

Latham, James

From: Turner, Andrew
Sent: 21 September 2018 15:43
To: Neighbourhood Planning Team
Subject: RE: Pembridge Regulation 16 neighbourhood development plan consultation

Follow Up Flag: Follow up
Flag Status: Completed

RE: Pembridge Regulation 16 draft Neighbourhood Development Plan

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, regarding the allocated housing sites indicated in brown on the 'Pembridge village map'.

- A review of Ordnance survey historical plans indicate that the following three allocated housing sites (policy PEM4) are within 250 metres of a known closed landfill site, a site that may be considered a potentially contaminative use. The former landfill site would therefore require consideration prior to any development.
 - Site 2: Land off Manley Crescent (PEM 4ii).
 - Site 3: Land off Sandiford Ploc (PEM 4iii).
 - Site 7: Land to the west of Manley Lane (PEM 4vii).
- Any future redevelopment of the above mentioned sites 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.

Please note: In my previous correspondence for the 14 draft NDP I incorrectly included the following sites within 250m of the former landfill site:

- Site 5: To the rear of The Gables (PEM 4v).
- Site 6: Land at Townsend (PEM 4vi).

Having reviewed the location of these sites in this NDP, I confirm they are not within 250m of the former landfill site.

Kind regards

Andrew

Herefordshire.gov.uk

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

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From: Neighbourhood Planning Team
Sent: 01 August 2018 11:23
Subject: Pembridge Regulation 16 neighbourhood development plan consultation

Dear Consultee,

Pembridge 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/3094/pembridge_neighbourhood_development_plan

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

The consultation runs from 1 August 2018 to 26 September 2018.

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

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



The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Neighbourhood Planning and Strategic Planning
Herefordshire Council

[By Email: neighbourhoodplanning@herefordshire.gov.uk]

24 August 2018

Dear Neighbourhood Planning and Strategic Planning teams

Pembridge Neighbourhood Development Plan - Submission

Thank you for consulting The Coal Authority on the above.

Having reviewed your document, I confirm that we have no specific comments to make on it.

Should you have any future enquiries please contact a member of Planning and Local Authority Liaison at The Coal Authority using the contact details above.

Yours sincerely

Christopher Telford BSc(Hons) DipTP MRTPI
Principal Development Manager

Latham, James

From: Herefordshire CPRE Admin <admin@cpreherefordshire.org.uk>
Sent: 01 August 2018 11:47
To: Neighbourhood Planning Team
Subject: RE: Pembridge Regulation 16 neighbourhood development plan consultation

Follow Up Flag: Follow up
Flag Status: Completed

Dear James

Thank you for your email, which I will forward to the relevant volunteer.

With kind regards
Barbara

Barbara Bromhead-Wragg
CPRE Herefordshire Administrator
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.

From: Neighbourhood Planning Team [mailto:neighbourhoodplanning@herefordshire.gov.uk]
Sent: 01 August 2018 11:23
Subject: Pembridge Regulation 16 neighbourhood development plan consultation

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Kind regards

Herefordshire.gov.uk

Latham, James

From: Norman Ryan <Ryan.Norman@dwrcymru.com>
Sent: 17 September 2018 12:35
To: Neighbourhood Planning Team
Subject: RE: Pembridge Regulation 16 neighbourhood development plan consultation

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

I refer to the below consultation and would like to thank you for allowing Welsh Water the opportunity to respond.

As you will be aware, we were consulted by the Parish Council at the Regulation 14 stage of the process in 2017. We are pleased to note that the Parish Council has taken on board our comments and has amended the wording of Policy PEM22.

As such we have no further comments. Should you require further information, 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

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](#).

From: Neighbourhood Planning Team [mailto:neighbourhoodplanning@herefordshire.gov.uk]
Sent: 01 August 2018 11:23
Subject: Pembridge Regulation 16 neighbourhood development plan consultation

***** External Mail *****

Dear Consultee,

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The consultation runs from 1 August 2018 to 26 September 2018.

Herefordshire Council
Neighbourhood Planning
Plough Lane
Hereford
HR4 0LE

Our ref: SV/2018/109876/OR-
15/PO1-L01

Your ref:

Date: 18 September 2018

F.A.O: Mr. James Latham

Dear Sir

PEMBRIDGE REG 16 NEIGHBOURHOOD PLANNING

I refer to your email of the 1 August 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 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.

Yours faithfully

Mr. Graeme Irwin
Senior Planning Advisor
Direct dial: 02030 251624

Environment Agency
Hafren House, Welshpool Road, Shelton, Shropshire, Shrewsbury, SY3 8BB.
Customer services line: 03708 506 506

www.gov.uk/environment-agency

Cont/d..

Neighbourhood Planning Team
Planning Services
PO Box 4
Hereford
NR27

By email only to: neighbourhoodplanning@herefordshire.gov.uk

26th September 2018

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Pembridge Neighbourhood Plan (PNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman requests to be added to the Council's consultation database and to be kept informed on the progress of the emerging neighbourhood plan. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the PNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*

Revised National Planning Policy Framework

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper.

Paragraph 214¹ of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24th January 2019. Given the date of this consultation, the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2012.

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Planning Practice Guidance

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The

¹ National Planning Policy Framework, paragraph 214

requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the PNP's ability to meet basic condition (a) and (e) and this will be discussed in greater detail throughout this response.

Relationship to Local Plan

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

The adopted development plan relevant to the preparation of the Pembridge Neighbourhood Plan area, and the development plan which the PNP will be tested against is the Herefordshire Core Strategy (HCS). This document was adopted in October 2015 and sets out the visions, objectives, spatial strategy and overarching policies to guide development in the Herefordshire from 2011 – 2031.

Policy SS2 sets out a minimum requirement of 16,500 homes that will be delivered over the plan period. There is a reliance on rural settlements including Pembridge to contribute 5,300 new homes that will be delivered through either neighbourhood planning or the emerging Rural Areas and Site Allocations Development Plan Document (RASA DPD). Policy RA1 of the HCS identifies an indicative housing growth target of 12% for the Kington HMA, inclusive of Pembridge. Policy SS3 determines that where housing completions fall below the annual requirement this could lead to one of the following mechanisms being introduced;

- a partial review of the Local Plan,
- preparation of new Development Plan Documents or,
- utilising evidence from the Strategic Housing Land Availability Assessment to identify additional housing land.

With this in mind and given that Herefordshire Council cannot demonstrate a 5-year supply, Gladman suggest sufficient flexibility is provided in the policies of the plan to safeguard the PNP from conflicting with future development proposals should they be required.

Pembridge Neighbourhood Plan

Policy PEM3 – Housing Development in Pembridge

The policy notes appropriate development within the settlement boundary will be permitted however Gladman submit that the policy as currently drafted lacks sufficient clarity and appropriate precision within the wording.

The use of a settlement boundary to preclude otherwise sustainable development from coming forward does not accord with the positive approach to growth required by the previous Framework and is contrary to basic condition (a). By failing to support development adjacent to the settlement boundary, policy PEM3 is also in direct conflict with HCS Policy RA2² which states sustainable housing growth will be supported in or adjacent to identified settlements, including Pembridge. Given that there is shortfall of housing across the authority we suggest the policy is caveated, supporting that additional sites adjacent to the settlement boundary should be considered as appropriate to respond to future needs. We highlight the Examiners Report in to the Godmanchester Neighbourhood Plan³ which stated;

'limiting new development to "within the settlement boundary" could prevent new housing development, even of a moderate or minor scale'

As a result, the Inspector concluded;

'Nevertheless, in my opinion, Policy GMC1 should be modified to state that "Development...shall be focussed within or adjoining the settlement boundary as identified in the plan'

Notwithstanding this, Gladman are concerned that the policy use of the phrase *'will be permitted'*. We would like to remind the Parish Council that it is not within the remit of a Neighbourhood Plan to determine planning applications, and as such the wording should be amended to read *'supported'* or *'not supported'*.

Policy PEM6 – Design Criteria for Residential Development

Policy 6 sets out thirteen design criteria that all development proposals will be measured against.

Gladman are concerned that some of the criterion in the policy are overly prescriptive and could limit suitable sustainable development coming forwards. Gladman suggest more flexibility is provided in the policy wording to ensure high quality residential developments are not compromised by overly restrictive criteria. We suggest regard should be had to paragraph 60 of the previous Framework which states that;

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles"

PEM18 – Retaining the Natural Environment and Landscape

Paragraph 113 of the previous Framework refers to the need for criteria-based policies in relation to proposals affecting protected wildlife or geodiversity sites or landscape areas, and that protection should be commensurate with their status which gives appropriate weight to their importance and contributions to wider networks. As currently drafted, Gladman do not believe this policy fully aligns with the previous Framework. The

² Herefordshire Core Strategy – Section 4 Place Shaping, Policy RA2

³ <http://www.huntingdonshire.gov.uk/media/2780/godmanchester-neighbourhood-plan-examiner-final-report.pdf>

policy fails to make a distinction and recognise that there are two separate balancing exercises which need to be undertaken for national and local designated sites and their settings. We therefore suggest that the policy is revisited to ensure that it is consistent with the approach set out within the previous Framework.

Policy PEM19 – Protecting Heritage Assets

Gladman note that policy PEM19 of this iteration of the PNP does now identify the need for the significance of heritage assets and their settings to be assessed. Whilst Gladman support this amendment we do not consider that the policy aligns with the policy tests required in relation to designated and non-designated heritage assets as set out in national policy.

With reference to designated heritage assets, the Parish Council should refer specifically to paragraphs 133 and 134 of the previous Framework which sets out that Councils should assess the significance of the designated heritage asset and where there is less than substantial harm, this should be weighed in the planning balance against the public benefits of the proposal. Where there is deemed to be substantial harm, then the proposal would need to achieve substantial public benefits to outweigh that harm.

For non-designated heritage assets, the policy must reflect the guidance set out within paragraph 135 of the previous Framework. This states that the policy test that should be applied in these cases is that a balanced judgement should be reached having regard to the scale of any harm and the significance of the heritage asset.

Whilst we believe the policy is an improvement on its previous iteration, we suggest it requires further modification in order to ensure it conforms with the guidance and requirements set through national policy.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the PNP 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 (e). The plan does not conform with national policy and guidance and in its current form does not contribute to the achievement of sustainable development.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours Faithfully,

Andrew Collis
a.collis@gladman.co.uk
Gladman Developments Ltd.



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: PL00152962

31 August 2018

Dear Mr Latham

PEMBRIDGE NEIGHBOURHOOD PLAN - REGULATION 16 CONSULTATION

Thank you for the invitation to comment on the Draft Neighbourhood Plan. Our earlier Regulation 14 comments remain entirely relevant. That is:

“Historic England is supportive of both the content of the document and the vision and objectives set out in it.

The emphasis on the conservation of local distinctiveness and variations in local character through good design and the protection of locally significant buildings, historic farmsteads and landscape character including archaeological remains and the burgage layout of the village is to be applauded”.

Overall the plan reads as a very well written, well-considered document which is eminently fit for purpose. We consider that the Plan takes an exemplary approach to the historic environment of the Parish and that it constitutes a very good example of community led planning.

Those involved in the production of the Plan should be congratulated as in the view of Historic England it exemplifies “constructive conservation”.

I hope you find these comments and 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

From: Knight, Matthew
Sent: 03 August 2018 15:46
To: Neighbourhood Planning Team
Subject: RE: Pembridge Regulation 16 neighbourhood development plan consultation

Follow Up Flag: Follow up
Flag Status: Completed

We have no comments to make on this NPD

From: Neighbourhood Planning Team
Sent: 01 August 2018 11:23
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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

Email: jlatham@herefordshire.gov.uk

neighbourhoodplanning@herefordshire.gov.uk (for Neighbourhood Planning enquiries)

ldf@herefordshire.gov.uk (for Strategic Planning enquiries)

Any opinion expressed in this e-mail or any attached files are those of the individual and not necessarily those of Herefordshire Council.



Herefordshire Council
Plough Lane
Hereford
HR4 0LE

Your ref:
Our ref:
Email: Sarah.faulkner@nfu.org.uk
Direct line: 01952 409247
Date: 06 August 2018

Dear Sir,

PEMBRIDGE NEIGHBOURHOOD PLAN – INTENSIVE LIVESTOCK UNITS

The National Farmers Union has the following comments on the Pembridge Neighbourhood Plan which is currently out for consultation.

The NFU notes that, under Regulation 14 and Schedule 1 of the Neighbourhood Planning (General) Regulations 2012, there is a requirement to consult with various “consultation bodies”, including *bodies which represent the interests of persons carrying on business in the neighbourhood area*. The plan itself recognises that agriculture is one of the main types of business in the area, yet the NFU, one of the largest representative bodies in this area, was not consulted. The NFU, therefore, questions whether the consultation requirements have been properly complied with.

Having read the document we would like to raise some concerns about the content of Policy PEM11: Intensive Livestock Units. We feel that is currently unclear, duplicates existing policy and legislation and may be difficult to implement. It has the potential to unduly restrict the growth of farm businesses and curtail their ability to comply with legislation through the delivery of infrastructure for environmental management or animal welfare. Furthermore it is a duplication of Environment Agency activity regarding agricultural regulation.

Some of our concerns relate to the comments about manure spreading. Animal manures are a valuable resource of organic matter and play a key role in the physical, chemical and biological processes which underpin soil health. Manures build fertility by providing a valuable source of organic nutrient. This will allow the recipient farmland to reduce its reliance on artificial fertilisers, thereby reducing the carbon footprint of food production.

Our specific concerns about Policy PEM 11 are:

a) It is not clear what is meant by full mitigation? Does this only relate to landscape impacts?

e) – This section refers to manure spreading and is currently unclear. Please also be mindful that agricultural manure is not classed as a waste when spread to land and used as a fertiliser. It suggests that manure should be spread on land that is under the applicant’s own control and in a location where this would not adversely affect residential amenity. It is not clear what the document means when it refers to land under an applicant’s own control. For many farmers it

will not always be practical to spread manures and slurry on land within their control. It is relatively common practice for manure to be exported to neighbouring farms. Farm land is also held under a variety of tenancies and licences and clarification is required. There is currently no requirement for a farmer to agree manure imports with the Planning Authority. Furthermore we do not know what is meant by a "purification system" or how this impacts upon the suitability of land? This policy is potentially a duplication of existing EA regulation.

f) –Manure spreading can be carried out on agricultural land, as a normal part of agricultural activities, without planning permission. There is no available data on where manure spreading takes place, and manure from a farm may be spread on different areas each year, depending on cropping cycles, nutrient needs etc. It is, therefore, impossible for farmers to carry out an in-combination assessment of manure spreading activities (as well as it going beyond what is legally required) as there is no data available to allow them to consider what other farms in the area may be doing. Further, there are numerous obligations which farmers have to comply with to control nutrient run-off, including Nitrate Vulnerable Zone requirements (where relevant) and the Farming Rules for Water, and these provisions can be used to provide the required environmental safeguards. This requirement should, therefore, be removed from the plan.

Comment on para 6.8

Paragraph 6.8 refers to the restriction of hours of operation. This will be very challenging for livestock farmers to implement as many agricultural activities take place in the early morning or late at night, These can include, calving, monitoring and harvesting operations to name just a few. Out of hours work is particularly important when it is necessary for animal welfare. The paragraph also refers to protection zones and it is not clear what these are or their function.

I hope that you find our comments on this document useful and trust that you will not approve the plan until there is sufficient evidence that the NFU's views, as a representative of one of the largest business sectors in the area covered by the proposed plan, have been taken into account.

I would be grateful if someone could contact us urgently regarding this document. We are keen to work with the Council and the Parish Council and work with you to find a solution to our members' concerns. Therefore please could you contact me at the West Midlands Regional Office.

Yours sincerely

Sarah Faulkner
Environment and Rural Affairs Adviser

Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 26 September 2018 11:58
To: Neighbourhood Planning Team
Subject: A comment on a proposed Neighbourhood Area was submitted

Follow Up Flag: Follow up
Flag Status: Completed

Comment on a proposed neighbourhood plan form submitted fields	
Caption	Value
Address	Pembridge village hall
First name	Committee
Last name	Committee
Which plan are you commenting on?	Pembridge NDP
Comment type	Comment
Your comments	<p>Representation to the draft PNDP Regulation 16 From Pembridge Village Hall Trustee Committee We have read the draft NDP and would like to offer our comments with specific regard to the Village Hall and the proposed land use around the hall. The Village Hall is located on the very edge of the village and successfully serves the Parish and wider community. It is an exceptionally well used resource managed completely by the volunteer trustee committee at no cost to the parish. It is our responsibility as a trustee group to protect and maintain the Village Hall as an amenity for the benefit of all parishioners both now and in the future. We note that the NDP has proposed significant changes of land use on three sides of the village hall - all of which could have a negative impact on our ability to manage this facility successfully. Housing development (the largest allocation proposed in the NDP) is suggested on two sides of the hall. Although we are not opposed to the principle of housing development around the village hall we have some concerns about the potential impact and implications for the management of the Village Hall. 1. We would like to ask that a specific policy be added to ensure a suitable undeveloped and landscaped 'buffer' can be located between any housing/gardens and the village hall and car park - in order to avoid any conflict of use in the future. The Hall is regularly hired</p>

for parties, evening events, weddings and larger scale events with significant attendance - these bookings are fundamental to our finances and popular with existing parishioners. It occurs to us that without a specific policy to provide some distance between housing and the hall there could potentially be conflict between the residential amenity expectations of new occupants and the good and viable management of the hall for all parishioners. 2. Conversely there may be opportunities for 'positive impact' upon the village hall from the housing development planned across the village - ranging from financial contributions to enhanced footpath connections - we would be keen to see the NDP support any positive impact opportunities more explicitly if possible. 3. On the third side of the hall there is a parcel of ground which is allocated in the NDP as 'Local Green Space'. We have tried to investigate who is responsible for this piece of land and historic deeds would indicate that the Parish Council own it and are responsible for the management and cost of it. In practice it is the village hall committee who maintain this large area, which is currently grassed with orchard trees and hedging to the edges, and it can act as overspill car park if needed. In the recent past we have struggled with misuse of the land around the village hall including dog fouling, theft of oil, vandalism and illegal occupation of the car park. Our current annual maintenance commitments for this parcel of ground are also worth noting. We would be uncomfortable with any designation that increased our public responsibility, encouraged more public use or added greater expectations or costs to the running of the VH. 4. We are also concerned that this Local Green Space allocation may prevent the hall from expanding or diversifying if required. We do not feel that this piece of land is in need of designation or protection and are concerned that this designation/protection will have implications for the good running of the hall and our finances in the future. Consequently we object to this land becoming 'Local Green Space' in the PNDP without understanding what this will entail specifically. For example: it may prevent us looking at adding to parish facilities (for example a community tennis court or additional car park area). It

may prevent us applying for grant funding for other projects or may expose us to increased insurance liabilities. 5. Furthermore we understand that any development of housing on the land allocated around the village hall may be obligated (under normal planning policies within the Core Strategy) to provide on site 'local green space' within their proposal, and so we have concerns that a developer may argue that Open Green Space is already provided at the hall - and as trustees we would then have to manage this obligation and the cost. We also feel that this piece of ground could be an asset, in the future, to the parish and the village hall in many ways which have not yet been explored fully - either for leisure use, community development projects or even community (affordable) housing - The Local Green Space designation and protection may prevent the community and VH from exploring these options in the future. We are also aware that as the Village Hall building gets older and hiring use patterns change we may have other costs and obligations that we need to address and we are worried that the designation will prevent this. Fortunately there is already a significant amount of Local Green Space in the parish elsewhere and this parcel of land is not required. 6. We would also like to say that the Village Hall is a central and much used facility for the whole parish and as the parish increases in housing numbers and residents it is likely that we will need to enlarge the hall to meet demand and offer more flexibility. It may be that a new Village Hall is needed if the parish expands significantly and we are open to this option if a proposal comes forward to facilitate this. We would also like to point out that the Village Hall is coming to a point where it will require significant expenditure on the building (toilets, flooring, windows/doors, roof, main building, infrastructure and surroundings). A specific example : we are not connected to gas and have a very poor/old heating system. Oil costs are a large element of our annual expenditure (the building has poor insulation) which increases every year and this means we are not able to invest in the building with our current funding stream (from hiring fees). Oil is also not ecologically ideal, especially when we know gas is available just a short distance

	<p>away. We would like to suggest that any development around the village hall (or in the parish in general) is asked to contribute towards the costs of the village hall if at all possible so that we are able to meet the demands of a growing population. This may be from voluntary donations, improved infrastructure, s106 or CIL obligations, New Homes Bonus or other partnership arrangement.</p>
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**TO: DEVELOPMENT MANAGEMENT- PLANNING AND
TRANSPORTATION
FROM: ENVIRONMENTAL HEALTH AND TRADING
STANDARDS**



APPLICATION DETAILS

263361 /
Pembridge Regulation 16 consultation
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

In our response to the Regulation 14 consultation on 22nd August 2017 we stated as follows:

'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 development and also the impact that existing activities might have on the amenity of any new residential occupiers.

We suggest an amendment to housing policy reference PEM5 g). 'Properties that enable people to work from home, including live/work units where this will not affect the amenity of adjacent properties *and where the new housing development will not be adversely impacted by existing agricultural or commercial activities*

This would be to safeguard the amenity of future occupiers.

We would recommend a similar amendment to housing policy reference PEM6 g), again to safeguard the amenity of future occupiers.'

In response to the Regulation 16 consultation we note that PEM6 g) has been amended as per our recommendation but that PEM5 g) has not. We recommend that the above suggestion be given further consideration as there is the potential for live/work sites to be adversely impacted by existing agricultural or commercial activities. There is the potential for a live/work occupant to be nuisanced by existing

activities (for example, kept awake at night by noise), the upshot being that if a Statutory Nuisance was subsequently determined restrictions could be placed on the business causing the nuisance.

Signed: Susannah Burrage

Date: 11 September 2018

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Pembridge- Regulation 16 pre-submission draft

Date: 16/08/18

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
PEM1- Promoting Sustainable Development	SS1	Y	
PEM2- Development Strategy	SS1; SS2; RA2; RA3; RA4; RA5; RA6	Y	
PEM3- Housing Development in Pembridge Village	SS2; RA2	Y	
PEM4- Housing Sites in Pembridge	SS2; RA2	Y	
PEM5- Meeting Housing Needs	SS2; H3	Y	
PEM6- Design Criteria for Residential Development	SS6; SS7; LD1; LD2; LD3; SD1	Y	
PEM7- Providing for Local Housing Need	SS2; H1	Y	
PEM8- Reuse of Rural Buildings and Brownfield Land for Employment Enterprises	SS5; RA5; RA6	Y	
PEM9- Working from Home	SS5; RA6; E3	Y	
PEM10- Agricultural	SS5; RA6, E4	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Diversification and Tourism Enterprises			
PEM11- Intensive Livestock Units	SS5; SS6; RA6	Y	Criterion C- Is there a clear basis for setting these particular distance thresholds? This may not be easy to enforce in practice.
PEM12- Supporting Infrastructure	N/A	Y	
PEM13- Development on Shobdon Airfield	SS5; E1; E2	Y	
PEM14- Renewable and Low Carbon Energy Generation	SS7; SD2	Y	
PEM15- Protection and Enhancement of Community Facilities and Services	SC1	Y	
PEM16- Safeguarding Local Green Space	N/A	Y	<p>Final sentence of first paragraph- A minor suggestion:</p> <p><i>“Proposals that will benefit their current utility will however be permitted provided there is no significant adverse effect on residential amenity that they comply with all other relevant policies in this plan.”</i></p> <p>It is considered that this would sufficiently protect residential amenity together with a wider range of other factors through referring to their relevant, more detailed policies.</p>
PEM17- Contributions	N/A	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
to Community Services, Youth Provision and Recreation Facilities			
PEM18- Retaining the Natural Environment and Landscape	SS6; LD1-LD3	Y	
PEM19- Protecting Heritage Assets	SS6; LD4	Y	
PEM20- Development within Pembridge Conservation Area	SS6; LD4	Y	
PEM21- Protection from Flood Risk	SS7; SD3	Y	
PEM22- Sewage Infrastructure	SS6; SD4	Y	
PEM23- Sustainable Design	SS6; SS7; SD1	Y	
PEM24- Traffic Measures within the Parish	SS4; MT1	Y	
PEM25- Highway Design Requirements	SS4; MT1	Y	
PEM26- Protection and Development of Public Rights of Way	SS4; MT1	Y	

Latham, James

From: Planning Central <Planning.Central@sportengland.org>
Sent: 09 August 2018 08:21
To: Neighbourhood Planning Team
Subject: Pembridge Neighbourhood Plan

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for consulting Sport England on the above neighbourhood plan.

It is essential that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 96 and 97. 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>

Policies PEM2 and PEM 3 allow for windfall developments within Pembridge settlement boundary, of which the Primary School and its playing field form part. Therefore the school playing field needs to be appropriately protected. Policy PEM15 provides the opportunity to secure this, but doesn't address this in the manner we would expect in accordance with the NPPF. Whilst it states that existing community facilities will be retained and protected unless alternative provision is made, in respect of sports and recreational buildings and land it would be better to include the tests in para 97 of the revised NPPF, relating to demonstrating a surplus, or equivalent or better quantity and quality in a suitable location, or that the development is for alternative sports and recreational provision, the benefits of which outweigh the loss. Whilst I note that the reasoned justification makes it clear that the school constitutes one of the community facilities under this policy, it would be helpful if this made it clear that this means both the school buildings and the associated playing field, for the avoidance of doubt. With this protection in PEM15, it would not then be necessary to include it in PEM16.

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 97 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

