area; and in any case **it would not solve surface water issues because the water undertaker would not permit surface drainage connection to infiltrate a foul sewer**. On the other hand, the proposed changes to B1 allows the space needed for modest development in this rural area to accommodate proper waste and surface water percolation so that proposals are likely to be deliverable now rather than at some unspecified future date, and address both foul and surface water issues satisfactorily.

The proposed amendment also overcomes non-compliance with paragraph 32 of the NPPF which states: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”* and also overcomes non-compliance with paragraph 120 of the NPPF which states: *“The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.”* Clearly the cumulative transport impacts of proposals for multi-dwelling developments are severe relative to the existing impact, because of concentration in such a small area.

5. **Respects the reality which is that there is a housing target** set by Herefordshire Council which is for a minimum of 18% housing growth in the Parish which equates to 124 additional dwellings between 2011 and 2031; and that 122 additional dwellings have already been delivered by granted planning permissions. There are only 2 residual dwellings now required to meet the minimum target, and windfalls have continued to deliver housing in the area.

In contrast, the authors of the NDP have continued to propose sites which vastly exceed the minimum target, and again, in the Submission NDP, the three ‘preferred’ sites with a capacity of 24 dwellings would vastly exceed the 124 target. As at 30 May, the addition of these 24 to the 122 already approved would bring the total to 146, which is over 21% growth, not the 18% required – unnecessary because ‘windfalls’ will continue to come forward anyway.

The NPPG states in its Rural Housing guidance that *“A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan and the plan proposal meets the basic conditions.”*

However there is not the evidence to demonstrate such need, and the persistent failure adequately to consult and engage with the wider community simply demonstrates non-compliance with Basic Conditions. The only ‘mandate’ goes back to the 2014 Questionnaire, now rather out-of-date, but then the overwhelming majority of respondents felt that 18% growth was too much. Therefore the evidence does not demonstrate need above 18% growth. Parishioners are hardly likely now to think that 21% is *not* too much, when they overwhelmingly believed 4 years ago that it was too much! Planning Permissions granted since 2011 already exceed the affordable housing provision which was last required for the Parish.

A criteria based policy amendment such as is proposed, and which does not allocate sites because recent housing developments have provided housing numbers very close to the housing target, was accepted by Herefordshire Council for the Bartestree NDP. A precedent has been set.

**NDP – Alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

An alternative, more acceptable policy B1 would therefore involve the following (deletions shown with strikethrough, additions highlighted in orange):

**ADD THE FOLLOWING DEFINITIONS TO THE GLOSSARY:**

<b>Blue Line Boundary</b>	<b>Required on a supporting plan to a planning application, a blue line drawn around any other land owned by the applicant, close to or adjoining the application site.</b>
<b>Red Line Boundary</b>	<b>Required on a supporting plan to a planning application, the application site itself should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).</b>

**DELETE Map 4 and reference to the settlement boundary for "Tillington"**

**ADD the text below, highlighted in orange to Policy B1, and **DELETE** the ~~struckthrough~~ text:**

**Policy B1 – Scale and type of new housing in Burghill and Tillington and Lower Burlton.**

In order to retain the character of the Burghill parish, proposals for new housing will be only be considered on an allocated site or within the settlement boundaries identified on Map 2 (Lower Burlton), **and** Map 3 (Burghill), ~~and Map 4 (Tillington)~~, in accordance with the Herefordshire Core Strategy and subject to the following criteria:

- (a) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 25 dwellings per hectare;
- (b) Ensures appropriate and safe access;
- (c) Ensures adequate access to public transport facilities;
- (d) Provides appropriate living conditions for existing and future occupiers (not located adjacent to noise or nuisance generating agricultural, industrial or commercial activities);
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape and in accordance with Burghill Parish Design Guidance;
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling tenures, types and sizes including at least 35% affordable housing and at least 15% of the site to be single storey dwellings, to meet the needs of all sectors of the community, located throughout the site;
- (g) Reflects the scale and function of the settlement;
- (h) Ensures appropriate parking is provided on site; and
- (i) Minimum living space within dwellings shall be 80 square metres.

Development in open countryside including conversion of rural buildings **outside the Burghill and Lower Burlton settlement boundaries** will be in accordance with the relevant Herefordshire planning policies. **For the avoidance of doubt, Tillington and Tillington Common will be treated for planning purposes as being under Policy RA3 of the Core Strategy, but with the exception of the list of potentially developable sites appended to this policy where single new dwellings may be proposed.**

**The list of potentially developable sites summarises submissions to the NDP which were defined as 'windfalls', plus three others which have been referred to as "preferred". These have already been submitted to the NDP as available. The list also includes two sites (25 & 10) included in the Draft April 2018 Submission NDP plus site 22 which was previously included in the June 2016 Regulation 16 NDP. With multiple dwellings, these three sites are considered to have a cumulative impact which is unacceptable due particularly to highways, foul drainage, and surface water constraints in this area, but if proposals come forward which each had a single dwelling on each site then the sites might then be considered deliverable. Any proposals which come forward from sites on the list will be considered if they are for one new dwelling per site, or for multiple units if conversions. Constraints must be adequately addressed, proposals must be otherwise compliant with Core Strategy policies, and must be sympathetic to the local area.**

**Proposals must be submitted with both red line and blue line boundaries (see glossary) showing a red line boundary where the curtilage must be proportionate to any proposed single dwelling. No further residential development will be permitted within the blue line boundary.**

**The list may be updated when the NDP is due for periodic review.**

**NDP – Appendix to support an Alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area:**

**List of Potentially Developable Sites for single dwellings (or multiple units in the case of conversions)**

This list includes those sites submitted to the NDP, which have neither yet had planning permission nor have been withdrawn. (The April 2018 Submission NDP diligently annotates "7 Field Shelter St Donat's" with "Site withdrawn not available" so one must presume that the other sites described as windfalls in the Submission NDP have not been withdrawn.)

Many of these sites have been described as 'windfalls' by the author of the NDP but of course they would only really be 'windfalls' if they were ignored as submissions. The reality is that they are site submissions.

Note that:

Site 39 (In same ownership as Site 40 and joined by land in the same ownership) was included as a 'windfall' in the June 2016 Regulation 16 Draft NDP but has mysteriously disappeared from the April 2018 Submission version so it has been re-included below.

Site 27 was submitted in 2014 and the owner reconfirmed in October 2017 to the Clerk that the conversions should be included as a submission, but this has been ignored.

**In Bold: Small sites/conversions submitted to the NDP (from Submission NDP Appendix 7).**

**Asterisked sites: are rural conversions and therefore suitable for multiple dwelling units.**

**In Red: 3 sites included in the June 2016 Regulation 16 Draft NDP or the April 2018 Resubmission Regulation 16 Draft NDP which are considered too constrained for multi-dwelling development.**

Site No	NDP Description	Note	Consultants' Score %	PC and SG Score	Options Days Returns (Numbers)			Net Dwellings
					For	Neutral	Against	
3	<b>Buildings at Hospital Farm (Windfall).</b>	Policy RA5 compliant	----	1.27	50	15	9	*6
12	<b>Land to the rear of No12 Redstone. (Windfall)</b>		26.7	5.35	44	22	2	1
33	<b>Land and buildings west of Burghill Grange (Windfall)</b>		63.3	5.35	29	29	28	1
8A	<b>Court Farm Yard – Hop Kiln (Windfall)</b>	Policy RA5 compliant	----	2.1	52	21	12	1
4	<b>The Parks Farm Buildings</b>	possible 2 extra as windfall	----	1.5	39	15	3	*2
5	<b>Lion Farm Buildings</b>	possible 1 extra as windfall	----	1.5	38	9	4	1
39	<b>Land southeast of Cherry Orchard Cottages</b>	Was described as Windfall previously	51.9	3.3	39	30	23	<del>4</del> 1
40	<b>Land to the west of Cherry Orchard Cottages (Windfall)</b>		55.7	2.85	46	29	19	<del>2</del> 1
27	<b>Field Farm Buildings</b>	Policy RA5 compliant	----	2.16	63	13	6	*3
22	<b>Adjacent to The Bell (Frontage only)</b>	Was previously NDP site	48.1	5.5	26	32	24	1
25	<b>Cherry Orchard, Tillington</b>	Site is in this submission NDP	34.6	4.0	29	27	27	1
10	<b>Tillington Business Park</b>	Site is in this submission NDP	44.2	2.84	45	24	13	1
<b>LIST OF POTENTIALLY DEVELOPABLE SITES SUBMITTED TO THE NDP WHICH ARE COUNTABLE AS SUBMISSIONS/WINDFALLS AND/OR ARE SUITABLE FOR DEVELOPMENT BASED ON A SINGLE DWELLING PER SITE</b>								<b>19</b>

## Latham, James

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**From:** Russell Hoddell  
**Sent:** 19 June 2018 22:31  
**To:** Neighbourhood Planning Team  
**Subject:** {Spam?} OBJECTIONS TO BURGHILL NDP REG 16/2 - PDF ATTACHED  
**Attachments:** Burghill NDP REG 16-2 OBJ - Russell Hoddell.pdf

Neighbourhood Planning Team

Planning Services, PO Box 4, Hereford, HR1 2ZB

16th June 2018

Dear Sir/Madam,

A few years older, I am once again writing to you to OBJECT to the latest ill-conceived version of the Burghill Neighbourhood Development Plan and in increasing desperation to voice my grave concerns of how proper democratic procedures have been flagrantly ignored, the entire process being established through imposition where there has been a complete lack of consultation, transparency and engagement with the community.

After the initial plan was returned at Reg. 16/1, I assumed that this might instil some correct thinking by our elected representatives on Burghill Parish Council(BPC) would follow proper democratic procedures and National Guidelines on our behalf so a fair and equitable plan would be arrived at after full and proper consultation with the community. Sadly, but unsurprisingly, I was wrong. In fact, if anything, their determination to foster THEIR plan, ignoring anyone from outside their clique has increased where intimidation, bully boy tactics and smearing has become their modus operadi.

The reality is that yet again the National Planning Policy Guidance has NOT been complied with and created behind closed doors without any community involvement or consultation. It is unbelievable that the BPC seems intent on following this line of action and for the life of me I have no idea why.

Many of us made extensive and detailed objections at Regulation 14, our only opportunity to have some input, yet not a single objection was listened to or taken on board, all our objections completely side-lined and ignored. It is apparent that we still are seen as the enemy which is sickening considering the small population that you would think would strive to come together to resolve and create a plan that is agreeable to all. That is down to leadership, and once again for whatever reason, it was shamefully lacking. The BPC and Steering Group(SG) truly has not consulted with residents formulating a plan that evolves through open and transparent, repeated community interaction that everyone is happy with particularly the residents that will be most affected.

When a Parish Council seems hell-bent on following its own agenda and simply refuses to listen, it seems there are no checks and balances or routes to an independent appeal when this process goes completely awry. Therefore, I am hoping once again, that Herefordshire Council will have the integrity and good sense to take control of this shambolic illegitimate situation and restore some democratic principles and sanity to this process so this travesty of a plan is not imposed on the community and throw this dirty plan out ad hopefully consider our alternative.

Please find a PDF attached of my detailed objections following on from this letter.

Yours faithfully

Russell Hoddell

## **Objections to the Burghill Neighbourhood Development Plan**

THE BURGHILL NEIGHBOURHOOD PLAN HAS SUBSTANTIALLY FAILED TO MEET BASIC CONDITIONS:

### **1. FIRSTLY, I AM OBJECTING BECAUSE OF A COMPLETE LACK OF CONSULTATION & ENGAGEMENT SINCE THE OPTIONS' DAYS IN OCTOBER 2014 UNTIL THE PRESENT DAY 2018 AND THE SUBMITTING OF THE BURGHILL NDP TO HEREFORDSHIRE COUNCIL AT REG.16/2.**

As the qualifying body the Burghill Parish Council(BPC) and also the Neighbourhood Steering Group(SG) have completely failed to follow National Planning Practice Guidelines which state:

- A neighbourhood plan should be based on up to date and robust evidence.
- A qualifying body (in this case the Parish Council) should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:
  - is kept fully informed of what is being proposed
  - is able to make their views known throughout the process
  - has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order
  - is made aware of how their views have informed the draft neighbourhood plan or Order.

Unfortunately my experience of this process over several years now has been diametrically opposite to what should have been followed where every attempt has been made to ignore, use misrepresentation, obfuscate, intimidate, stifle or bully any proper discourse between the community and the BPC regarding the Burghill NDP and having seen others voicing their concerns dismissed in the same abysmal manner by a parish council that does not care or want to engage the community in any way, particularly those most affected. And this has only increased since Reg. 16/1.

**One of the core criteria: CONSULTATION has been totally inadequate** where the community has not been consulted on since OCTOBER 2014 at the Options' Days and up to THE PRESENT DAY 2018. Since then there has been **NO CONSULTATION OR ANY ATTEMPT TO ENGAGE WITH OR LISTEN TO PARISHIONERS** in direct contravention of Government Policy Guidance and it is simply unacceptable.

The reality is this:

1. There has been a lack of proper consultation and engagement with the community during the development of the Neighbourhood Plan.

2. People have not been kept fully informed of what is being proposed at all stages.
3. People have not been able to make their views known throughout the process.
4. The process has not been open and inclusive, and people have not had sufficient opportunities to be actively involved in shaping the plan.
5. People have not been made aware of how their views have informed the draft neighbourhood plan other than by the plan being published at Regulation 14 and 16 stages.
6. People's local knowledge has not been taken into account in determining constraints which affect sites, and their selection.

Specifically:

- Before Reg. 16/1 there had been no detailed Steering Group minutes published or notes available of Steering Group meetings where all the decisions for THEIR plan have been taken in isolation, Parishioners not knowing ever what was discussed or planned or decided upon. In fact it was necessary for a parishioner to make an EIR request to obtain those Steering Group minutes, that belatedly have subsequently been published after Reg 16/1 in September 2016, TWO YEARS after the Steering Group had been set up, and only as a result of that EIR request. In addition to this The Terms of Reference were not published until November 2016. Both the Minutes and the Terms of Reference are required to be published by the National Planning Practice Guidance. This demonstrates (a) how the wider community have been inadequately informed, b) the cavalier attitude by the Steering Group and Parish Council towards the public, and c) those published minutes totally inadequate and minimal and not accurately covering what was actually discussed and decided.
- No Steering Group Agendas have been published.
- Steering Group meetings open to the public were never advertised prior to Reg 16/1.
- Reports to the Parish Council by the Chairman of the SG were generalised and not specific, usually only expounding the wonderful progress of their Plan.
- Parishioners were never invited to Steering Group meetings.

Since Herefordshire Council returning the Burghill NDP at Reg. 16/1, I and other concerned parishioners attended a couple of the subsequent Steering Group(SG) meetings that had finally been advertised, but only on the Burghill Parish website. Considering the demographics of the parish includes a higher proportion of older and retired parishioners any of those that were not computer literate would have not known the SG were meeting as it was not publicised in the Parish Magazine. By its own admittance, the BPC has primarily used the magazine to announce minimal information about the NDP even though one of the PC Councillors admitted the magazine was generally binned and not read. Therefore a greater proportion of the population of the parish would have been unaware that SG meetings taking place.

While attending an SG meeting, I was shocked by the reception we received where:

- being the first parishioners ever to attend and SG meeting, the SG rudely grouped themselves at a large table with their backs to us, effectively shutting us out from directly inputting to their discussion.
- the SG refused to listen to any comment we might make about their NDP.



- the decisions taken were inclusive to the SG without any attempt to seek or include an opinion from parishioners who attended.
- two members becoming **apoplectic with rage** when I reasonably questioned that there had been 'no consultation', in a deliberate attempt to crush any opposing voices.

Before Reg. 16/1 to counter this obfuscation and secrecy, I had personally printed information and leafleted many households in this part of Tillington(not including Tillington Common) and those that I had spoken to were only aware of the NDP through me going around from house to house and explaining.

As before this Regulation period, on two occasions I had printed up extensive documents informing residents and followed this up with a further leaflet to explain and encourage them to comment at Regulation 14. On my travels I had talked to the majority of households in Tillington and several households at Lower Burlton. Unanimously, they **ALL** said: **THEY HAD NOT BEEN CONSULTED, INFORMED OR KNEW ANYTHING ABOUT THE NEIGHBOURHOOD PLAN.** In fact one household who would have been directly affected had never received any questionnaire or heard or knew about the Options' Days or anything about their plan.

Because I was not informed of the Options' Days , the first I became aware of what was happening is when someone with a real sense of civic duty leaked the first Draft Plan, a copy of which was dropped anonymously on my doorstep, because they knew what was happening behind closed doors was wrong. That one single incident is an indictment on the complete failure of the BPC and SG to engage with the community to evolve a plan that someone felt they had to leak it because all their planning was being done behind closed doors without any community involvement. That should have been an alarm call to the BPC Chairman to open this process up and consult.

But in fact the opposite happened – nothing changed and it is when I became involved – something that has continued right through to Reg 16/2. I tried to consult with the BPC but not one member of the BPC or SG consulted with me since the questionnaire was delivered. In fact my concerns were with such disdain and indifference and often times I had to face the BPC's belligerent manner that is employed deliberately to stop proper debate.

- 1) I spoke to three Parish Councillors individually and again expressed how there had been a total lack of consultation in evolving the plan and how it appeared Tillington was being targeted for disproportionate development not characteristic of it. The outcome of this is that all three completely ignored my justified concerns primarily about how proper procedures are not being followed. I noted that during these conversations all three told me: "I haven't had much to do with the plan...." by way of an excuse. Yet as I witnessed at one BPC meeting, shortly after all the councillors had just received the plan for the first time, and without reading it, they voted to send it for the Environmental and Habitat Assessments. I am certain those three are representative of the majority on the BPC who have not engaged in the process at all where they all just nod through anything the Chairman of the SG suggests without a question asked and ignoring the terrific detrimental impact this plan as it stands will have on the Tillington community whilst also ignoring the concerns of the

community. In fact none of these three councillors returned with answers or sought to consult with me.

- 2) I tried to raise my concerns at two Burghill Parish Council meetings where there is a limited 10 minute public participation slot and similarly also tried on other occasions. Myself and another parishioner tried to ask questions on settlement boundaries, which in my part of the parish has just been imposed and **NEVER** consulted on, but the BPC swiftly and in a confrontational belligerent manner told us that the BPC would not answer our questions because the Chairman and Vice-Chairman had quickly between themselves just shifted that topic to the agenda of the next meeting and therefore it could no longer be discussed. At the following meeting that item had mysteriously vanished from the agenda.
- 3) But at this second BPC meeting, I tried to use the public participation slot to voice my deep and justified concerns of inadequate consultation, disproportionate development, settlement boundaries drawn without ever consulting the local community and more. Again the BPC showed complete disinterest and the Chairman and Vice-Chairman shouted me down in a bullying manner and told me quite categorically that: "**YOU CANNOT ASK THE PARISH COUNCIL ANY QUESTIONS!**" and then later the Chairman dismissively muttered: "We can't please all the people..."
- 4) Also, at the initial meeting I attended when the 2nd Draft Plan had been distributed to councillors for the first time, the BPC voted to allow all developers to receive a copy of the plan immediately. When I asked if I could have a copy too, I was jumped on and told in no uncertain terms by the Chairman of the BPC, Vice Chairman and Chairman of the SG that I could not have a copy of the 2nd Draft Plan until they deemed it would be published. Without doubt, developers were being given preferential treatment over anyone within the community but it was their belligerent reaction that was astounding as though I had no right to be included in the process. Where is democracy in all this? Where is inclusion, transparency and consultation?
- 5) Emails to the Parish Clerk asking specific questions about the plan were brazenly ignored without any reply from her or any member of the BPC.
- 6) Because of the lack of consultation, I personally had to resort to knocking on all the doors in Tillington and trying to inform residents of what was going on and ALL the households that I had spoken to, which is the majority, told me they had **NOT been consulted** at all with any of this process since the Options' Day in Nov 2014 (many not even knowing about the Options' Days), and again the majority expressed that they knew nothing about what was being imposed. Similarly, I had been in contact with several households at Lower Burlton which had also been targeted with disproportionate development who repeated that they had not been approached or consulted with.

Since the rejection of Regulation 16/1, by HC I attended more BPC meetings in the vain hope that the Chairman of the PC and Chairman of the SG might reach some kind of epiphany and understand the guidelines set down in law and choose to follow them, and follow the advice by HC for the NDP

Reg.16/1's failure. Once again, unfortunately that did not happen. In fact the PC's belligerence towards anyone voicing criticism or concern was harassed, patronised, ignored and dismissed. Because of this, I decided to record the public meetings which immediately brought a change of attitude in them but not before I was challenged by several Councillors questioning my right to record, in an attempt to suppress this. And actually, the Chairman of the SG told me openly before he announced the disbanding of the SG that I 'did not have his permission to transcribe his words or distribute them or the recording to anyone else'. So much for transparency and informing those unable to attend the meeting. Incredible!

In the latter meetings when I could not attend and so unable to record, the intimidation of the public once again resurfaced if anyone questioned or was critical of their lack of inclusivity. Nothing has changed since the inception of the NDP, where in fact the PC has **NEVER** taken on board anything beyond their own clique – not one single thing!

### **INADEQUATE CONSULTATION WITH THE COMMUNITY**

- 1) ONLY 100 out of 1600 parishioners attending a public meeting in BURGHILL announcing the BPC would be doing a NDP and Questionnaire. Burghill and Tillington are two quite separate villages and Lower Burlton is 2 miles away from Burghill. No attempt was taken to hold meetings for either of these, the bias always towards Burghill where the majority live.
- 2) Distribution of a questionnaire, the following report not publicised at all and secretly slipped onto and only available from the BPC website. *A questionnaire that subsequently has been completely ignored in the formulation of their Plan.*
- 3) Options' Days over 2 days in November 2014 at the BURGHILL village hall with the obvious bias towards Burghill residents that could easily walk to the event where parishioners could select their preferred sites and draw 2 settlement boundaries (for Burghill and Lower Burlton and not Tillington) with no information regarding this ever published.

**THEN NOTHING FOR ONE YEAR with NO COMMUNITY CONSULTATION OR ENGAGEMENT** with not one single piece of information from this process published until the actual Draft Plan itself is published with sites having been selected, housing allocations made, and remarkably a third **settlement boundary for Tillington being imposed with no consultation** or even an option to vote on at the Options' Day even though it states in Para 3.34: "The analysis of the opinions expressed regarding Settlement Boundaries was not so comprehensive and could not be used to make an informed judgement on their appropriateness."

None of the information gathered from the Options' Days has ever been published nor have the minutes of meetings where decisions were taken for site selection etc., no criteria for site selection, assessment, scoring with only one snippet of information being released in the Regulation 16 NDP releasing the voting for the submitted sites where no more than 100 people voted using this limited sample to come up with their "preferred sites."

The community has been completely shut out throughout the formulating of every draft of the plan, the decisions all being made by a small, self-appointed clique behind closed doors in secret, their decisions not once made public.

Also consider in conjunction to this that the Steering Group was entirely made up of residents from Burghill and Portway, (until after Reg. 16/1) after **the only resident from Tillington resigned in protest over the over-interest in targeting Tillington and his absolute frustration at how the process was being run and dictated as he detailed in his resignation letter to the Chairman of the BPC to that effect.** Unsurprisingly, this important fact was never minuted or published either. Is it any wonder then that only limited housing has been allocated to the Burghill, the main growth village, and none whatsoever to Portway.

**After Reg 16/1, two parishioners put themselves forward and joined the Steering Group** in an attempt to bring reason, inclusivity, follow National Guidelines and effect some kind of change.

COMMENTS REDACTED.

In conjunction with these two new members' arrival, it would appear that in **mid-2017 this is why**

**the Chairman of the SG strangely disbanded the Steering Group prematurely** even though the NDP had not been finished or published. Bear in mind that it was almost one year later that the plan was forwarded to HC at Reg 16/2 but NEVER published or consulted on. The plan itself had not materially greatly changed, except for the reduction of sites, from the Reg 16/1 version so why was there such a huge delay in submitting to HC? It has to be noted that during this time there was a concerted attempt to develop Tillington as multiple applications came forward in unison that amounted collectively to a mini housing estate. The question has to be asked: was this the reason for the delay? Quite rightly, Herefordshire Planning Department recommended to refuse the initial application for 10 houses (Site 25) so it was withdrawn, because it was completely unsustainable as we had tried on so many occasions to tell the BPC. They refused to listen because there is an agenda to develop this small area of Tillington.

The 'consultation' with the community has been pathetic, despite what is implied in the Consultation Statement. The reality is that the 'consultation' has been based on a Questionnaire in 2014, and then a 2 day 'Options Days' session in November 2014 (the last face-to-face 'consultation' with the public. At the latter event, sites were presented in a misleading way. For example, Site 10 at Tillington was presented as 'brownfield and commercial' (it is not all brownfield – in fact the site which is now in the plan is 80% greenfield, and there is a legal Section 52 Agreement on part of it which demonstrates that the larger part of it is not 'brownfield'). All the sites had not been screened for constraints, so many are not deliverable in reality. People were frightened off from the larger sites submitted because alternatives using only smaller parts of the larger sites for smaller development were not considered. There has never been further community consultation – what has happened is that the Qualifying Body (Parish Council) has abrogated its legal responsibility, and has in essence

sub-contracted the development of the plan to a person who supposedly has some planning expertise (the Chairman of the Steering Group), and he has developed a Neighbourhood Plan without further proper consultation with the community.

As it stands now, two other applications are outstanding, and a third site included in the NDP, yet to come forward, Site 10, without doubt the most heavily constrained and unsustainable in the parish and yet included in the NDP as the most favourable site. We were proven right about Site 25 and the same applies to Site 10.

To be included in any NDP now, we are well aware any Site has to prove it is sustainable and not constrained. Again we warned that is was the case and ignored. The Updated Site Assessment Report – a desk-top exercise – was completely inadequate and never addressed this issue. Local knowledge was ever sought. And once again in every case in our comments to the flawed and biased USAR by the planning consultants Kirkwells, **every single comment was ignored and generally marked ‘no change’**. Why? It was the same at Reg. 14, every objection ignored. Where is the public involvement? The agenda was set that only certain sites be included.

It is pertinent to note, that the Chairman of the SG stated ‘they would have to return to Reg. 14 if any of the sites were dropped’ from the first NDP, (which at the time was in reference to Site 2B, another proven heavily constrained, unsustainable site he wanted to include and subsequently wrote a letter of support when the planning application came forward and again recommended for refusal). Many sites have disappeared from this second NDP which in that sense makes it substantially different and yet, the Chairman has conveniently ignored his own advice to return to Reg. 14. So why hasn’t that happened?

All through this process statements have been made to accommodate an agenda at salient moments to further this plan only to be dispensed with when it wasn’t suited.

Often the report to the BPC from the Chairman of the SG pertaining to the previous SG meeting appeared to bear little relationship to what had been actually discussed and decided. The BPC always took these comments at face value and never questioned or became involved. Excluding those Councillors who were also members of the Steering Group, precisely none of the other Councillors had a grasp of the NDP process, participated in its creation, or generally had any interest. This is demonstrated in late 2017 when Samantha banks kindly attended a BPC meeting to answer questions when several Councillors were flummoxed by the term ‘devilerabilty’, and this is after several years of a drawn out process in its latter stages. How could these ignorant people possibly then vote through en masse any recommendation the SG Chairman made?

COMMENTS REDACTED

COMMENTS REDACTED

The 'consultation' with the community has been pathetic, despite what is implied in the Consultation Statement. The reality is that the 'consultation' has been based on a Questionnaire in 2014, and then a 2 day 'Options Days' session in November 2014 (the last face-to-face 'consultation' with the public. At the latter event, sites were presented in a misleading way. For example, Site 10 at Tillington was presented as 'brownfield and commercial' (it is not all brownfield – in fact the site which is now in the plan is 80% greenfield, and there is a legal Section 52 Agreement on part of it which demonstrates that the larger part of it is not 'brownfield'). All the sites had not been screened for constraints, so many are not deliverable in reality. People were frightened off from the larger sites submitted because alternatives using only smaller parts of the larger sites for smaller development were not considered. There has never been further community consultation – what has happened is that **the Qualifying Body (Parish Council) has abrogated its legal responsibility**, and has in essence sub-contracted the development of the plan to a person who apparently has some planning expertise (the Chairman of the Steering Group), and he has developed a Neighbourhood Plan without further proper consultation with the community.

The entire process is a farce and ludicrous particularly how proper procedures have been circumvented and deliberately ignored. And what is outrageous and galling is the fact that concerned parishioners attempting to fight this injustice have to spend, days, weeks and years dedicated to bringing about change. None of us would be doing this if proper procedures had been followed  
COMMENTS REDACTED.

## **14. THE BIAS AND LACK OF TRANSPARANCY AND CONSULTATION AT REGULATION**

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Hard copies of the Reg. 14 Draft Plan were not distributed to at least every household when they should have been. How can this process be called inclusive when no one received a plan and anyone without an internet connection could not view it online. An astounding £8000 was spent on Kirkwells a small proportion of which could have been used to achieve this simple but important aim.

There was inadequate advertising of the Draft Plan with only one notice in the Parish magazine announcing where and when it could be viewed for a short period of time and only on a certain mid-week day for a few hours when most people would be working before Regulation 14 was to be started? Bear in mind I heard a member of the BPC state that "no one reads the parish magazine they throw it straight in the bin."

Yet most telling is a statistic gleaned from the questionnaire is for the CAP at Simpson Hall, one of the few places a hard copy of NDP was pathetically made available to view on a very few Wednesdays for a paltry few hours when people were working in December 2015 (and a terribly busy time for

families), where a MASSIVE 74% stated they never used CAP. And combine that with the statistic that the vast majority rarely or never use the Simpson Hall is it any wonder no one knew about the plan or anything to do with it. By his own admission the Chairman of the SG stated to the BPC that a pathetic 32 people viewed the plan. They knew this and yet no effort was made to get this plan distributed properly and one has to wonder why?

Soon after and certainly not enough time to absorb the Draft plan even if you were aware of its existence, a leaflet was delivered to each household announcing the start of Regulation 14, many receiving this leaflet after the Reg. 14 period had begun. But in my experience it was only when I walked around Tillington singularly knocking on many, many doors and explained the process to my part of the targeted community that they understood and became aware that they could comment even if they had not seen the plan or knew anything about it.

I also delivered extensive documents informing and warning the people at Lower Burlton who also had been left out of this entire process. This should have been done by the BPC and SG – they didn't explain anything to anyone because they didn't want any interference in THEIR plan. Considering the majority of the housing has been targeted at 2 specific areas with two mini estates, it would have been so easy to have consulted with the residents of these areas, especially when you consider there are so few residents living in these areas. It never happened because it appears the SG did not want any community involvement that might derail THEIR plan.

It was towards the end of this 6 week period that Kirkwells' Site Assessment Scoring was slipped secretly onto the BPC website without any announcement because one of the biggest landowners (who had submitted countless viable sites, all of which had been rejected, many of them without even being assessed and without a reason why) had directly complained to Herefordshire Council forcing the BPC to publish the results. Those Site Assessments were only published over half-way into the Reg. 14 consultation. No one else in the community was advised of this fact. It was the reason why the Reg. 14 period was slightly extended.

Many of us objected at Reg. 14, several of us submitting extensive and detailed objections to counter the misrepresentation, obfuscation and bias demonstrated in the process and the plan itself – objections that challenged the lack of important material considerations, consultation and community involvement, many forensic in their detail. These objections were selectively published, none in full, with extensive censoring.

The truth was unpalatable to them because it challenged their plan and the entire process. Once again these objections were quietly slipped into a corner of the BPC website without any announcement to the wider community. It is only because we have remained vigilant that we happened to find them and see the BPC's abysmal response, much of it generic and simply copied and pasted with "no change" – a complete whitewash.

No one who objected has ever been notified, their opinion sought or any explanation given or countless questions answered. Incredibly, all these objections were simply ignored. The BPC were and still are intent on strong-arming THEIR plan through to its conclusion regardless of what any

member of the community says. Where is the consultation and community involvement in all this? Where has Policy Guidance been followed?

And as had been done at the Options' Days where parishioners could vote their preference for or against or neutral to the submitted sites where those that expressed neutral were added to those that supported to skew the result in favour of certain sites, it was repeated at Reg. 14 where those that only commented were added to the support vote, again to skew the result in a cynical undemocratic sleight of hand to impact the vote in the BPC's favour. Even doing this, the objections far out-weighed any supporting comments. But still they have been ignored completely.

And as regards the procedure of Reg. 14 process, once again there was bias as regards the comments forms being only available at the Burghill Village Hall and Burghill Golf Club. **Tillington and Burghill are two separate villages.** This is totally inadequate only making the access to forms available to residents of Burghill. Why weren't comment forms made available to Lower Burlton (2 miles away), Tillington and Tillington Common? Considering so few houses are affected by the proposed disproportionate housing, again it would have been very easy to canvas all those directly affected. NO effort was made or comments forms made easily available to these areas.

Add to this, the online comment form was overcomplicated with needless required fields: page number, paragraph number, and policy number that if not filled in did not allow any body text. I would like to think it was not done deliberately as a disincentive but because of my knowledge about this entire shambolic process I do have to question why a simple comments form could not have been provided. **How many just didn't bother to comment on seeing this form?** In addition to this the leaflet delivered announcing the Regulation 14 had begun states: *"The forms must be fully completed or they cannot be taken into consideration"*, increasing pressure and confusion on how they should fill the comments form in and easily allowing for the SG to dismiss comments/objections that had not filled in all the fields.

On finding this out 4 weeks into Regulation 14, I and others raised this matter with the Parish Clerk who immediately supplied a Word comments template and stated only a name and address would be required. That is an admission that there was a problem, with this option NOT made available to the vast majority within the community.

Because of this complete ineptitude at organising a simple online form that quite possibly has denied people the opportunity to comment the Regulation 14, the 6 week period should have been re-run with comments forms delivered or made available throughout the 2 villages and Lower Burlton and an online comment form redesigned and simplified with a downloadable option. This is unacceptable and once again directly contravenes that there be proper engagement and consultation of the community.

### **LACK OF PUBLICITY AT REGULATION 16/1.**

Even at Regulation 16/1 there had been no publicity about this stage by Burghill Parish Council beyond a small note on their website. Also Herefordshire Council announcing the Reg. 16 period by



posting on one noticeboard near Burghill Church which only a few people will see seems inadequate too.

The Parish is 6 square miles, with a population of 1,600 that is made up of two separate villages and Lower Burlton which is 2 miles away from this noticeboard. Holding it during a holiday period too disadvantages many families. Surely this cannot be compliant with the Regulation 16 of the Act which says "As soon as possible after receiving a plan proposal which includes each of the documents referred to in regulation 15(1), a local planning authority must (a) publicise the following on their website and in such other manner as they consider is likely to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area." But as with Reg. 14, the majority of the population will have no idea what Reg. 16 means, let alone that it is in progress and what it means for them because the BPC and SG have failed to inform and consult with anyone in the community.

### **LACK OF PUBLICITY AT REGULATION 16/2.**

From Reg. 16/1 to Reg. 16/2, even after their plan being returned, there has been no change in approach to inform, engage with, or publicise to the parishioners. Limited information was printed in the Parish Magazine but purely procedural.

The flawed Kirkwells' USAR was merely advertised that it could be found on the BPC website, which was difficult to navigate to. There was no explanation or context so no one in the parish would have any idea what the document meant even though it could be commented on. This is not consultation. And as I have stated, those of us aware did comment and were comprehensibly ignored where 'no change' was the official response in the majority of cases. Once again, the SG did not want to engage with anyone beyond their clique. For whatever reason they owned this plan completely and were unwilling to allow anyone outside their secret group to become involved. I find it shocking. Democracy? It doesn't exist in Burghill Parish.

Once again, several of us put together a document and posted it, at our own expense, to every household in the parish to inform them what was happening and how Tillington had been unfairly targeted and suggested a favourable alternative. We signed it 'From concerned parishioners'. Then at the next meeting the leader of HALC(Herefordshire Association for Local Councils) had been invited, presumably by the SG Chairman, COMMENTS REDACTED

It was at this same meeting, the same person without prompting, gave advice that 'now was the time for the Steering Group should be disbanded', which then proceeded at the next BPC meeting the SG Chairman proposing without giving any reasoning for his decision. And this is in the context of the NDP being unfinished, no sites selected, with no consultation – no one beyond the SG had any idea what was contained within the NDP or likely to be. Because of this decision the final REG 16/2 version was, once again, formulated behind closed doors by a select few within the SG. It was said that Kirkwells had been employed to write the plan. So where was the public engagement in deciding

this? The reality is the advice of one person from outside the parish, the HALC leader, decided when the SG should be disbanded and listened to. And the latest plan was formulated by one person from outside the community at Kirkwells. All this goes against the National Guidelines. Why were these people listened to and over many years every single voice from within the community has been systemically and deliberately ignored? This truly must be the worst example of how to organise and operate an NDP within the entire country.

## **LACK OF TRANSPARENCY**

All through this process there has been a lack of transparency particularly over decisions made by the SG. Because of this I formally made 10 FOIA and EIR requests for information. COMMENTS REDACTED

## **SOLAR FARM SITE**

This site has never been consulted on properly or assessed.

1. The site is prominent on the top of a hill, tilted to the south towards Burghill, and therefore would impinge detrimentally on the character of the landscape. (it is an alien feature on the rolling countryside).
2. A Solar Farm in this location would result in significant detrimental impact upon the built and historic environment and heritage assets (it is an unsightly, unnatural backdrop to the setting of the Conservation Area and of the Church which is a Grade 2 Star Listed Building).
3. The site is prominent on the top of a hill, tilted to the south towards Burghill, and therefore would impinge on the visual amenity of the countryside. (The industrial appearance of this development would be alien in this countryside location and in views from footpaths etc around the site, and would have a significant adverse effect on the visual amenity of the area.)
4. A former landfill site is by its nature prone to differential settlement, which may then cause panel damage. It seems pointless for this site to be included in the NDP if SOLAR FARM REG 16 OBJECTION 4 technical achievement is uncertain and therefore delivery is uncertain.

5. The Solar Farm site is in close proximity to a telephone and communications mast. Both transmitting stations and solar farms are known to produce electromagnetic interference. Neither transmitting stations nor solar farms are specifically designed to coexist with one another and interference may occur between the two. Solar farms may cause interference (most likely from the inverters) to the transmissions; and/or the transmissions may cause interference to the solar farms. So again, technical achievement is uncertain and therefore delivery is uncertain.
6. **The solar farm site has not been assessed in the preparation of the NDP for constraints.**
7. Since the NDP process started, government policy concerning solar energy has changed significantly. It is questionable whether this particular project would be economically viable, let alone whether the supposed benefits might outweigh the adverse impact (especially if there has been no assessment of the benefits or impacts).

In summary, the site has not been assessed; it is in a prominent position and clearly would have significant detrimental impact on the character of the landscape, the visual amenity of the countryside, and the heritage assets in line of sight of it; and there are clearly doubts about its technical achievement and deliverability. This site is uncertain, it should not be included in a Neighbourhood Development Plan which would in effect just be endorsing development without considering constraints and uncertainties. If proponents of this site, for this change of land use, wish to develop the site as a solar farm, the proper way to do that is not for it to be in a NDP, but for them to bring forward a planning application with all the necessary (and expensive) professional reports.

## **BIAS/MISREPRESENTATION**

The plan states:

*6.1.20 Figure 4.14 of the Core Strategy continues to identify both Burghill and Tillington as growth areas. The PC has previously agreed that growth should be confined to Tillington and not Tillington Common which is perceived to be an unsustainable countryside location for new development, as confirmed by previous planning decisions.*

This statement is a misrepresentation and it appears included for the deliberate targeting of only Tillington for development.

In fact, it was Tillington Common which was appraised as a settlement in the 2009/10 and the 2013 Rural Background Papers, not Tillington, and then Herefordshire Council just removed the word Common, which is why "Tillington" is in the Figure 4.14 list (previously titled 4.20), not because it has been justified to be in there.

To substantiate this, an email has been made available from the Chairman of the SG dated September 18th 2014 who states:

*“As I said at the meeting, our claim against the soundness of the Draft Core Strategy is that Burghill is the only village or settlement within our NDP zone. The remainder of the NDP zone is therefore countryside.”*

So why would the same Chairman, who may I remind you is unelected, suggest that the BPC puts forward a ‘STATEMENT OF COMMON GROUND’ to Herefordshire Council - WITHOUT ANY PRIOR CONSULTATION WITH PARISHIONERS FROM TILLINGTON AND TILLINGTON COMMON?

It stated:

*“If the Inspector is not minded to accept the representations made by Burghill PC on this matter then the name “Tillington” should be defined by the addition of the words in brackets of: (Not Tillington Common). The reason for this is that HC planning application decisions and Inspector decisions have always considered Tillington Common to be a countryside location.”*

This is a misrepresentation of the truth because as a matter of fact HC planning application decisions have always previously considered BOTH Tillington AND Tillington Common to be countryside locations because the prevailing policies were under the Unitary Development Plan where BOTH places were defined under “Policy H7 Housing in the countryside outside settlements”.

HOW MORE BIASED CAN A STATEMENT POSSIBLY BE THAN THAT? AND WHY WOULD THE BPC AND CHAIRMAN OF THE STEERING GROUP PURSUE THIS AND FLAGRANTLY JEOPARDISE THE FAMILIES WHO LIVE IN TILLINGTON? WHAT POSSIBLE MOTIVE HAVE THEY TO TARGET TILLINGTON IN THIS WAY?

Has the BPC or SG consulted with the residents of both Tillington and Tillington Common about this fundamental change? Well of course not because the BPC has deemed it unnecessary to consult with anyone instead blithely following the directions of the Chairman of the Steering Group without any proper oversight.

What happened next epitomises all that is wrong with this plan. Recorded in the Burghill Parish Council minutes of the 9th February 2015 state:

*REDACTED reported that he had received confirmation from HC that the Neighbourhood Development Plan can designate Tillington Common as outside the village.”*

That statement is incorrect, as Sally Robertson(former Ward Councillor) obtained the Common Ground Submissions from the Strategic Planning people. This was their response to “Burghill Parish Council”:

*“As the parish are preparing a Neighbourhood Plan they have the freedom to define the village and the areas considered to fall within the open countryside.”*

Note it is “The parish” that has the freedom...not the Chairman of the SG nor the BPC. And as we the community have never been consulted then “the parish” has not decided.

In my opinion this single instance demonstrates COMPLETE BIAS and a gross misrepresentation of the truth to achieve their agenda of separating Tillington from Tillington Common in the purpose of developing Tillington alone.

The plan goes on to state:

*6.1.33 At the time of the Examination in Public of the Herefordshire Core Strategy it was the view of Burghill Parish Council that Tillington and Tillington Common should both be classified as open countryside. However, the adopted version of the Herefordshire Core Strategy includes both Tillington and Burghill in Policy RA1 as housing growth areas. It follows that the designation of a settlement boundary for each of these areas would be appropriate.*

*6.1.34 Tillington Common is not included in Policy RA1 (Tables 4.14 and 4.15) and as such remains open countryside with no defined identifiers as a village in planning terms. Moreover, as it is excluded from Policy RA1, it is considered to be an unsustainable location for new development due to lack of services and infrastructure. Therefore, development proposals for Tillington Common and the wider parish are governed by the Core Strategy planning policy constraints for development in the countryside, outside of settlement boundaries, as set out in Herefordshire Core Strategy Policy RA3.*

These spurious statements have been included without any foundation obviously to manipulate opinion in the SG's march to develop Tillington. But it will not change the fact: **Both Tillington and Tillington Common are unsustainable locations!**

Tillington Common and Tillington DO NOT HAVE MAINS SEWERAGE, NO MAINS DRAINAGE, NO CONNECTIVITY and they are both served by the same bus service. The Bell Inn is an isolated rural pub which serves both settlements as does the shop which does not have any permanency as with the Housing and Planning Bill giving automatic permissions to housing development the shop could disappear at any time. COMMENTS REDACTED

Tillington Common comprises a large group of about 50 houses (more than Tillington, in fact). It has access to fibre broadband and to a 6 per day bus service to Hereford yet sites there have been arbitrarily ruled out because it is deemed to be "countryside". It is only "countryside" in the same way Tillington is, and indeed in the same way anywhere in the Neighbourhood Area is "countryside", outside Burghill and the northern Hereford Settlement Boundary. There has been no discussion with the community about this.

Take away the random settlement boundary drawn around Tillington by a person on the SG without any consultation, Tillington is as it always has been: in the countryside and therefore, “... *development proposals for Tillington Common and the wider parish are governed by the Core Strategy planning policy constraints for development in the countryside, outside of settlement boundaries, as set out in Herefordshire Core Strategy Policy RA3.*” applies.

The BPC and SG Chairman have delivered this state of affairs because Tillington referred to all of Tillington including Tillington Common and behind closed doors the BPC and SG Chairman sought to change this fact to the detriment of the residents in their targeted area.

**Again it should be noted that this has been imposed without any consultation with the community with a complete lack of transparency.**

In connection to this:

### **FAILURE TO CONSULT OVER SETTLEMENT BOUNDARIES FOR TILLINGTON.**

**The Settlement Boundary drawn around Tillington at Whitmore Cross has NEVER been consulted on and imposed and the absence of a Settlement Boundary in Tillington at Tillington Common has also not been consulted on.**

The plan states:

*6.1.33 At the time of the Examination in Public of the Herefordshire Core Strategy it was the view of Burghill Parish Council that Tillington and Tillington Common should both be classified as open countryside. Burghill Submission Neighbourhood Development Plan However, the adopted version of the Herefordshire Core Strategy includes both Tillington and Burghill in Policy RA1 as housing growth areas. It follows that the designation of a settlement boundary for each of these areas would be appropriate.*

And goes on to state:

*6.1.34 Tillington Common is not included in Policy RA1 (Tables 4.14 and 4.15) and as such remains open countryside with no defined identifiers as a village in planning terms. Moreover, as it is excluded from Policy RA1, it is considered to be an unsustainable location for new development due to lack of services and infrastructure. Therefore, development proposals for Tillington Common and the wider parish are governed by the Core Strategy planning policy constraints for development in the countryside, outside of settlement boundaries, as set out in Herefordshire Core Strategy Policy RA3.*

*6.1.35 For the above reasons it is considered that the definition of a settlement boundary for the Tillington Common area would be neither necessary nor appropriate.*

So all this was decided without a single parishioner in Tillington and Tillington Common being consulted. And as I have said before, the fact that Tillington was deliberately manipulated to have Tillington Common decoupled only adds to this bias to develop only Tillington.

*6.1.33 At the time of the Examination in Public of the Herefordshire Core Strategy it was the view of Burghill Parish Council that Tillington and Tillington Common should both be classified as open countryside. Burghill Submission Neighbourhood Development Plan  
However, the adopted version of the Herefordshire Core Strategy includes both Tillington and Burghill in Policy RA1 as housing growth areas. It follows that the designation of a settlement boundary for each of these areas would be appropriate.*

Who deemed a Settlement Boundary was appropriate? No one can recall whenever this was discussed by the BPC because it never was. Once again this was all decided behind closed doors by the SG and imposed on parishioners. This lack of consultation has been constantly raised and questioned by many of us but always the BPC and SG have ignored this fact. They have also never answered who actually drew the Settlement Boundary around Tillington. Because of this when a representative from Kirkwells was asked directly, who drew the Settlement Boundary? She replied, 'the Steering Group'. When asked further who on the Steering Group she hesitated and replied, 'she didn't know'.

Therefore this Settlement Boundary has been drawn by an individual on the SG without actually consulting with at least the very people in Tillington it is likely to affect, **in contravention of the National Planning Policy Guidance**. And what can clearly be deduced is yet again there is bias through this imposition. The fact is having talked to so many around Tillington: the vast majority do not want a settlement boundary.

In addition to this the settlement boundary for Lower Burlton was extended north based on results from a Saturday/Sunday 'consultation' over 3 years ago where only about 100 people participated (only about 8% of the Parish electorate), and in the meantime there have been planning permissions granted which are likely to render the responses invalid – people would be unlikely to respond in the same way now in the light of newer information, and with more permissions granted.

## **FAILURE TO CONSIDER THE POSSIBLE HUGE HOUSING DEVELOPMENTS AT HOSPITAL FARM AND RELIEF BY-PASS ROAD**

There has been NO consideration of Herefordshire Council's stated intent to develop Hospital Farm, which it has retained for housing development. This could yield a further several hundred houses in the Parish, and the impact of these has been totally ignored by the Plan, which of course is supposed

to cover a period up to 2031. Consideration of the proposed Hereford Relief Road, which is part of the HC Core Strategy and would have a major impact on the parish has only belatedly appeared as a single sentence in the resubmission NDP. (The lack of serious consideration is non-conformity with a strategic element of the Local Plan). These omissions speak volumes.

## **EXCESSIVE DEVELOPMENTS**

The suggested housing numbers are excessive, and allocated sites have remained little changed in the Neighbourhood Plan despite the many Planning Permissions granted during the ponderous process of developing the Plan. The Chairman of the Steering Group refused point blank to remove the now excess housing numbers from the NDP so it cannot conceivably meet the wishes of the community. The target set by Herefordshire Council was 18% growth, in the 2014 Questionnaire the majority of parishioners believed that 10% or less was more appropriate, but the obstinacy now being exhibited by the PC means that the number will be nearer 25-30+%.

As well as the parishioners not wanting 18% growth, putting more than 124 into the Plan is ludicrous, and not been consulted-on with parishioners. The Core Strategy states:

*"The indicative housing growth targets in each of the rural HMAs will be used as a basis for the production of neighbourhood development plans in the county. Local evidence and environmental factors will determine the appropriate scale of development."*

It then says:

*"The proportional growth target within policy RA1 will provide the basis for the minimum level of new housing that will be accommodated in each neighbourhood development plan."*

The Core Strategy target is 18% (minimum) for Burghill Parish. The last instruction from Samantha Banks (as of April 2017, the remaining number is now of course much lower - 6 in the NDP but 3 in reality): That is quite explicit: *"Number of new houses required to 2031: 124"*. That is consistent with the NPPF (para 184):

*"Neighbourhood plans...should not promote less development than set out in the Local Plan or undermine its strategic policies."*

Therefore the target is for a minimum of 124. There is NO NEED for any more. The 3 remaining CAN be windfalls. The Core strategy allows that and that has been confirmed by Samantha Banks. Right now, there are over a dozen possible windfalls listed in the NDP. Samantha Banks only said that the NDP cannot be totally reliant on windfalls - she did not say that there shouldn't be ANY. So it is pertinent in regard to this that Field Farm COMMENTS REDACTED requested recently that their 3 conversions should be included but were brushed-off by the Clerk. That alone would make up the 124. Again it is obvious through these deductions there is an agenda to develop a certain part of Tillington when sites like this are being deliberately ignored and prejudiced against.



It should be noted, a more gentle approach to development, respecting the landscape character by including a number of buildings put forward for conversion, has been ignored. Ludicrously, these individual development sites are being treated as “windfalls”, despite them being offered by local people as available and deliverable. In fact the “windfalls” were largely not re-assessed in the revised assessments. Instead and unsurprisingly, the Parish Council’s favoured sites are based on mini-housing estates, with greater numbers per site than wished for by the Questionnaire responses. This is a **Plan for developers, not a plan for the community.**

## **MOST FAVOURED SITES 10 & 25 ACCORDING TO THE FLAWED USAR**

The history is important.

I have learned that from the outset of the Neighbourhood Planning process in this parish, the “Tillington Business Park” has been used to describe areas larger than Tillington Business Park itself, and they have all been presented in summaries to the Steering Group as being brownfield.

On the Site Submission form submitted by REDACTED it states 4 acres. But that figure not only includes the southern part made up of the units and hard standing which is 1.4 acres and is more definable as “brownfield”, but that 4 acres also includes the northern part which measures 2.7 acres and is without doubt greenfield and includes the BAP.

This misrepresentation of the site was still being propagated at the Options’ Days when parishioners were asked to vote on “Tillington Business Park” Site 10 where the entire 4 acres had been marked out that included the southern actual brownfield part. Anyone voting on this site had obviously been misled into believing it was all brownfield, influenced by that and therefore voted accordingly in favour.

I am aware that before this Options’ Day the Chair of the SG presented a reduced map of the proposed area that had removed the BAP northern part because of pressure from a now resigned member of the SG. Therefore the Chairman had been made aware and was in full knowledge of that fact but still he presented the full 4 acres to the public for voting.

Then in response to Reg. 14 objections (page 37) it says: “*Site 10 does not include the Business Park, which will be retained in commercial use. Part of the land to the rear of the Business Park within Site 10 has been previously used as part of the Business Park and is considered as Previously Developed Land.*”

Therefore the 4 acre site including the units on the brownfield site that the public voted on has morphed and is no longer the same site presently being offered. Now it is almost only the central 2.5 landlocked greenfield site that is being proposed for development in the Reg 16/1 Neighbourhood Plan.

What was also different that time was that attached to this greenfield site had been added the house and yard in the south west of the site presumably to obfuscate the fact that the 2.5 acres is greenfield whereas by attaching this small section which are on "previously developed land" it will be falsely claimed for the entire site as being brownfield. In fact the existing house ought to be classed as residential use even though it has a condition on it limiting occupancy to "persons employed in the associated commercial premises, or in the management of those premises, and their dependants." The vehicle yard to the south of this is the only part of the current Site 10 that might genuinely be described as brownfield and is only 0.05 acres in size.

**And still the misrepresentation continued in the Reg. 16 Plan paragraph 6.1.24: *"Site 10 - Tillington Business Park – Brownfield"***

By continuing to claim this site as "brownfield" it gives it an unjustified planning advantage over other sites, that increased its scoring that ensured it became one of the favoured sites.

**Also in paragraph 6.1.24 of the Regulation 14 Draft Plan (January) it states: *"7 undeveloped sites and one previously developed site came out as the most favoured."***

**Then in the Regulation 16 Draft Plan this has been changed to: *"7 undeveloped sites and one part previously developed site came out as the most favoured."***

**The addition of the word "part" means anyone who read the earlier Reg. 14 draft had been completely misled.**

One does have to ask why this has been constantly changing and why the SG has invested so much time in promoting this site, the SG and BPC misleading the public at every stage? No other site has received this kind of attention or advantage.

In conjunction to this it should be noted On May 14th 2015 six months before the publication of the Reg 14. Draft Plan, and remember where no one in the community had been consulted, three independent witnesses saw the Chairman of the Steering Group and the developer of Site 10 in Tillington measuring up for a new access to Site 10 with a measuring wheel. Surely at the very least that is a conflict of interest?

Subsequently an application was received by the planning office for that access. Thankfully the application was objected to by the Highways Department on safety grounds because of the lack of visibility, the proposed access being on a dangerous bend where there is fast moving traffic. by the Chairman of the SG when he has not consulted with any of us in Tillington or listened to any of our concerns?

And why did the BPC/SG need to respond in the Reg.14 Consultation on page 20 with: *"Access to potential development sites: Throughout the site selection process no submissions were made by landowners requesting that the access to sites should come from any specific direction."*

Who actually wrote that?

Then it states in paragraph 2.21: *“The Tillington Business Park comprises commercial uses of a garage, a small business park with lock-up open storage, lock-up units, workshops and a shop. To the rear of the buildings there is land which is used in conjunction with the business zone for open commercial storage.”*

This is an obvious choice of wording to change land to the north and west to brownfield and again included to misled – it has never been used for that and is and always has been greenfield - **COMMENT REDACTED there has been no storage of vehicles or equipment or anything on the land north of the business units, so it could not conceivably be “brownfield.”**

There is also evidence on Google Earth to back this up with a series of aerial shots of Site 10 dating back to 1999, the latest being shot in 2009 that all clearly show all the land north of the “true” brownfield site that contains the units is greenfield. There is also a later photograph from 2011-2012 using Bing that shows exactly the same – greenfield.

**Also on this land there is It is called a “Section 52” agreement permanently in force.** Section 52 of the 1971 Town & Country Planning Act states: *“An agreement made under this section with any person interested in land may be enforced by the local planning authority against persons deriving title under that person in respect of that land.”*

The agreement applied to Site 10 specifically states that permanently: *“No motor vehicles vehicle parts scrapped vehicles or other equipment may be stored on the land shown edged brown on the plan annexed”.*

Which brings us to to the present day at the NDP Reg 16/2.

Site 10 once again being assessed(desktop) by Kirkwells as a most favourable site when none the catalogue of constraints has been taken into account. It is baffling. Site 25 almost opposite was also assessed with the same outcome, yet it too was heavily constrained and completely unsustainable and undeliverable. That fact was born out by Herefordshire Planning Office when the a planning application for 10 houses was submitted for site 25 a few weeks before this NDP was submitted at Reg.16/2, thankfully and rightly recommending to refuse the application. And this is when sites now included in any NDP have to be properly considered viable and deliverable. If it is incompetence by the SG for not properly investigating and assessing this site then it is astounding particularly when many of us reported this fact only to be ignored. One has to wonder why.

Similarly, with Site 10 the same applies: heavily constrained(more so than Site 25) and completely undeliverable. Yet here it is included even after Site 25 was recommended for refusal not long before so that surely the BPC and SG could take stock and reconsider the other sites included. The incompetence is breath-taking or the pursuit of an agenda to develop Tillington astounding. The people involved in this should be ashamed of themselves and reflect on their actions. As I have stated before: this is just plain wrong.

## **BREACH OF HUMAN RIGHTS**

The Chairman of the Steering Group said at one of the Parish Council meetings (comment not minuted) that the objective in developing the Neighbourhood Plan had been to cause harm to the least number of people, or words to that effect. This is not the objective of Neighbourhood planning, which is to effect sustainable development in the most appropriate locations, with the support of the local community. By targeting development to cause harm to the least number of people, apart from not being consistent with the basis of Neighbourhood planning, the plan will self-evidently breach the Human Rights Convention because those most affected will have been singled out to have their amenity disproportionately damaged. Causing harm to the least number of people actually means that most harm will be caused to the least number of people, and this is manifestly unfair and in breach of the Convention.

## **JUSTIFICATION OF AN ALTERNATIVE POLICY B1**

**NDP – JUSTIFICATION of alternative policy B1 which better respects the landscape, local distinctiveness, and environmental constraints which apply to the Tillington Area: Applying these proposed changes to Policy B1:**

1. **Acknowledges and in part corrects an uncorrected error made by Herefordshire Council - the wrongful inclusion of 'Tillington' as a growth settlement in the Core Strategy.** This error was made by Herefordshire Council in its translation of background 'evidence' into the Core Strategy, and has been compounded by subsequent actions made by the Qualifying Body (Burghill Parish Council) without consulting the community. The proposed changes enable compromise between intransigent positions.
2. **By removing it, addresses the drawing of a Settlement Boundary around part of Tillington, which has been done without consultation with the community, and is therefore otherwise a gross failure of Basic Conditions for a NDP.**
3. **Takes account of the known environmental and other constraints which exist in this area** by reducing the impact of development to single rather than multiple dwellings per site because:

(a) the modification respects:

constraints which make multi-dwelling developments undeliverable. Examples are highway safety (the lanes are fast, narrow and winding in the Tillington area, and even where there is a 30mph limit it is badly adhered to, with 85 percentile speeds of 40 mph); pedestrian safety (eliminating multiple dwellings per site reduces the need for unachievable improvements); the impermeability of the local clay soils which exacerbate the foul drainage impact and surface water flooding; and

(b) the modification minimises:

loss of Best & Most Versatile Land; ecological damage (destruction of hedges and biodiversity); sheer overdevelopment of what is a 'hamlet' in a rural area; piecemeal ill-considered design and inappropriate housing types (facilitates the smaller houses which parishioners mainly wanted according to the 2014 questionnaire); loss of local distinctiveness; detrimental impact on the landscape.

#### 4. Is compliant with the NPPF, NPPG and the Local Plan

The NPPG states in its Rural Housing guidance that:

*“blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”.*

The Core Strategy in its Policy RA1 – Rural housing distribution states:

*“Local evidence and environmental factors will determine the appropriate scale of development”.*

In the case of Tillington and Tillington Common, there is ample evidence contained in past planning applications and in submissions to the Neighbourhood Plan that there are overwhelming constraints which in practice limit multi-dwelling developments. There is a need for relaxed policies which reduce housing concentrations so that the impact particularly on highway safety, waste water and surface water flooding can be reduced without seeking to prevent development altogether. It is noticeable that there have been many objections to planning applications for multi-dwelling developments in the Parish, particularly Tillington, while planning applications for single dwellings have been largely unopposed (apart from the odd nimbby), and the rural population is generally tolerant of more gentle development.

It is the Steering Group which has apparently sought to place a disproportionate amount of housing at Tillington Whitmore Cross, based on site assessments which are clearly flawed. It is an area where HC Land Drainage have noted in responses to recent planning applications *“Due to known issues in the area with foul water disposal, we request that percolation testing is undertaken ....to ensure that there is a means of disposal of treated effluent. This should be established prior to granting planning permission. It should be noted that we recommend and support the use of individual package treatment plants and individual drainage fields serving each property.”*

**Space** is required to attain foul drainage (and surface water) arrangements which do not overload the impermeable soils in this area. Building regulations dictate that:

- Treatment Plants should be at least 10 metres from habitable buildings, preferably downslope
- Drainage fields should:

- be at least 10m from any watercourse or permeable drain,
- be at least 50m from the point of abstraction of any groundwater supply,
- be at least 15m from any building,
- be sufficiently far from any other drainage fields or soakaways so that the overall soakage capacity of the ground is not exceeded
- be downslope of groundwater sources
- have no access roads or driveways within the disposal area

The area which a laid-out drainage field (with Treatment Plant, Distribution chamber, trenches, separation between trenches, and separation from boundaries, buildings and other soakaways) occupies, is therefore large, typically 40m x 10m. As well as that, surface water drainage needs to be accommodated as well – “sufficiently far from any other drainage fields or soakaways so that the overall soakage capacity of the ground is not exceeded”. For this area, a principle of individual package treatment plants and individual drainage fields serving each property, as supported by Herefordshire Council’s Land Drainage engineers, seems eminently sensible.

Therefore these proposed changes to B1, unlike the NDP as it stands, take account of the soakage capacity of the ground yet allow some development in a sensible manner, provided other constraints can be overcome.

There is mention in the Submission NDP of “first time sewerage for many properties” but this really is a red herring because Section 101A of the Water Act applies to existing properties, not ones yet to be built; the deliverability of such a scheme, and the acceptability to the sewage undertaker of such a scheme is questionable given the small number of properties in the area; and in any case **it would not solve surface water issues because the water undertaker would not permit surface drainage connection to infiltrate a foul sewer.** On the other hand, the proposed changes to B1 allows the **space** needed for modest development in this rural area to accommodate proper waste and surface water percolation so that proposals are likely to be deliverable now rather than at some unspecified future date, and address both foul and surface water issues satisfactorily.

The proposed amendment also overcomes non-compliance with paragraph 32 of the NPPF which states: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”* and also overcomes non-compliance with paragraph 120 of the NPPF which states: *“The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.”* Clearly the cumulative transport impacts of proposals for multidwelling developments are severe relative to the existing impact, because of concentration in such a small area.

##### 5. **Respects the reality which is that there is a housing target** set by Herefordshire Council

which is for a minimum of 18% housing growth in the Parish which equates to 124 additional dwellings between 2011 and 2031; and that 122 additional dwellings have already been delivered by granted planning permissions. There are only 2 residual dwellings now required to meet the minimum target, and windfalls have continued to deliver housing in the area. **N.B. With the granting of permission for one bungalow at The Chase Burghill (19/6/18) that brings the figure to 123 with only 1 residual dwelling now required. Let's not forget this is only 2018, leaving 13 years to find that last remaining dwelling.**

In contrast, the authors of the NDP have continued to propose sites which vastly exceed the minimum target, and again, in the Submission NDP, the three 'preferred' sites with a capacity of 24 dwellings would vastly exceed the 124 target. As at 30 May, the addition of these 24 to the 122 already approved would bring the total to 146, which is over 21% growth, not the 18% required – unnecessary because 'windfalls' will continue to come forward anyway.

The NPPG states in its Rural Housing guidance that *"A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan and the plan proposal meets the basic conditions."*

However there is not the evidence to demonstrate such need, and the persistent failure adequately to consult and engage with the wider community simply demonstrates non-compliance with Basic Conditions. The only 'mandate' goes back to the 2014 Questionnaire, now rather out-of-date, but then the overwhelming majority of respondents felt that 18% growth was too much. Therefore the evidence does not demonstrate need above 18% growth. Parishioners are hardly likely now to think that 21% is not too much, when they overwhelmingly believed 4 years ago that it was too much! Planning Permissions granted since 2011 already exceed the affordable housing provision which was last required for the Parish.

A criteria based policy amendment such as is proposed, and which does not allocate sites because recent housing developments have provided housing numbers very close to the housing target, was accepted by Herefordshire Council for the Bartestree NDP. A precedent has been set.

## **FINAL STATEMENT**

Finally let me say once again as this chaotic, unregulated process indeterminably grinds on, that if what has happened in the Parish of Burghill has been replicated in other parishes then the NDP process has been a complete failure. It has been a COMPLETE FAILURE in the Burghill Parish. When expertise and bureaucratic means are used to deny "ordinary folk" a proper say in how a Neighbourhood Plan is formulated then that process has not been thought through and is simply wrong.

The complexity and the time needed to only partially understand that detail is beyond the understanding of the majority and it is unfair to expect them to understand even if they are given all

the evidence to make an informed decision. But when it appears a Parish Council and assigned Steering Group make it inordinately difficult through secrecy and obfuscation, withholding all the evidence and then use intimidation and bully boy tactics to impose their will to enforce an agenda instead of fully consulting, when there really seems to be no avenues for appeal, then this process is flawed.

What results is great anger. This process pits communities against themselves and nimbyism becomes rife where minorities are in effect persecuted with the threat of disproportionate development that they have no say and little hope in repealing because they will be out-voted by a majority. Everything about this process has been undemocratic, unfair and plainly wrong.

Presently, the Burghill Neighbourhood Plan, once again, is “not fit for purpose” and never will be under the current steerage – talk about Groundhog Day. I hope Herefordshire Council will do the right thing and reject this terrible plan, and at least give our alternative serious consideration, so that it might revive this process that inspires the confidence of all the community so a new plan can be installed where integrity prevails, where transparency dominates and fully consulting with the community becomes its heart; so that a new formulated plan becomes inclusively owned by everyone within that community so it retains its full support.

Russell Hoddell



## Latham, James

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**From:** donotreply@herefordshire.gov.uk  
**Sent:** 21 June 2018 11:48  
**To:** Neighbourhood Planning Team  
**Subject:** A comment on a proposed Neighbourhood Area was submitted

Comment on a proposed neighbourhood plan form submitted fields	
Caption	Value
Address	
Postcode	
First name	Robert
Last name	Yeomans
Which plan are you commenting on?	Burghill
Comment type	Comment
Your comments	<p>This latest plan is virtually the same as the previous one which was rejected. The infrastructure and public services of the parish will not support the increase planned, and I am informed that we have already met the Hereford council target anyway. In Tillington the road system is inadequate and there are not the required mains services available. There is already a flooding issue, which will only be exacerbated by several more private sewage systems. The only recent planning application that adds anything meaningful to the local area, is for 4 houses between the village shop and the Bell inn which includes a footpath between the two. The current plan just assumes everything will be sorted in time and the infrastructure will "be alright on the day".</p>

**TO: DEVELOPMENT MANAGEMENT- PLANNING AND  
TRANSPORTATION  
FROM: ENVIRONMENTAL HEALTH AND TRADING  
STANDARDS**



**APPLICATION DETAILS**

256160 /  
Burghill Parish  
Susannah Burrage, Environmental Health Officer

I have received the above application on which I would be grateful for your advice.

The application form and plans for the above development can be viewed on the Internet within 5-7 working days using the following link: <http://www.herefordshire.gov.uk>

I would be grateful for your advice in respect of the following specific matters: -

Air Quality	Minerals and Waste
Contaminated Land	Petroleum/Explosives
Landfill	Gypsies and Travellers
Noise	Lighting
Other nuisances	Anti Social Behaviour
Licensing Issues	Water Supply
Industrial Pollution	Foul Drainage
Refuse	

Please can you respond by ..

**Comments**

Our comments are with reference to the potential impact on the amenity – in terms of noise, dust, odours or general nuisance to residential occupants that might arise as a result of any new residential development or any new commercial or industrial development.

We still have some reservations about the proposal for the settlement boundary for Tillington and associated land use as housing sites 10, and 25 are in close proximity of the employment site as the activities at the employment site could impact on residential occupants on the proposed site (noise, nuisance, dust) depending on the planning restrictions and designated use of the employment site.

Signed: Susannah Burrage  
Date: 19 June 2018

20th June 2016

Neighbourhood Planning Team  
Planning Services  
PO Box 230  
Hereford HR1 2ZB

**BY EMAIL to [neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)**

## **Objections to Burghill NDP - Regulation 16 April 2018 Re-Submission Consultation**

Dear Sir/Madam

There will probably be few comments from residents of Burghill Parish on this Regulation Submission document. For about 4 years the Parish Council has sadly failed to reach out to residents in a way that would have involved them in its production and has failed properly to inform them about the Plan. The dates of this consultation have not been publicised in the Parish Magazine, and many residents will be unaware that this consultation is happening.

I lived in Tillington until December 2016. Before December 2016 I completed the 2014 Questionnaire, attended the November 2014 Options Days, attended many Parish Council meetings, and made lengthy and considered written comments on the Draft Regulation 14 and Regulation 16 Plan in the hope that my comments would be taken into account.

At Parish Council meetings, my comments were rebuffed and I (and others) were spoken to by the Chairman of the Steering Group in an intimidating and demeaning way. The Parish Council responses to my submitted Regulation 14 comments (and to those of most other representations as well) were "no change" and some of my comments were even deleted.

Herefordshire Council rejected the first Regulation 16 Plan because some sites were undeliverable, and because of lack of consultation with the public. That is all history. It was a chance for a new beginning. Herefordshire Council had recommended community involvement prior to resubmission of the plan.

Were there public meetings to discuss what to do next?	No.
Was the old failed plan discarded?	No.
Were there workshops involving the community in finding ways to do it better?	No.
Were the comments of the many people (including myself) who had spent time commenting at Regulation 14 and 16 taken into account?	No.

Instead, the PC decided to waste more money (in my view) in re-employing the same consultants to re-assess the same sites they had inadequately assessed before (given that HC felt that some sites were undeliverable).

Did the consultants make use of local knowledge for their updated site assessments?	No.
Did the consultants consider vehicular access, pedestrian safety, sewage or surface water drainage in their points scoring system?	No.
Were parishioners' submitted written comments to the updated site assessment report taken into account?	No.

Instead, the Parish Council replied again, just as before, "no change".

### **THE WIDER COMMUNITY SHOULD BE KEPT FULLY INFORMED OF WHAT IS BEING PROPOSED**

This is National Planning Policy Guidance to Parish Councils which appears to have been ignored. Even after the failure of the first Regulation 16 Plan, partly due to the lack of publicised information, the wider community has still not been kept fully informed.

Parish Council minutes have been minimal throughout this process and continue to be.

Steering Group meetings were not publicised until September 2016, 3 years after the Steering Group was first formed, so for 3 years the public was unaware of them so were not able to attend. In that time the Plan was written, submitted, and rejected by Herefordshire Council with the wider community largely being shut out of the process. Agendas and 'Notes' for the Steering Group were only published in September 2016 because an EIR/FoI Request from a member of the public forced it to happen. Again, the 'Notes' were minimal.

The verbal Steering Group report to the Parish Council at PC meetings was read so quickly and quietly that you could not understand what was being said. No paper copy was available to members of the public. When I politely asked the Chairman of the Steering Group to read more slowly, he replied "No. Keep up."

Monthly reporting about the NDP to the Parish Magazine was, and still is, minimal, mostly saying where the Plan has got to in the process towards Regulation 16; never information or discussion about what was specifically, or actually, in the Plan, never discussion about options and alternatives which the community might consider.

People have not been properly informed. Also, people are not being informed about what might happen in the future. There is no mention in the NDP of Herefordshire Council's declared intention to develop its own property Hospital Farm, which is in the Parish, for housing.

### **THE WIDER COMMUNITY SHOULD BE ABLE TO MAKE THEIR VIEWS KNOWN THROUGHOUT THE PROCESS**

More National Planning Policy Guidance to Parish Councils which appears to have been ignored.

I have already explained that the views of parishioners at meetings were rebuffed and answered in a dismissive, sometimes in an intimidatory and demeaning way.

The wider community was able to express its views in a limited way, in early 2014 in the Questionnaire, and also at the November 2014 Options Days. However, since then there have not been welcoming, inclusive opportunities for the public sharing, discussion, and moderation of views.

In fact in the meantime, as planning applications in the Parish were submitted to Herefordshire Council and granted, the Parish Council refused to take notice of requests from Parishioners for the housing numbers in those planning applications to be included in the NDP and counted against the total. Even the views of a member of the Parish Council were disdainfully rebuffed when he suggested that, because the planning application for 50 houses at Tillington Road/Roman Road had been granted, those 50 should be included in the numbers achieved against target, and other sites removed from the Plan. We were told forcefully that to add or subtract sites would mean going back to Regulation 14 (costing more time and money) and could invite litigation from site owners, and we were threatened that meanwhile developers would take advantage of the delays (and lack of 5 year housing supply), and bring huge uncontrolled development to the Parish. These threats were repeated on various occasions. Of course, if there had been full and proper consultation and involvement by the community, and if all views had been taken into account, then the Plan might have been achieved by that time.

### **THE WIDER COMMUNITY SHOULD HAVE OPPORTUNITIES TO BE ACTIVELY INVOLVED IN SHAPING THE EMERGING NEIGHBOURHOOD PLAN**

More National Planning Policy Guidance to Parish Councils which appears to have been ignored.

The PC claim in their Consultation Statement that there have been many opportunities for the wider community to see the draft NDP at the "CAP" on a few Wednesday mornings in the Burghill Village Hall. However, in my view this is not "consultation"; it was more "this is what we have done". No 'shaping' involved!

It was obviously not possible for the public to be involved in shaping the emerging neighbourhood plan when (a) they did not know when Steering Group meetings were or what was being discussed (b) the public's comments at PC meetings were rudely rebuffed and in response to the statutory consultations were met with "no change" and (c) they were shown a completed plan as a fait accompli.

I personally know four people who gave up their time at different stages of the plan to work with the Steering Group, and I am aware that even they faced antagonism and rebuttal of their ideas.

### **THE WIDER COMMUNITY IS MADE AWARE OF HOW THEIR VIEWS HAVE INFORMED THE DRAFT NEIGHBOURHOOD PLAN**

More National Planning Policy Guidance to Parish Councils which appears to have been ignored.

**Herefordshire Council rejected the first Regulation 16 NDP and advised community involvement prior to resubmission of the plan. There have since been no meetings specifically for the public to share or discuss views on how to improve the plan.**

Alterations to the rejected plan are few; they mainly describe how the previous Reg 16 NDP has been taken over by events, e.g.: "there have been additional permissions granted in the Parish which have added to the housing commitment within the Core Strategy timescale."

**The Plan is basically the same one which was rejected before.**

**There has been no involvement by the community in the removal of sites, or the retention of others**, other than as an indirect result of comments to a site assessment report to which the response was generally "no change". Throughout the process, parishioners who were present at PC meetings have been told that sites could not be added to, or subtracted from the plan without returning to Regulation 14 and/or risking litigation. **And yet, some sites have been removed, with no explanation why.**

The only consultation with the wider public was in November 2014 at the Options Days (a Saturday/ Sunday). Of a possible 1,200 adults of voting age in the Parish, only 80-100 people made comments. Since then, even after the rejection of the first Regulation 16 Plan, comments have been ignored at PC meetings.

In fact throughout this process after the November 2014 Options Days, members of the public who made comments have been so insulted, demeaned or ignored by the PC and some of its representatives that it is amazing that any of us are still trying to moderate those parts of the plan which are particularly unacceptable, and which will unnecessarily change this rural parish forever.

### **A NEIGHBOURHOOD PLAN SHOULD BE BASED ON UP-TO-DATE EVIDENCE**

More National Planning Policy Guidance to Parish Councils which appears to have been ignored.

The 2014 Questionnaire was completed by more than half of the households in the Parish. Many of the questions and answers were based on inadequate information, but people answered as well as they could, in good faith, with the little knowledge about planning that they had. Herefordshire Council had asked for an 18% increase in the number of homes in the Parish. Most residents were shocked, and 97% thought that 18% was too much in a rural parish.

Since 2014, planning applications have been made and granted, and building has begun. As of 19 June 2018, there now remains only **one** more house to be applied for and approved for the 18% increase to be achieved, and we are nowhere near 2031 yet.

However this 2018 Resubmission Plan still includes mini-housing estates which will provide, if approved, many more houses than HC required, and many more than the 18% increase that residents of Burghill Parish already thought to be unreasonably high. The PC have rejected discussion about housing numbers. They have refused to acknowledge that the number of single houses and conversions which were originally offered by Parish residents (and strangely

labelled 'windfalls' in successive plans) will easily complete and even exceed the housing requirement by 2031.

**NPPF: "PLANNING MUST BE A CREATIVE EXERCISE IN FINDING WAYS TO ENHANCE AND IMPROVE THE PLACES IN WHICH WE LIVE OUR LIVES. THIS SHOULD BE A COLLECTIVE ENTERPRISE."**

The creation of this plan has not been a collective enterprise. You can tell by the language in which some of it is written that it has been written by "specialists rather than people in communities".

The use of words such as dwellings, highway, footway, zone, active frontage, active travel modes etc show that this plan was not created and written by ordinary members of the community.

**GOING THROUGH THE PLAN BRIEFLY, IN ORDER**

**2.12 & 2.13**

The descriptions of Tillington and Tillington Common are incorrect.

The housing at Tillington is DISPERSED, SCATTERED.

The so-called 'commercial properties' & shop are lightweight structures and old rusty shipping containers. They might be easily demolished at any time by the owner, and so cannot be relied upon to provide sustainability.

It is at Tillington Common, not Tillington, where we see a "compact housing group".

**3.5** Representatives of these "significant landowners" wrote to the PC and/or made presentations to PC meetings desiring to work with the Parish, and offering to help to achieve what was desired by the Parish. The PC ignored their offers of help and land, and failed to consider ways in which smaller parts of the submitted land (often adjacent to very sustainable locations) might be included in the NDP.

**4.0** Objective 5 is beyond the remit of a NDP.  
Objective 7 does not take into account the strategic intent of Herefordshire Council.  
Objective 8 is within the remit of HC Highways, not BPC.  
Objective 11 – I do not believe that BPC can lessen reliance on car usage in a rural parish or influence the provision of bus services.

The "Actions" listed are mainly optimistic and unrealistic aspirations, not "Actions".

**6.1.11** This is out of date. The housing numbers, except for just one, are already achieved. There is no longer a need for mini-housing estates.

**6.1.13** The proportional target growth is already achieved if you include a few windfalls (only one needed) which are bound to occur before 2031. This is out of date.

**6.1.20** A letter from HC explained that "the Parish" could choose where it put development. All of Tillington had previously been considered to be an "unsustainable countryside location". The PC has arbitrarily decided to put development between two dangerous crossroads on the Tillington Road between Whitmore Cross and the C1099. The PC has arbitrarily decided to draw a settlement boundary without consultation around this part of Tillington but not around any part of Tillington Common. There has been no communication with "the Parish" about the significance of having or not having a settlement boundary, or about which parts of Tillington, if any, should have development.

**6.1.21** This is out-of-date. The plan does not have to rely totally on windfalls; the 18% growth target is already almost achieved. Some windfalls are allowed for by the Core Strategy.

**Policy B9 (b), (e), and (f)** The PC have objected to some Policy RA5 agricultural conversions and failed to include other RA5 conversions in their plan or only listed them as 'windfalls'. This is contrary to their own Policy B9!

**Policy B14** "The site identified on Map 7 will be supported for development as a solar farm". Out of a possible 689 households, only 29 individuals who attended the Options Days and left a comment thought this site appropriate for a solar farm. If it does not satisfy criteria (a) – (h) it should not be in the plan at all.

### **Appendix 1 Map 2**

The settlement Boundary has been altered and sites which were previously assessed have been omitted without explanation.

Parishioners who argued against some NDP sites were constantly and aggressively told at PC meetings that sites could not be taken out of the plan without going back to the Regulation 14 stage with great cost in effort, time and money, and that 'we' might risk litigation from landowners and delay in the progress of the plan so that developers would move in 'en masse'.

Now, sites are excluded with no explanation (or consultation), and I doubt that some landowners even know that their site is excluded from the plan.

It seems that Parishioners who spoke in opposition to some sites have suffered 3 years or more of verbal abuse only for some sites now to be arbitrarily removed and a settlement boundary redrawn with no new consultation on the matter.

### **Appendix 1 Map 4**

There has never been any consultation about a settlement boundary for Tillington. It is a line drawn in an arbitrary manner by (according to the consultant's representative) "the Steering Group". There has been no consultation with Tillington residents (or any parishioners for that matter) about the benefits or otherwise of having a settlement boundary in Tillington or about where one might go. It is an imposition.

One site has been removed and one site has been relabelled. There is no explanation for this and I wonder if the site owner even knows about it, or was even informed. Until December 2016 when I left Tillington there had been no communication between the PC/Steering Group and the site owners that I personally knew, about their ideas and hopes and plans for their sites or about whether their site was included in the plan, or not, or why.

Total lack of communication between all parties; PC; site owners; and residents.

Again I question how this has come about when I and others including a Parish Councillor have suffered years of being told that sites could not be removed from the plan without going back to Regulation 14 and/or the threat of litigation.

Were we all misled? Or was the process not understood by those who were supposed to know it?

**Appendix 3** Much of this guidance is only appropriate for a 'city zone', not a rural area. It seems very unfair, possibly unlawful, to remove 'permitted development rights' in the way the guidance imposes.

**Appendix 7** I have already commented carefully and at length on the 'Updated Site assessment report' produced by Kirkwells, and had my comments ignored. I will only now say that Kirkwells and the PC did not adequately rate/score or weight key criteria and constraints such as vehicular access, or public utilities and infrastructure, or known surface water problems, or pedestrian safety in their simplistic scoring system.

This is why some sites have been found to be undeliverable and should not have been included in the NDP even if there were still a need for more housing to meet the target, which there is not.

### **CONCLUSION**

The Core Strategy sets out a plan for development until 2031. After that there will no doubt be more changes. Until 2031, Burghill parish has met its target of an 18% increase of housing except with only just one more house; easily achievable with 13 years of the plan period remaining.

Consequently, I request that Herefordshire Council does not allow this plan in its current form to go forward to examination but returns it to Burghill Parish Council for amendment. If that is outside HC's remit then I request that if it is progressed to examination that the Examiner returns it for amendment.

Of particular concern to me are the sites at Tillington; that is where I used to live and that is where there is the scope for confusion caused by differences between the Rural Background Paper and the Core Strategy, and the mistaken listing of Tillington as a 4.14 village. Herefordshire Council currently refuses to revisit and correct that mistake, and so I have to accept that, at the moment, until there is a review. However, the Burghill NDP 'preferred' sites at Tillington (and at Redstone for that matter) appear to be undeliverable:

(1) they are on a dangerous stretch of road

(2) there is no mains sewage and drainage at Tillington and I do not believe that either Welsh Water or developers would pay for the huge cost of extending the sewage pipes.

(3) I do not believe that already existing homeowners would want to pay the cost themselves of joining their properties to a mains sewer, when septic tanks are quite adequate for the existing dispersed housing. In any case an extended sewer does not cure surface water problems, because surface water drainage into an extended sewer would not be permitted.

(4) I do not think that Herefordshire Council or developers or Burghill Parish could afford to re-engineer what is a narrow, winding, fast country lane or provide pavements where there is no space for them. Both options would involve buying land from private landowners. BPC have tried before for a safe pedestrian route along this stretch of road and have failed for various reasons. There is therefore inadequate connectivity.

(5) Together these developments would create intensive development in a small area which is currently almost empty of housing. This will totally alter the rural nature of this hamlet. One house (Whitmoor Pool Cottage), a C17th black and white cottage, would find itself next to and opposite substantial modern housing development. Quite inappropriate.

However, whilst Tillington is still listed as a 4.14 settlement, planning applications will continue to come forward and if the current (flawed) plan is rejected outright then I recognise that without a plan the hamlet will be even more vulnerable to development. Therefore, not wishing to be totally negative, I suggest that a less intensive policy solution of just 1 new house per landowner in Tillington might be acceptable: less problematic for traffic danger potential, and also with less foul, grey, and surface water to exceed the soakage capacity of the ground in the area. A small increase in housing numbers limited to just one home per landowner would be a more natural increase for this rural area.

I request that HC suggests to Burghill PC (or to the examiner) that the NDP could be made more acceptable if a less intensive outcome could be achieved in the hamlet of Tillington as I have briefly outlined above.

The Tillington sites which are currently 'preferred' sites in the current Submission Burghill NDP do not meet the criteria of Policy B1 in the submitted plan anyway:

B1 (a) appropriate density – the proposed homes would be at a greater density than in the surrounding area.

B1 (b) appropriate and safe access cannot be achieved on this dangerous stretch of road.

B1 (c) adequate access to public transport cannot be provided because there is no safe pedestrian access in this area (and there are no buses in evenings or on Sundays).

B1 (d) these sites are situated opposite, or behind, the shop and workshops on the Business Park and adjacent to the Pub garden and car park, all of which generate noise and traffic activity (and smell as well). In addition there will be smoke and fumes when, as in the past, waste (used engine oil I understand) is burned in the open on Site 10.

B1 (e) proposed developments so far submitted as planning applications on these 'preferred' sites and adjacent to them are not in keeping with the immediate surroundings.

B1 (f) proposed developments so far submitted as planning applications on these 'preferred' sites and adjacent to them have not contributed at all to a "mix of dwelling tenures, types, and sizes".

B1 (g) proposed developments so far submitted as planning applications on these 'preferred' sites and adjacent to them do not reflect the scale and function of the settlement (a hamlet).

Yours faithfully

*Sandra King*

(Mrs Sandra King)



## Latham, James

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**From:** Planning Central <Planning.Central@sportengland.org>  
**Sent:** 16 May 2018 15:38  
**To:** Neighbourhood Planning Team  
**Cc:** Stuart Morgans  
**Subject:** Burghill Neighbourhood Plan

Thank you for consulting Sport England on the above neighbourhood plan.

In terms of specific advice, Policy B10 identifies The Copse leisure area as a Local Green Space, and proposes to oppose development except in 'very special circumstances'. However, these circumstances are not defined within the Plan. As land in use as a playing field, the 'very special circumstances' for development of The Copse should be consistent with P.74 of the NPPF.

More generally, government planning policy, within the **National Planning Policy Framework (NPPF)**, identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.

It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 73 and 74. It is also important to be aware of Sport England's statutory consultee role in **protecting playing fields** and the presumption against the loss of playing field land. Sport England's playing fields policy is set out in our Playing Fields Policy and Guidance document.

<http://www.sportengland.org/playingfieldspolicy>

Sport England provides guidance on **developing planning policy** for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded.

<http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/>

Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 74 of the NPPF, this takes the form of **assessments of need and strategies for indoor and outdoor sports facilities**. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery.

Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work.

<http://www.sportengland.org/planningtoolsandguidance>

If **new or improved sports facilities** are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

Any **new housing** developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing planning policies and developing or assessing individual proposals.

Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/activedesign>

*(Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.)*

If you need any further advice, please do not hesitate to contact Sport England using the contact details below.

Yours sincerely

**Planning Admin Team**

T: 020 7273 1777

E: [Planning.central@sportengland.org](mailto:Planning.central@sportengland.org)



## Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

Herefordshire Council Strategic Planning Team

Name of NDP: Burghill- Regulation 16 Submission version

Date: 18/06/18

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N/)</b>	<b>Comments</b>
B1- Scale and type of new housing in Burghill and Tillington and Lower Burlton.	SS2; RA2; H3	Y	
B2- Supporting existing small-scale local employment.	SS5; RA6; E2	Y	
B3- Supporting new small-scale local employment.	SS5; RA6; E1	Y	
B4- Rural enterprise and farm diversification.	RA5, RA6, E3	Y	
B5- Supporting development of communications infrastructure.	N/A	Y	
B6- Education	SS1; SC1	Y	
B7- Traffic management and transport improvements.	SS4; MT1	Y	
B8- Design of development in Burghill Parish.	SS6; LD1-LD4; SD1-SD4	Y	
B9- Protecting and where possible enhancing landscape character.	SS6; LD1-LD4	Y	"All development will be expected to retain the green areas between Burghill and Hereford and to maintain the distinct and separate identity of the Parish."

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N/)	Comments
			The plan should perhaps make some reference to the Hereford Relief Road corridor that will run through the southern extremity of the Parish between Hereford and Burghill. This could provide an opportunity to influence aspects of the road's design and screening/landscaping on the section in the NDP area.
B10- Protection of green spaces.	N/A	Y	
B11- Protection of and where possible enhancement of local community facilities.	SS1; SC1	Y	Listing some particular existing community facilities in the Parish which should be given protection could supplement this policy and afford it greater strength.
B12- Community facilities and Community Infrastructure Levy.	SS1; SC1	Y	
B13- Flood risk, water management and surface water run-off.	SS6; SS7; SD3	Y	
B14- Development of renewable energy facilities in Burghill Parish.	SS6; SS7; SD2	Y	