

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Bosbury and Catley Group Neighbourhood Area
Parish Council	Bosbury and Coddington Parish Council
Draft Consultation period (Reg14)	18 December 2014 to 12 February 2015
Second Consultation period (Reg 16)	14 May to 25 June 2015
Resubmission consultation period (Reg 16)	16 November 2016 to 11 January 2017
Examination report received	February 2017
2 nd Resubmission consultation period (Reg 16)	15 June 2018 to 27 July 2018

Determination

Is the organisation making the area application the relevant body under section 61G (2) of the 1990 Act		Yes
Are all the relevant documentation included within the submission <ul style="list-style-type: none"> • Map showing the area • The Neighbourhood Plan • Consultation Statement • SEA/HRA • Basic Condition statement 	Reg15	Yes
Does the plan meet the definition of a NDP - 'a plan which sets out policies in relation to the development use of land in the whole or any part of a particular neighbourhood area specified in	Localism Act 38A (2)	Yes

the plan'		
Does the plan specify the period for which it is to have effect?	2004 Act 38B (1and 2)	Yes
Are any 'excluded development' included? <ul style="list-style-type: none"> • County matter • Any operation relating to waste development • National infrastructure project 	1990 61K / Schedule 1	No
Does it relation to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the parish council undertaken the correct procedures in relation to consultation under Reg14?		Yes
Is this a repeat proposal? <ul style="list-style-type: none"> • Has an proposal been refused in the last 2 years or • Has a referendum relating to a similar proposal had been held and • No significant change in national or local strategic policies since the refusal or referendum. 	Schedule 4B para 5	No

Summary of the comments received during the submission consultation

Herefordshire Council Environmental Health	<p>Regarding the conversion of the existing redundant farm buildings at Old Court Farm. Some farm buildings may be used for the storage of potentially contaminative substances (oils, herbicides, pesticides) or for the maintenance and repair of vehicles and machinery. As such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development.</p> <p>Records indicate the proposed site is adjacent an area of land which has historically used and stored petrol tanks.</p> <p>Due to the petrol tank site's proximity it's possible that unforeseen contamination may be present at the proposed site. Consideration should be given to the possibility of encountering contamination as a result of its former use and specialist advice be sought should any be encountered during the development.</p>
Herefordshire Council	<p><i>P4 Vision It is accepted that the village needs to grow between now and 2031, but it is deemed essential that this happens slowly whilst retaining the unique and distinctive character of Bosbury. Replace slowly – with gradually</i></p>

Landscape	<p>P 7 Village Character states <i>The landscape surrounding Bosbury retains a significant historic character of agriculture</i>. The meaning is unclear and it could be better worded, I would question the use of significant in this context.</p> <p>Policy 2 A <i>Respect the local character and historic and natural assets of the surrounding area, and take every opportunity, through design and materials, to reinforce local distinctiveness and a strong sense of place</i>. Reword – Respect the local character; its historic and natural assets...</p> <p>Policy 2B <i>Respect rural character and local landscape quality particularly the open landscape beyond the boundary of the Conservation Area</i>. Reword – Respect the surrounding local landscape character beyond the built form within the Conservation Area</p> <p>P11 <i>The intricate network of footpaths within the Parish, as well as the Hereford Way and The Old Canal at Swinmore</i> – Inaccuracy - Herefordshire Trail?</p> <p>Reference is made to important views within and out of Bosbury these should ideally be shown upon a map for clarity</p>
Herefordshire Council Conservation	No comments to make on the NDP.
Herefordshire Council Strategic Policy	<p>Strategic Planning is satisfied that the policies in this plan are in general conformity with the Core Strategy. Initial concerns raised previously over delivery of housing growth targets have been addressed by recent planning commitments in the Parish.</p> <p>Please see appendix 1 for full comments.</p>

External Comments

Sport England	<p>It is noted that Policy 4 opposes the loss of amenities (including the recreation ground, and tennis and bowls club) unless material evidence can justify the loss. There are therefore mitigating circumstances or the approval for development, however, it is unclear exactly what these circumstances are. This policy should be reworded to specifically provide the playing field with protection in line with P.74 of the NPPF.</p> <p>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.</p> <p>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 Parts 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.</p>
National Grid	National Grid has identified that it has no record of apparatus within the Neighbourhood

	Plan area.
Historic England	<p>Thank you for the invitation to comment again on the Regulation 16 Neighbourhood Plan. As noted in our previous consultation responses we are supportive of the content of the document, particularly its' emphasis on local distinctiveness and the protection of local rural landscape character and overall consider it to be a well-considered, concise and fit for purpose document.</p> <p>In the current consultation Historic England also notes and endorses the support given to "proportionate and sustainable growth" and agrees that achieving this "must be more than an exercise in meeting housing supply numbers". Rather, housing must be provided in a manner that respects the character of the village and wider parish, as the Plan has consistently iterated throughout its various stages.</p> <p>Beyond those observations we have no substantive further comments to make on what Historic England considers is a very good example of community led planning. I hope you find this advice helpful.</p>
Highways England	Highways England have no comments to make on this consultation..
Natural England	No further comment to make on this plan at this stage.
Severn Trent	No specific comments.
Welsh Water	No further comment to make at this time.
Gladmans Object	<p>Gladman has sought to clarify the relation of the BNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area. Gladman is concerned that the plan in its current form does not comply with basic conditions (a) and (d). The plan does not conform to national policy and guidance and in its current form does not contribute to the achievement of sustainable development.</p> <p>Policy 1, lacks clarity and conflicts with policy RA2.</p> <p>There needs to be more flexibility in Policy 2.</p> <p>Policy 6, lacks clarity and would compromise the decision makers ability to apply the policy effectively and with precision.</p>

Officer's Appraisal

The NDP has previously been subject to an independent examination in February 2017. Unfortunately the parish council were concerned that the suggested recommendations within the examiner's report would not reflect the community aspirations. Rather than completely withdrawing, the parish council reviewed their evidence, addressed the concerns of the examiner and resubmitted.

This revised plan has met the requirements of the regulations as set out in the table above. The majority of the previous examiner's recommendations have been made to the plan.

Overall, 12 responses have been received; 4 internal service providers and 8 from external consultees. Comments to improve or enhance the plan have been received by technical bodies and internal

consultees. External responses from technical bodies such as Historic England, Natural England, Severn Trent and National Grid have raised no objection to the regulation 16 redrafted plan.

There is one site allocation on a brownfield site but the plan also places reliance on windfalls and capacity within the settlement boundaries of Bosbury. This 1 allocated site is expected to provide up to 5 dwellings on the Old Court Farm site. As of April 2018 there were 32 commitments and 9 completions. This brings the total commitment and completions up to 41, which nearly meets the total of 42 for the Bosbury Neighbourhood area, and 46 for the Bosbury and Coddington area.

Since the plan went to examination in March 2017, numerous planning permissions has been granted including a large site in the village centre, therefore brings the figure closer to the housing target growth of 42 for the parish.

The parish has made the some of the amendments the examiner has recommended in 2017. Overall, 12 reponses have been received from 4 internal service providers and 8 from external consultees. The majority of the external consultees were general comments to enhance the plan. There was 1 objection received by Gladman, and they have raised concern over the plan meeting the basic conditions. All of the comments received from internal consultees have no objection, including policy they confirm that the plan is in general conformity to the Core Strategy.

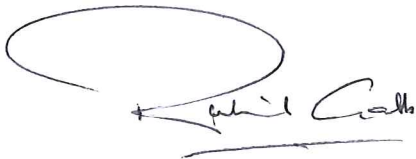
Overall it is considered that there are no fundamental issues relating to this plan which would prevents its progress to examination. Therefore, it is recommended that the Bosbury and Catley Neighbourhood Plan progresses to examination.

Programme Director's comments

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

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

Approved

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

Richard Gabb

Programme Director – Growth

Date: 16 . 8 . 2018

Appendix 1



Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Bosbury- Regulation 16 2nd re-submission version

Date: 27/07/18

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Policy 1- Village Character	SS1; SS2; SS6; RA2; H1; H3; LD1	Y	
Policy 2- Local Character	SS6; LD1; LD2; LD3; LD4; SD1; SD2; SD3; SD4	Y	
Policy 3- The Local Economy	SS5; RA3, RA4; RA5; RA6; SC1	Y	
Policy 4- Local Facilities	SC1	Y	
Policy 5- Transport	SS4; MT1	Y	
Policy 6- Biodiversity	SS6; LD2	Y	

Strategic Planning is satisfied that the policies in this plan are in general conformity with the Core Strategy. Initial concerns raised previously over delivery of housing growth targets have been addressed by recent planning commitments in the Parish.