

Pembridge Neighbourhood Development Plan

**Pembridge PC response to representations made at the Regulation 16 Stage,
October 2018**

Ref	Representation By	Summary of Representation	Response
Responses from Statutory Organisations			
1	Natural England	No representations	N/A
2	Highways England	No representations	N/A
3	Historic England	Supportive of content. Applaud emphasis on conservation of local distinctiveness. Plan very well written, well considered and fit for purpose. Exemplary approach taken to the historic environment.	Noted with thanks
4	Environment Agency	No specific sites allocated in areas of fluvial flooding so no comments at this time.	Noted with thanks
5	Dwr Cymru/ Welsh Water	Pleased to note amended wording to policy PEM22. No further comments.	Noted with thanks
6	Herefordshire Council Building Conservation	No comments	N/A
7	Herefordshire Council – Air, Land and Water Protection	<p>Three allocated sites (policy PEM4 are within 250 m of known closed landfill site that may be considered a potentially contaminated use. Site 2 (off Manly Crescent); Site 3 (off Sandiford Ploc); and site 7 (west of Manly Lane). A minimum of a desk top study would be required for these sites in accordance with BS10175:2011.</p> <p>Previous advice that site 5 (rear of The Gables) and site 6 (land at Townsend) were within 250 m of former landfill site was incorrect.</p>	Accept deletion of v) and vi) from paragraph 5.13 in light of revised HC advice. The requirements in terms of determining whether contamination is a problem and how it should be addressed is covered by policy PEM23 (f) which is referred to in this paragraph.
8	Herefordshire Council	1. All policies in general conformity with Core Strategy.	Noted

	Strategic Planning	<p>2. Policy PEM11, criterion c) – is there a clear basis for setting these particular distance thresholds? This may not be easy to enforce in practice.</p> <p>3. Policy PEM16 first paragraph: Recommend change to read: <u>‘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.’</u></p>	<p>2. The basis for setting the distance thresholds can be seen in Annex 1 to the Schedule of Representations (page 45) which has been presented in the Consultation Statement (Schedule 2).</p> <p>3. It is understood that generally there is no need to refer ‘other relevant policies in this plan’ as the plan should be read as a whole. The specific issue of effect on residential amenity is highlighted because this is considered to be especially relevant given most have public access and elements such as play equipment should be sites so as not to cause particular nuisance to those living nearby.</p>
9	Herefordshire Council Environmental Health and Trading Standards	Note that Policy PEM6 g) has been amended as per previous advice but that PEM5 g) has not. Recommend that this be given further consideration as there is the potential for live/work units to be adversely affected by existing agricultural and commercial activities. Without this such activities may have restrictions placed on businesses because of nuisance	Policy PEM6, including criterion g) will apply to all housing sites in that the plans should be read as a whole. As a general issue for all housing development there is no need to duplicate this criterion within all the residential policies.
Responses from other organisations and individuals			
10	Coal Authority	No specific comments to make	N/A
11	Sports England	No specific comments	N/A
12	NFU West Midlands	<p>1. The NFU was not consulted and questions whether the consultation requirements have been properly complied with.</p> <p>2. Policy PEM11 is unclear and 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 and animal welfare. It is a duplication of</p>	1. Herefordshire Council’s Neighbourhood Planning Guidance Note 13 identifies those organisations that Parish Councils should consider specifically consulting at Regulation 14 stage. The PC has followed this guidance. Herefordshire Council is responsible for the Regulation 16 consultation. Numerous NDPs have followed this advice and been found to comply with requirements. The Consultation Statement sets out the range of consultation exercises that were undertaken throughout the process. In addition, Herefordshire Council provides a dedicated section within its website publicising all NDPs at their various formal stages and will email details out regularly

	<p>Environment Agency activity regarding agricultural regulation.</p> <p>3. Animal manures are a valuable resource of organic matter and play a key role in the physical, chemical and biological processes that underpin soil health. Manures build fertility by providing a valuable source of organic nutrients. This will allow the recipient farmland to reduce its reliance on artificial fertilisers, thereby reducing the carbon footprint of food production.</p> <p>4. PEM11 a) – not clear what is meant by ‘full mitigation’. Does this only relate to landscape mitigation?</p> <p>5. PEM11 e) - This section refers to manure spreading and is currently unclear. 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.</p>	<p>to those who request information. The NFU is able to sign up to receive notifications.</p> <p>2. A considerable amount of research was undertaken in preparing policy PEM11 and this is set out in Annex 1 to the Schedule of Representations (Schedule 1) within the NDP Consultation Statement. It is clear that DEFRA considers that public amenity is not adequately considered through the Environment Agency’s regulatory regime, and that it considers this matter needs to be addressed at the Planning stage. The planning system is set up to, among others, protect residential amenity, and the Planning test is different to that relating to ‘statutory nuisance’. Hence Herefordshire Council nor the Parish Council is able to rely upon other regulatory regimes to meet its duties under the Planning Acts. This also applies to its responsibilities in relation to biodiversity, especially given that the River Wye which is the principal river within the catchment is a Special Area of Conservation. Part of the River Lugg is similarly designated and all of it is an SSSI. The River arrow that flows through the Parish is a tributary to the River Lugg. The River Lugg is in unfavourable condition as a consequence not only of its phosphate levels but also because of the amount of ammonia which is present within it (see Natural England’s data). Shropshire Council, which has the same issues as Herefordshire recently issued interim guidance upon this issue - https://shropshire.gov.uk/environment/biodiversity-ecology-and-planning/new-interim-guidance-for-livestock-unit-lsu-applications/ .</p> <p>3. The policy applies only to intensive livestock units. Manure waste from this process is considered to be commercial waste, i.e. a by-product of the intensive activity requiring planning permission. It does not restrict the spreading of this</p>
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	<p>6. PEM11 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.</p> <p>7. 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.</p>	<p>commercial manure unless it would be likely to have a significant adverse effect on any SSSI or SAC, or adversely affect residential amenity. These provisions have been accepted in other Local Plans. It is important to know where any spreading is to take place on other landholdings where its use might adversely affect such important nature conservation sites. Again this is explained in Annex 1 to Schedule 1 of the Consultation Statement.</p> <p>4. This does relate to landscape. ‘Environmental’ could be changed to ‘landscape’ in the second sentence to (a) in order to add clarity.</p> <p>5/6. The policy does not relate to ‘agricultural manure’ but to manure from the intensive livestock process which would effectively be commercial waste from industrial installations (Environment Agency). It would not be for the farmer to consider in combination effects, but the lpa when determining a planning application which has been screened to have a likely significant effect. The provision relates only to whether planning permission should be granted or not. The term ‘purification system’ has been used previously in Local Plans. Such systems might encompass Filtration, Biological Treatment, Mixing/Aeration, Ultrafiltration, Reverse Osmosis or Disinfection.</p> <p>7. The reference to limiting working hours is not to all activities associated with an intensive livestock unit but to those activities that might affect residential amenity. This could be because of proximity to dwellings and/or the type of activity, for example one that creates noise that would affect</p>
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13	Pembridge Village hall Trustee Committee	<p>1. 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.</p> <p>2. 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 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.</p>	<p>1. The importance and utility of the village hall is accepted and there is no intention to restrict its use or improvement. Para 7.1 specifically identifies the village hall as a community facility and policy PEM15 covers both the development of and development affecting community facilities.</p> <p>2. Policy PEM15 protects community facilities, including the village hall, from development that might unnecessarily affect its current use. Proposals for adjacent land will need to show through their design and layout how they intend to comply with this policy, which may be through a buffer or other arrangement. As a consequence, the policy to protect its continued use is in place.</p> <p>3. Policy PEM17 makes provision for developer contributions, either through S106 or the Community Infrastructure Levy, should this be introduced. Appendix 2 identifies village projects to which contributions might be made and this includes improvements to the village hall.</p> <p>4. Land designated as Local Green Space does not have to be in public ownership. The designation continues the protection afforded to this in the former Herefordshire Unitary Development Plan. Designation as LGS, or any alternative such as open space, does not place any additional obligations upon the owner(s) in terms of maintenance. (There are other provisions that already apply to untidy land, e.g. Section 215 of the Town and Country Planning Act).</p> <p>5. The designation and associated policy PEM16 may restrict the land's use for some of the purposes suggested in the</p>

	<p>3. 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.</p> <p>4. 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.</p> <p>5. 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</p>	<p>representation. However, if it is not owned with the village hall or by a public body (such as the Parish Council), then it is uncertain whether it could be considered public open space or fall within the definition of a community facility. Should it not be possible to designate it as LGS or open space then as it falls within the settlement boundary, it has the potential to be used for housing under policy PEM3 unless it can be shown to have other qualities protected by either the NDP or Herefordshire Local Plan Core Strategy. Alternative uses for this area were not raised during the preparation of the plan yet should the land be required for community use such as open space, then it could be proposed for this although the full implications of such a designation would need to be considered by the Parish Council, including the availability of funding.</p> <p>6. There is range of types of open space requirements associated with development, including play space, amenity space and recreational space. Some would be site specific. Those which are not might be provided 'off-site' through contributions. This is why a list of parish projects has been provided, and this includes the Millennium Meadow which is provided to serve the whole village. Developer contributions towards its improvement and enhancement is identified in Appendix 2.</p> <p>7. Provision for this is provided through policy PEM17 and the village hall is listed as one of a number of parish projects that might be funded through its provisions.</p>
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		<p>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.</p> <p>6. 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 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.</p> <p>7. 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</p>	
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		<p>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 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>	
14	Gladman Developments	<p>1. Policy PEM3 – Housing Development in Pembridge</p> <p>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</p>	<p>1. Herefordshire Local Plan Core Strategy paragraph promotes the use of settlement boundaries for the County’s villages (para 4.8.23) and these have been used for the majority of settlements covered by adopted neighbourhood plans within Herefordshire. The settlement boundaries have been used to define where development would be within or adjacent to the built-up area of the settlement. This is in accordance with advice from Herefordshire Council (Guidance Note 20) that settlement boundaries should include site allocations that would ensure the level of proportional housing growth has been met. It has done this in a sustainable way to ensure the character or appearance of Pembridge Conservation area is conserved or enhanced. The NDP ensures the delivery of more than the required level of proportional housing growth required by the Core Strategy and hence a more flexible</p>

	<p>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;</p> <p><i>‘limiting new development to “within the settlement boundary” could prevent new housing development, even of a moderate or minor scale’</i></p> <p>As a result, the Inspector concluded;</p> <p><i>‘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’</i></p> <p>Notwithstanding this, Gladman are concerned that the policy use of the phrase <i>‘will be permitted’</i>. 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 <i>‘supported’</i> or <i>‘not supported’</i>.</p> <p>2. Policy PEM6 – Design Criteria for Residential Development</p> <p>Policy 6 sets out thirteen design criteria that all development proposals will be measured against.</p> <p>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</p>	<p>approach is not necessary. Godmanchester does not fall within Herefordshire and is not covered by Herefordshire Local Plan Core Strategy. The NDP will form part of the Development Plan and as such it can indicate what would be permitted. This provides the necessary degree of certainty to the community and developers.</p> <p>2. Policy PEM6 is not considered overly prescriptive, especially given the historical and architectural importance of the Pembridge village. It does not refer to any architectural style or taste. Only the first 5 criteria relate to building design. The remainder relate to layout or landscape. The NDP meets the requirements of NPPF para 185 which indicates:</p> <p><i>‘Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.’</i></p> <p>In addition, NPPF paragraph 58 indicates :</p> <p><i>‘Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.’</i></p> <p>The policy is comprehensive and the design elements based substantially upon the conservation area assessment set out in Appendix 1.</p> <p>Should development not comply with this policy then it could not be considered <i>‘sustainable’</i>. The criteria are all considered reasonable and the benefit of this policy is that they are drawn together to show that development needs to be undertaken in</p>
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	<p>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;</p> <p><i>“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”</i></p> <p>3. PEM18 – Retaining the Natural Environment and Landscape</p> <p>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 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.</p> <p>4. Policy PEM19 – Protecting Heritage Assets</p> <p>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</p>	<p>an integrated way at the start of the design process and not piecemeal.</p> <p>3. Policy PEM18: The policy utilises the various landscape and biodiversity components identified within Herefordshire Council’s policies and associated guidance so far as it relates to Pembridge Parish. In this regard it promotes those measures identified in Herefordshire Landscape Character Assessment in relation to landscape and protects the Ecological Network in relation to biodiversity (see NPPF para 117 bullet 3). In addition, it identifies the importance of the River Arrow both in landscape terms and as a tributary to the River Lugg SSSI and River Wye Special Area of Conservation (recognising that as a tributary its condition contributes significantly to the conservation status of both major rivers); Moseley Common SSSI, a nationally important habitat; and then the importance of local sites followed by important landscape and biodiversity features. The biodiversity hierarchy is set out from elements c) to f). It is considered the policy complies with Herefordshire Local Plan Core Strategy policies LD1 and LD2. The approach takes into account the need to work at a landscape scale to tackle problems and other issues as promoted by Herefordshire Local Nature Partnership, especially in relation to the River Wye Nutrient Management Plan.</p> <p>4. Policy PEM19 starts by referring to the ‘significance’ of heritage assets and their settings. This prefix where significance should be assessed so that where appropriate it is conserved or enhanced addresses the substance of the concerns expressed in the second paragraph of the representation.</p>
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	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>The references to 'significance' and 'where appropriate' also apply to locally important heritage assets which meets the requirements of NPPF paragraph 135. Supporting paragraphs 8.3 and 8.4 explicitly refer to Pembridge Village falling totally within a Conservation area and to Herefordshire Council's Historic Farmstead Characterisation work. An appraisal for the former is included in the NDP at Appendix 1. This identifies buildings of local interest. It is noted that Historic England considers the approach taken to be exemplary.</p>
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