

## Latham, James

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**From:** Turner, Andrew  
**Sent:** 10 December 2019 15:43  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Brampton Abbots and Foy Regulation 16 submission neighbourhood development plan consultation

### **RE: Brampton Abbots and Foy Regulation 16 submission neighbourhood development plan consultation**

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.

- Given that no other specific sites have been identified in the plan I am unable to provide comment with regard to potential contamination.

#### General comments:

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

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

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

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

Kind regards

Andrew

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**Herefordshire.gov.uk**

Andrew Turner  
Technical Officer (Air, Land & Water Protection)

**Latham, James**

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**From:**  
**Sent:** 20 January 2020 22:57  
**To:** Neighbourhood Planning Team  
**Subject:** Brampton Abbots and Foy NDP

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Thank you for providing the opportunity to comment on the neighbourhood plan for Brampton Abbots and Foy.

I would like to raise concern about the blanket approach to the settlement boundary in that it has been drawn around all the built form of the village without a robust assessment of the landscape sensitivity within the AONB. In my view this would have been a preferable approach given the AONB designation and the topography of the village.

The housing figures included in the NDP in terms of commitments and completions date back to April 2018 but it would be preferable to include more up-to-date figures. These may indicate that the proportional growth target has been met as referred to in paragraph 6.5 of the NDP. As a consequence section 2 of Policy BAF1 may not be required.

Kind regards

Clive Newey



The Coal  
Authority



200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Neighbourhood Planning  
Herefordshire Council

**[By Email: [neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk) ]**

09 December 2019

Dear Neighbourhood Planning

**(2) Brampton Abbots & Foy Group Neighbourhood Development**

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

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**From:** Norman Ryan <Ryan.Norman@dwrwymru.com>  
**Sent:** 19 December 2019 12:00  
**To:** Neighbourhood Planning Team  
**Subject:** {Disarmed} RE: Brampton Abbots and Foy Regulation 16 submission neighbourhood development plan consultation  
**Attachments:** DCWW consultation response - Brampton Abbots & Foy NDP - March 2019.pdf

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

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

As you may be aware, we provided a consultation response to the Reg 14 consultation earlier this year. Whilst we welcome the inclusion of BAF9, there is no reference to the Grampian date of 31<sup>st</sup> March 2020 that we have been recommending Herefordshire Council impose on any new development within the Lower Cleeve Wastewater Treatment Works (WwTW) catchment. Please see our Reg 14 consultation response (attached) for further information.

Kind regards,



**Ryan Norman**  
**Lead Forward Plans Officer | Developer Services | Dwr Cymru Welsh Water**  
Linea | Cardiff | CF3 0LT | T: 0800 917 2652 | [www.dwrwymru.com](http://www.dwrwymru.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.dwrwymru.com/en/Developer-Services.aspx> and select the service you require where you will find more information and guidance notes which should assist you. If you cannot find the information you are looking for then please call us on 0800 917 2652 as we can normally deal with any questions you have during the call.*

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

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**From:** Neighbourhood Planning Team <neighbourhoodplanning@herefordshire.gov.uk>  
**Sent:** 25 November 2019 10:06  
**Subject:** Brampton Abbots and Foy Regulation 16 submission neighbourhood development plan consultation

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

Dear Consultee,

Brampton Abbots and Foy Group 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: **[MailScanner has detected a possible fraud attempt from "eur03.safelinks.protection.outlook.com" claiming to be https://www.herefordshire.gov.uk/directory\\_record/3034/brampton\\_abbots\\_and\\_foy\\_group\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3034/brampton_abbots_and_foy_group_neighbourhood_development_plan)**

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

Brampton Abbots & Foy Group  
Neighbourhood Development Plan

Enquiries: Rhys Evans/Ryan Norman  
0800 917 2652

FAO Elizabeth Malcolm - Clerk

***Sent via email***

8<sup>th</sup> March 2019

Dear Ms Malcolm

## **REGULATION 14 PUBLIC CONSULTATION ON BRAMPTON ABBOTTS & FOY GROUP PARISH NEIGHBOURHOOD DEVELOPMENT PLAN, MARCH 2019**

I refer to the above consultation that is currently underway. Welsh Water appreciates the opportunity to comment and we offer the following representation:

Given that the Neighbourhood Development Plan (NDP) has been prepared in accordance with the Adopted Herefordshire Local Plan Core Strategy we are supportive of the aims, objectives and policies set out.

We are particularly welcoming of the inclusion of Policy BAF9 (public sewerage network and wastewater treatment works (WwTW)). This policy provides the assurance that unless there is sufficient capacity with the public sewerage infrastructure, development will be delayed until it becomes available.

We note that the indicative minimum growth target for the Group Parish Council area is to deliver 19 dwellings by 2031, with the settlement of Brampton Abbots to be the main focus of this growth. As is referred to in the NDP, the settlement of Brampton Abbots is served by the public sewerage network. As no allocations are identified, depending on the location of development some level of off-site works may be required to connect to the public sewerage and water supply networks. Any development outside of the settlement of Brampton Abbots will likely require private sewerage arrangements in line with Policy SD4 of the Core Strategy.

We can advise that we are currently undertaking a reinforcement scheme at Lower Cleeve WwTW (referred to as Ross on Wye WwTW in the NDP) within our current Capital Investment Programme (AMP6 – 2015-2020), which is due for completion by 31<sup>st</sup> March 2020. As such, we are currently requesting that Herefordshire Council include a Grampian style planning condition on any new development within the WwTW catchment to restrict communication to the public sewerage network until this date.

On completion of this reinforcement scheme, there will be no issue in the WwTW accommodating the foul-only flows from the indicative minimum growth target of 19 dwellings.

We hope that the above information will assist you as you continue to progress the NDP. In the meantime, should you require any further information please do not hesitate to contact us at [Forward.Plans@dwrcymru.com](mailto:Forward.Plans@dwrcymru.com) or via telephone on 0800 917 2652.

Yours sincerely,

Ryan Norman  
**Forward Plans Officer**  
**Developer Services**

Herefordshire Council  
Neighbourhood Planning  
Plough Lane  
Hereford  
HR4 0LE

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

**Your ref:**

**Date:** 20 January 2020

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

Dear Sir

**BRAMPTON ABBOTTS AND FOY GROUP PARISH REGULATION 16  
NEIGHBOURHOOD PLAN**

I refer to your email of the 25 November 2019 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. You are advised to utilise the Environment Agency guidance and pro-forma which should assist you moving forward with your Plan.

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.

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

Cont/d..

Yours faithfully

**Mr. Graeme Irwin**

**Senior Planning Advisor**

Direct dial: 02030 251624

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

End

2



Our Ref: MV/ 15B901605

T: +44 (0)191 261 2361  
F: +44 (0)191 269 0076

18 December 2019

**avisonyoung.co.uk**

Planning Policy  
Herefordshire County Council

**Via email only**

Dear Sir / Madam

**Brampton Abbots & Foy Neighbourhood Plan Regulation 16 Consultation  
Representations on behalf of National Grid**

National Grid has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

**About National Grid**

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

**Proposed development sites crossed or in close proximity to National Grid assets:**

An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines.

National Grid has identified that it has no record of such assets within the Neighbourhood Plan area.

National Grid provides information in relation to its assets at the website below.

- [www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/](http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/)

Please also see attached information outlining guidance on development close to National Grid infrastructure.

### **Distribution Networks**

Information regarding the electricity distribution network is available at the website below:

[www.energynetworks.org.uk](http://www.energynetworks.org.uk)

Information regarding the gas distribution network is available by contacting:

[plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)

### **Further Advice**

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets. We would be grateful if you could add our details shown below to your consultation database, if not already included:

**Matt Verlander, Director**

[nationalgrid.uk@avisonyoung.com](mailto:nationalgrid.uk@avisonyoung.com)

Avison Young  
Central Square South  
Orchard Street  
Newcastle upon Tyne  
NE1 3AZ

**Spencer Jefferies, Town Planner**

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

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

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,

**Matt Verlander MRTPI**

**Director**

**0191 269 0094**

**[matt.verlander@avisonyoung.com](mailto:matt.verlander@avisonyoung.com)**

**For and on behalf of Avison Young**

## Guidance on development near National Grid assets

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

### Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's 'Guidelines for Development near pylons and high voltage overhead power lines' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their 'Guidelines when working near National Grid Electricity Transmission assets', which can be downloaded here: [www.nationalgridet.com/network-and-assets/working-near-our-assets](http://www.nationalgridet.com/network-and-assets/working-near-our-assets)

### Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's 'Guidelines when working near National Grid Gas assets' can be downloaded here: [www.nationalgridgas.com/land-and-assets/working-near-our-assets](http://www.nationalgridgas.com/land-and-assets/working-near-our-assets)

### How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please contact:

- National Grid's Plant Protection team: [plantprotection@nationalgrid.com](mailto:plantprotection@nationalgrid.com)

Cadent Plant Protection Team  
Block 1  
Brick Kiln Street  
Hinckley  
LE10 0NA  
0800 688 588

or visit the website: <https://www.beforeyoudig.cadentgas.com/login.aspx>

# **Representations on Regulation 16 Brampton Abbots and Foy Neighbourhood Development Plan 2019 - 2031**

Please see below the representations of a local landowner (“the correspondent”) on the Regulation 16 Consultation Draft Neighbourhood Development Plan (NDP).

## Basic Conditions

The ‘Basic Conditions’ that all NDPs must meet are as follows:

- NDPs are to have regard to national policy;
- NDPs must contribute to sustainable development;
- NDPs must be in general conformity with policies in the development plan;
- and
- NDPs must be compatible with EU obligations.

The correspondent has the following representations to make on the draft NDP.

## Section 4: Background and Key Issues

Paragraphs 4.6 and 4.7: It should be stressed that the ‘indicative growth target’ of 14% is not a ceiling or minima. Therefore, the figure of 19 new dwellings by 2031 should be considered only as a minimum figure. This is particularly so when one considers that the Core Strategy identifies Brampton Abbots as one of the main foci for development in the rural areas. Further, the settlement is within easy reach of one of the principal settlements of the county and its full range of facilities.

Paragraph 4.10: The stated position of Welsh Water has changed in recent times. Welsh Water is in the process of upgrading local treatment works in March 2020 which will have the effect of removing a constraint upon new development.

Paragraph 4.11: (Local roads). It is accepted that the local road network is dominated by narrow, hedgerowed lanes. However, reference should also be made

(here or elsewhere) to the close proximity of the settlement to Ross-on-Wye and its full range of community facilities and amenities and employment opportunities. Government objectives include minimising car use not eliminating it. Therefore, in this respect, it is significant that that residents in Brampton Abbots have are only a short car journey from the full range of community facilities and employment compared to most other rural settlements.

Paragraph 4.14:(AONB). Comments regarding the AONB are understood. However, acknowledgement should be made to the fact that most new development that would be sanctioned in the NDP will have some visual and landscape effect and that these effects will be tolerated.

#### Section 6: Neighbourhood Development Policies

##### Policy BAF1: New housing development in Brampton Abbots

##### Policy BAF1 (1) in relation to development within settlement boundaries

No objection is raised in principle to Policy BAF(1). However, objection is raised to the draft settlement boundary as shown in Figure 6. It draws very tightly around the existing and committed housing sites.

NDP Guidance Note 20, states:

*“Your settlement boundaries should be drawn to facilitate an appropriate level of proportional growth within the plan period. If land within the boundary is not formally allocated, there will be a requirement to demonstrate that there is enough available capacity within the boundary to enable development to take place”.*

Therefore, contrary to the criteria identified under paragraph 6.2, the draft settlement boundary should be enlarged to include additional parcels of land to facilitate limited amounts of housing in accordance with the criteria under draft Policies BAF(2) and BAF(3) relating to development outside the settlement boundary within and beyond the AONB.

One such area that ought to be included within an amended settlement boundary is that shown cross-hatched on the attached plan. It would constitute development restricted in scale, it could conserve the landscape and scenic beauty, it would not significantly reduce the gaps between settlement boundaries and would reflect the roadside linear settlement pattern.

#### Policy BAF(2): development outside the settlement boundary within the AONB

Without prejudice to the comments made to the proposed settlement boundaries (see above), support is given to the principle of Policy BAF(2). It would provide some flexibility in policy terms prompted by the Core Strategy growth target not being met.

However, the following amendments should be made to Policy BAF(2):

- Reference to 'distribution' is imprecise as to its meaning and should be omitted;
- Reference to "The Core Strategy growth target" is imprecise and should be replaced by the following: "*where Herefordshire Council is unable to demonstrate a five year supply of deliverable housing sites*"
- The word "nearest" should be added to criterion 'f' to ensure it is more precise and it should read as follows: "*...does not significantly reduce the gaps with **the nearest** settlement boundary ....*". Consequently, the last sentence of paragraph 6.6 ought to be amended accordingly.

#### Policy BAF(3) development outside the settlement boundary and not within the AONB

This heading should be amended to read "Development outside the settlement boundary, **not permitted under Policy BAF(2)** and not within the AONB"

## Policy BAF6 Polytunnels

This policy might be improved with reference made to Herefordshire Council's own guidelines on such development.

### **Conclusions**

To ensure that the draft NDP fulfils all of the Basic Conditions, the correspondent has objected to some aspects of the NDP and suggested changes to others.

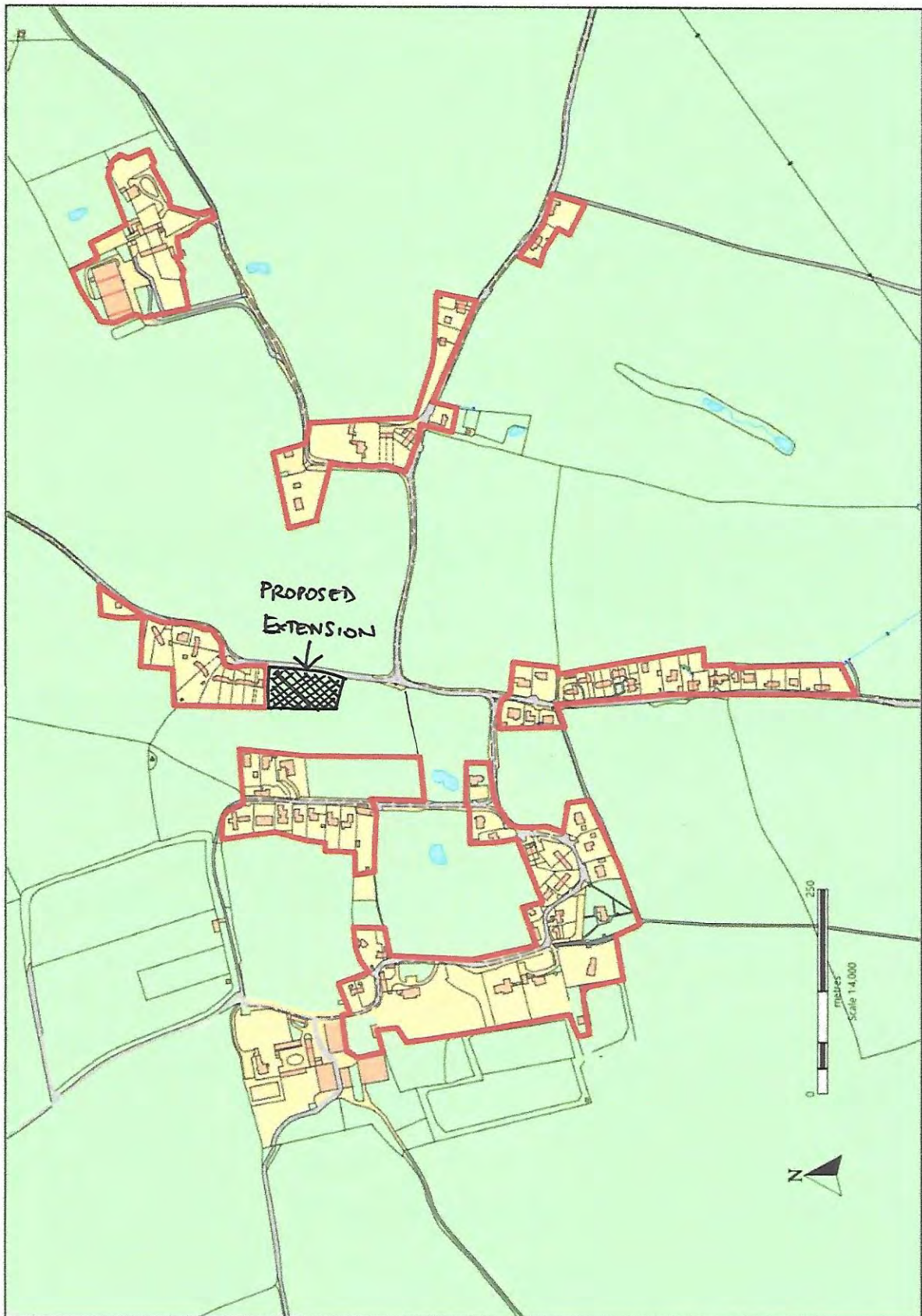
The acceptance of there being a minimum of 19 dwellings with scope to increase the number of houses to be accommodated at the village would "significantly boost the supply of housing" as required under paragraph 59 of the NPPF.

The proposed enlargement of the draft settlement boundary to facilitate more housing would also ensure compliance with paragraph 59 of the NPPF.

The proposed amended wording of policy aims to ensure compliance with paragraph 16 (d) of the NPPF which requires clearly writing and unambiguous policies.

Support is given to the principle of Policies BAF(1) and BAF(2) as they accord with paragraph 59 and Core Strategy Policy RA2 which supports new housing within and adjacent to the main built up body of the village. However, changes to Policy BSAF(2) would avoid imprecision in accordance with paragraph 16 (d) of the NPPF.

**Figure 6 – Brampton Abbots and Foy Neighbourhood Development Plan Policies Map** (OS Licence Number 1000054349)





**TO: DEVELOPMENT MANAGEMENT- PLANNING AND  
TRANSPORTATION  
FROM: ENVIRONMENTAL HEALTH AND TRADING  
STANDARDS**



**APPLICATION DETAILS**

296014 /  
Brampton Abbots & Foy Parish Council  
Susannah Burrage, Environmental Health Officer

I have received the above application on which I would be grateful for your advice.

The application form and plans for the above development can be viewed on the Internet within 5-7 working days using the following link: <http://www.herefordshire.gov.uk>

I would be grateful for your advice in respect of the following specific matters: -

	Air Quality		Minerals and Waste
	Contaminated Land		Petroleum/Explosives
	Landfill		Gypsies and Travellers
	Noise		Lighting
	Other nuisances		Anti Social Behaviour
	Licensing Issues		Water Supply
	Industrial Pollution		Foul Drainage
	Refuse		

Please can you respond by ..

**Comments**

Our comments are with reference to the potential impact on the amenity – in terms of noise, dust, odours or general nuisance to residential occupants that might arise as a result of any new development and also the impact that existing activities might have on the amenity of any new residential occupiers.

From this point of view we have no objections to the Brampton Abbots and Foy Regulation 16 draft neighbourhood plan.

Signed: Susannah Burrage  
Date: 5 December 2019

## Latham, James

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**From:** Ed Thomas <ed@ttplanning.co.uk>  
**Sent:** 08 January 2020 18:31  
**To:** Neighbourhood Planning Team  
**Cc:** Matt Tompkins  
**Subject:** Brampton Abbots and Foy Group NDP - Regulation 16 consultation  
**Attachments:** Site location plan.pdf

**Importance:** High

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sirs,

**RE: Regulation 16 consultation response to Brampton Abbots and Foy Group NDP – 8<sup>th</sup> January 2020**  
**SITE: Land adjacent Highfield, Overton Lane, Brampton Abbots**

I write on behalf of the landowner Mr C Winney in respect of land adjacent Highfield, Overton Lane, Brampton Abbots. A site location plan is attached.

The land is previously developed land that the NDP includes within the draft settlement boundary. This is a position we agree with. The site comprises previously developed land, presently vacant but used historically as a builder's yard – this is the lawful use. The residential redevelopment of the site would in our view offer the potential for enhancement of the site within the AONB context and contribute to the supply of housing within this nationally important landscape without making recourse to the release of greenfield land.

We note, moreover, that the NDP does not make provision for specific housing allocations and would not fall within the ambit of paragraph 14 of the National Planning Policy Framework.

In order to ensure that the NDP benefits from the status afforded by paragraph 14, we submit that it would be advantageous to include a housing allocation(s) within the NDP and promote this land as an opportunity to do so in an entirely sustainable manner.

AONB designation apart (the AONB washes over the entirety of the parish), the site is within Flood Zone 1, does not affect the setting of any designated or non-designated heritage asset and represents the opportunity to sustainably redevelop previously developed land in a proportionate manner. Good access already exists, and the site's lawful use means that there would be no increase in traffic; indeed the quantity and scale of vehicles accessing the site by comparison with the lawful use would, objectively, be likely to decrease.

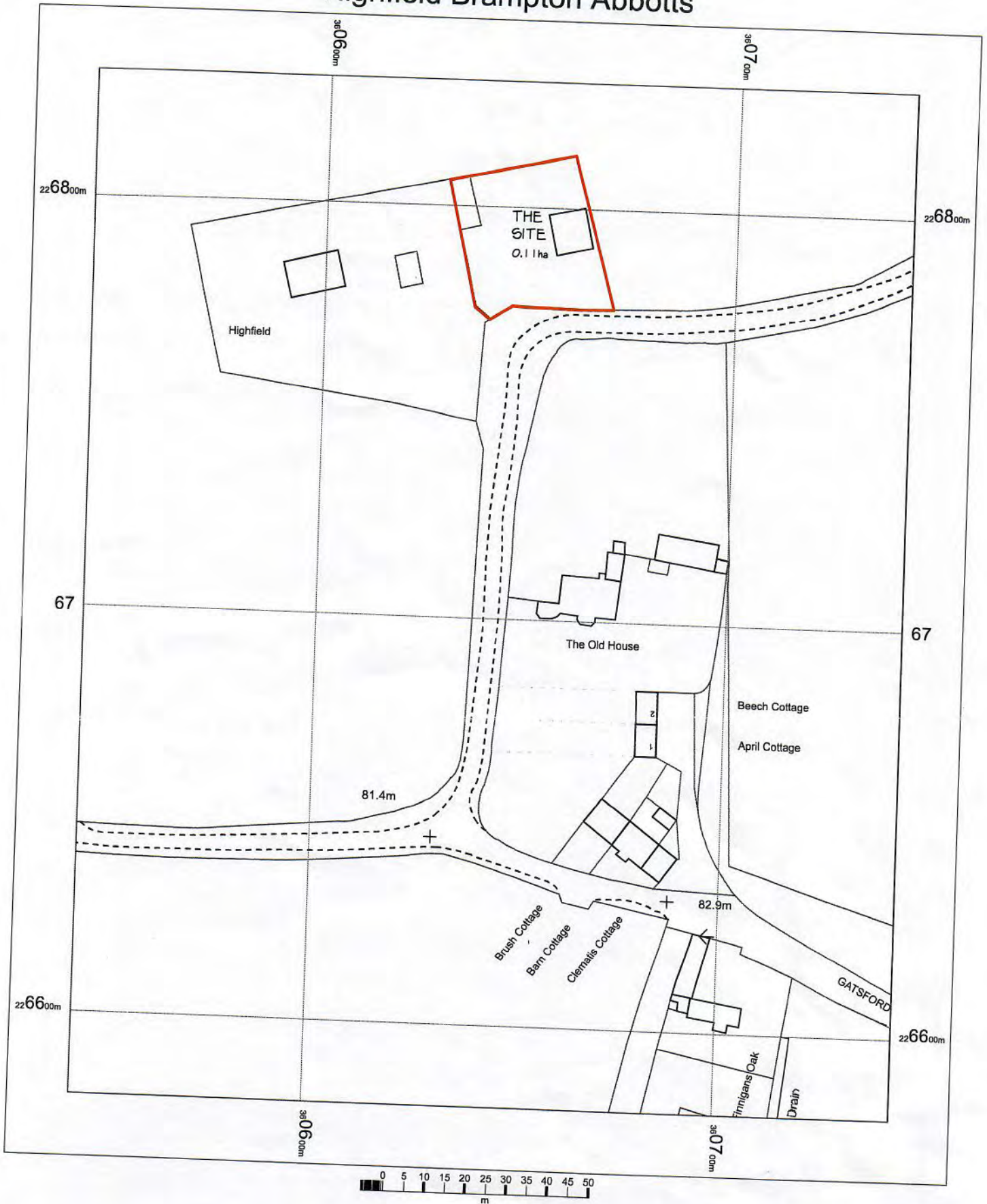
We should be very grateful if this response is taken into account and reflected in the next iteration of the NDP and would also appreciate confirmation of receipt.

Yours sincerely,

Ed Thomas  
Partner

t: 07494218730 | e: [ed@ttplanning.co.uk](mailto:ed@ttplanning.co.uk)

# Highfield Brampton Abbots



ANDREW LAST, MCIAT  
Brookside Cottage  
Knapton Green  
Herefordshire  
HR4 8ER

drg. no. 169964/01

OS MasterMap 1250/2500/10000 scale  
29 June 2016, ID: CM-00541051  
www.centremapslive.co.uk

1:1250 scale print at A4, Centre: 360643 E, 226706 N



## Latham, James

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**From:** Hammond, Victoria  
**Sent:** 08 January 2020 14:26  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Brampton Abbots and Foy Regulation 16 submission neighbourhood development plan consultation  
**Attachments:** Brampton Abbots NDP\_Transportation\_Comments.pdf

Dear NPT,

Please find attached comments on Brampton Abbots and Foy NDP from the transportation team

Thanks,  
Vicky

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**From:** Neighbourhood Planning Team <neighbourhoodplanning@herefordshire.gov.uk>  
**Sent:** 25 November 2019 10:06  
**Subject:** Brampton Abbots and Foy Regulation 16 submission neighbourhood development plan consultation

Dear Consultee,

Brampton Abbots and Foy Group 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/3034/brampton\\_abbots\\_and\\_foy\\_group\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3034/brampton_abbots_and_foy_group_neighbourhood_development_plan)

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

The consultation runs from 25 November 2019 to 20 January 2020.

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

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

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

Kind regards

# Herefordshire.gov.uk

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**James Latham**  
**Technical Support Officer**  
Neighbourhood Planning and Strategic Planning teams  
Herefordshire Council  
Plough Lane  
Hereford  
HR4 0LE

Tel: 01432 383617

for this. There are also few low cost/social houses in the area that are available to purchase or rent.

### **Economy**

- 4.10 There is a need to support local business and promote better access to employment opportunities and improve infrastructure for business, such as high speed broadband that could be a relatively unobtrusive gain in this sensitive area and would facilitate increased homeworking. Being in a rural location some of the limiting factors on business are: lack of public transport; need for an improved electricity supply (which is currently often disrupted); Welsh Water's stated concern for limited capacity to deal with additional sewerage needs; no shop; road transport issues of small C and U roads. These will need to be considered in ways unbounded by the land use planning system. The nature and characteristic of the Neighbourhood Development Plan area substantially limits business growth. Any business planning applications will be judged, amongst other things, on the basis of this lack of infrastructure. Possible controls over businesses may be necessary.

### **Roads**

- 4.11 As well as the infrastructure issues identified in para. 4.10, there are significant issues in terms of the local road network. A number of these, such as speeding traffic are not land use planning matters. The unclassified roads in the Neighbourhood Development Plan area are used by cars, agricultural vehicles of all sizes and other commercials with an increasing trend towards home delivery for food and commodities. The greatest volume of traffic is seen on the Ross Road especially at the times during weekdays when children are being taken and collected from Oak House Nursery School. This road is also used as a rat run by people commuting to and from work. The junction at Oak House Nursery is also subject to congestion at certain times of the day when children are being dropped off and collected. The size and volume of agricultural traffic will depend on the season. Any new development in the Neighbourhood Development Plan area needs to take account of the rural nature of local roads and the dangers arising from them being narrow, winding with high banks and hedges, single lane in places, with no pavements or street lighting.

## **OBJECTIVE 4 – To support appropriate growth in the local economy**

### **POLICY BAF5 – TO SUPPORT THE GROWTH OF SMALL-SCALE RURAL BUSINESSES**

Proposals for the development of small-scale business enterprises suitable to a rural area such as this where there is a lack of facilities/infrastructure that take account of the road system will be supported when they do not have a significant adverse impact on the valued landscape (AONB) or rural character of the Neighbourhood Development Plan area, its residential amenity, infrastructure or traffic (both volume and size) or tranquillity and they are for the following:

- a. Conversion or reuse of an existing building where the building is suitable for such a conversion without rebuilding or disproportionate extensions;
- b. Homeworking proposals requiring planning permission;
- c. Live/work units in existing buildings or within the defined Brampton Abbots Settlement Boundary (Policies Map, Figure 6);
- d. Small-scale proposals for the expansion or diversification of an existing rural business use (non-agricultural); and
- e. The proposal is acceptable when assessed against Policies BAF2, BAF3 and BAF4 of this Neighbourhood Development Plan.

#### **Background/Justification**

- 6.18 As to be expected in such a rural Neighbourhood Development Plan area, agriculture is the main business activity. This comprises arable crops, potatoes, some sheep and cattle and a poultry unit.
- 6.19 Other business activities in the Neighbourhood Development Plan area are tourism, country sports, equine, a children's home, the PGL activity centre and a private nursery school. There is also some homeworking. New development for small scale business activities that maintains, and is suitable for, the special characteristics of the rural nature of the Neighbourhood Development Plan area will be supported, provided



there is no significant impact on existing and future residential amenities, infrastructure and traffic generation.

- 6.20 Given most of the Neighbourhood Development Plan area is within the Wye Valley AONB, where national planning policy protects such areas to restrict the overall scale, type or distribution of development, and that there is this lack of facilities and infrastructure, development proposals for economic activity need to be appropriate to the special character of this area, particularly in terms of their scale. Therefore, proposals that re-use existing buildings, or are for homeworking requiring planning permission will normally be supported, as will live/work units in the Settlement Boundary of Brampton Abbots settlement. There are also a small number of existing rural business (non-agricultural) uses in the Neighbourhood Development Plan area and limited proposals for the expansion or diversification of such uses will be supported
- 6.21 **St Michael & All Angels Church in Brampton Abbots is currently not used for worship. Brampton Abbots Church Regeneration Group have looked at future options for the re-use of the Church.** If a business use were to be put forward as the best option it would be assessed against Policy BAF5, but, being a listed building, any development would also have to conserve the building and its setting, and the setting of any other affected designated heritage assets, including the chest tombs.
- 6.22 The Diocese of Hereford has been awarded a Lottery Grant to make the Church safe on the condition that it is used for worship for a minimum of six services a year.
- 6.23 Small-scale hydro-electricity generation proposals on the River Wye may also be supported when compatible with Herefordshire Local Plan Core Strategy Policy SD2 "Renewable and low carbon energy generation". This policy includes criterion 1 that such development should not "adversely impact upon international or national designated natural assets" such as the Wye Valley AONB or the River Wye Site of Scientific Interest (SSSI) and Special Area of Conservation (SAC).

## **POLICY BAF6 - POLYTUNNELS**

**Within those parts of the Neighbourhood Development Plan area that are within the Wye Valley Area of Outstanding Natural Beauty (AONB), when planning permission is required for polytunnels and their ancillary development, such development will be restricted to protect the landscape and scenic beauty of this area.**

## **Objective 5 – To protect and enhance community facilities and open spaces**

### **POLICY BAF7 – COMMUNITY FACILITIES AND OPEN SPACES**

The community facilities listed below and shown on Figures 7, 8, 9 and 10 will be protected:

- Brampton Abbots Village Hall
- St Michael and All Angel Church, Brampton Abbots
- St Mary’s Church, Foy
- Foy Bridge, Foy
- Jubilee triangle open space and seating area

Development assessed to be in line with other policies in this Neighbourhood Development Plan that would enhance or improve these facilities, or in the case of St Michael & All Angel Church would bring the Church back to a place of worship with a certain level of commercial activity to fund it which would complement the Village Hall, will be supported subject to compliance with BAF2, BAF3 and BAF4.

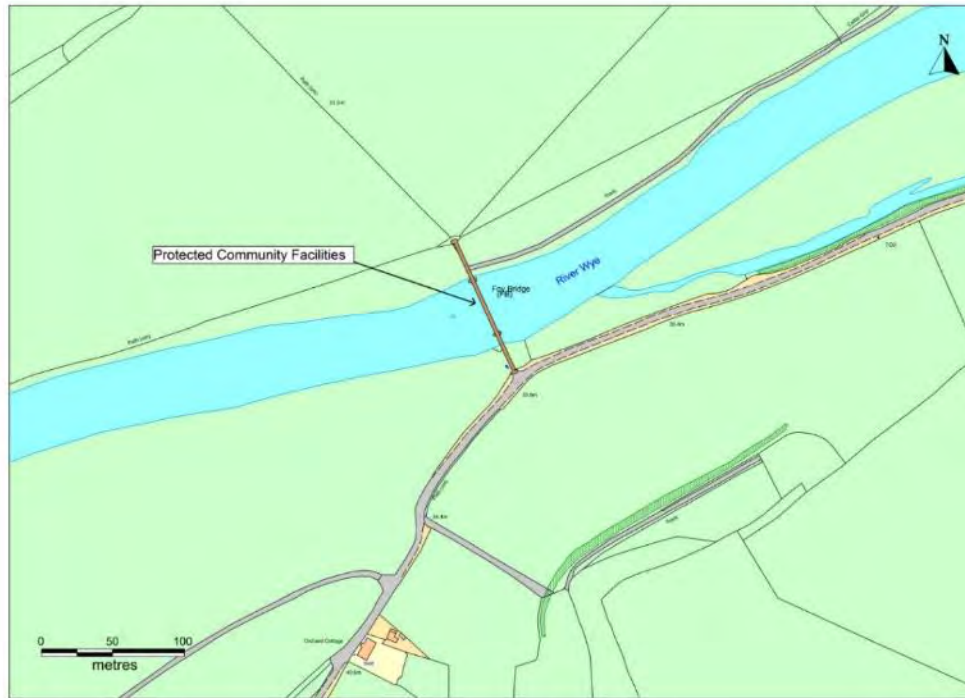
Development leading to the loss of these community facilities and open space will only be supported when equivalent, or better, provision is made within the Neighbourhood Development Plan area; and / or the Development proposer can clearly demonstrate that such a use is no longer suitable for a community facility or such a facility is no longer needed by the local community.

#### **Background/Justification**

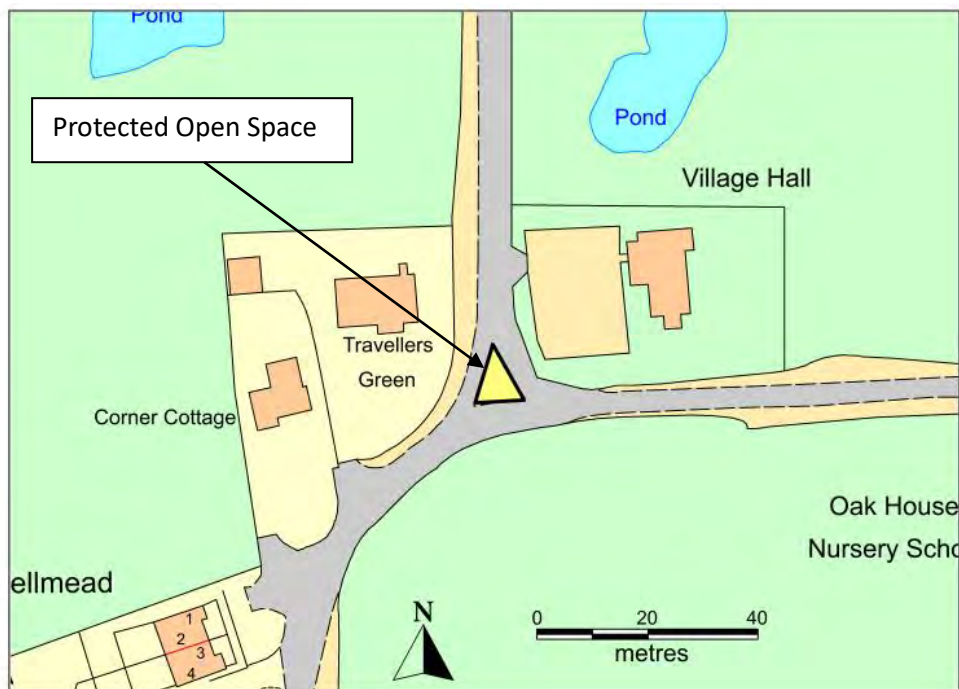
- 6.25 Community facilities are the glue that holds a community together. The Village Hall and two Churches identified in Policy BAF7 will be protected for community uses. In Brampton Abbots, the small open space known as the Jubilee triangle open space and seating area will be protected for its value as open space, Also, protected as a community facility and being crucial to maintaining a physical connection between Brampton Abbots and Foy is Foy Bridge. This key infrastructure plays an important social role in the Neighbourhood Development Plan area and is protected under Policy BAF7. Protecting the named facilities and open space will maintain the health and social well-being of the Neighbourhood Development Plan area. The loss of the named



**Figure 9– Foy Protected Community Facilities** (OS Licence Number 1000054349)



**Figure 10– Jubilee triangle open space** (OS Licence Number 1000054349)



## **OBJECTIVE 6– To encourage appropriate provision of infrastructure**

### **POLICY BAF8 – THE MANAGEMENT OF TRAFFIC SAFETY AROUND THE NEIGHBOURHOOD DEVELOPMENT PLAN AREA**

**To minimise the impact of traffic and to create a safer environment for all road users, improvements to the following areas will be supported:**

- **Gatsford Crossroads (Figure 11a)**
- **Rudhall Crossroads (Figure 11b)**
- **Junction at Oak House, Ross Road (Figure 11c)**

**Planning proposals that would lead to further increases in traffic at these locations and other traffic management issues will be resisted unless suitable mitigation is identified.**

#### **Background/Justification**

6.26 The roads within the Neighbourhood Development Plan area, excepting the stretches of the A449 to the south and the B4224 to the east, are narrow, often single lane and often historic sunken lanes with steep banks and high hedges. These features, along with the winding nature of some roads make visibility, in many places, poor. The volume and speed of traffic makes the three areas identified in Policy BAF8 particularly dangerous and problematic. Proposals to control the speed and volume of traffic at these locations will be supported. The Parish Council has set up a working group to look at this issue and will liaise with Herefordshire Council to seek improvements in the future. Where planning proposals would lead to further increases in traffic at these locations and result in other traffic management issues they will be resisted unless suitable mitigation is identified at the planning application stage.

6.27 **Road and traffic problems need to be addressed at the planning proposal stage as the Neighbourhood Development Plan area has only one return public transport service, operating once a week.**

**Our Ref: GC/B0020/19**

20 January 2020

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

Dear Sir/Madam,

### **Draft Brampton Abbotts Neighborhood Plan**

This letter provides representations in response to the draft version of the Brampton Abbotts and Foy Neighbourhood Plan (BAF) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Richard West 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 sets out clearly that the draft Neighbourhood Plan significantly fails the basic legal requirements for Neighbourhood Plans in that it does not promote enough development given the wording of policy BAF1 and the associated Settlement Boundary in Figure 6.

### **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 BAF 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.

## **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.

“Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” (Paragraph 29 of the Framework).

### **Sustainable Development**

At the heart of the Framework is a presumption in favour of sustainable development, which is set out in section 2 of the Framework. The achievement of sustainable development applies to 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. This is not just simply meeting the minimum in Strategic Policies but to allow more.

In promoting development, there is a requirement that: “Neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area.” (Paragraph 69 of the Framework).

### **Strategic Policies**

Neighbourhood plans should support the delivery of strategic policies contained in Local Plans, and should shape and direct development that is outside of strategic policies. For the BAP, this means that the neighbourhood plan should support the delivery of the Herefordshire Core Strategy Local Plan that was adopted in December 2015.

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and



planning context of the specific neighbourhood area for which it has been prepared.” (National Planning Guidance Paragraph: 041 Reference ID: 41-041-20140306)

RA2 of the Herefordshire Core Strategy states: “The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various elements set out in Figures 4.14 and 4.15. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity.”

In the recent appeal at “Land at The Beeches, Church Road, Brampton Abbots, Ross-on-Wye, Herefordshire HR9 7JD” (application Ref 172040/F), the minimum requirement for Brampton Abbots was agreed as being 19 dwellings. This approval and the adjoining site account for 6 of these 19 dwellings.

## Objections

- 1) **Housing Requirement for Brampton Abbots and Foy** – The housing target of 19 dwellings is a minimum and is not a maximum. All the policies in the plan should allow for the target to be exceeded rather just met. The basic conditions statement indicates that only 2 dwelling would be delivered over 12 years. The plan and associated policies are aimed at preventing further development.
- 2) **Further information** - It is unclear from paragraphs 6.4 and 6.5 of the Draft Neighbourhood Plan, where the additional housing is to be located. It would be helpful if the table in paragraph 6.4 was detailed further.
- 3) **No assessment** has been made whether additional sites could be allocated within Brampton Abbots in accordance with Paragraph 69 of the Framework.
- 4) The **Settlement Boundary** for Brampton Abbots has not been drawn in a way that would facilitate an appropriate level of proportional growth within the plan period. The boundary should allow for more than the 19 dwellings required by the Herefordshire Core Strategy. The boundary would therefore be inconsistent with policy RA2 of the Herefordshire Core Strategy.
- 5) The **Settlement Boundary** for Brampton Abbots fails to follow Herefordshire Council’s Guidance Note 20: Guide to Settlement Boundaries. No detail has been provided how the boundary meets the criteria in the guidance. For example, the guidance states:

*“Your settlement boundaries should be drawn to facilitate an appropriate level of proportional growth within the plan period. If land within the boundary is not formally allocated, there will be a requirement to demonstrate that the is*



*enough available capacity within the boundary to enable development to take place.”*

- 6) The **Settlement Boundary** in Figure 6 should include the Land to the South of Church Road which was recently refused under reference 163755. In refusing permission, the Council accepted that housing was an appropriate use for this site in accordance with policy RA2. A copy of the site plan is set out below in Figure 1 for information.



**Figure 1 – Site Plan of the Land to the South of Church Road**

- 7) **Policy BAF1** does not have clarity regarding how the policy would be applied. The designation of settlement boundaries should essentially approve the principle of housing development subject to specific factors that may apply and are specific for the area within the designated settlement boundary. The design, landscape and highway part of the policy simply repeats the Herefordshire Core Strategy and is therefore not needed. The part about “linear road settlement pattern” is unclear: does this mean that development is permitted on road frontages only ?
- 8) **Policy BAF1** part 2) that applies outside the settlement boundary is unclear. It wrongly applies the growth figure (of 19) as a target as an absolute. The policy should encourage provision above this figure. This part of the policy clearly does not. Overall, this would clearly be contrary to the basis conditions.



We look forward to hearing from the Herefordshire Council regarding how the above objections will be considered. We are willing to enter into discussions regarding how our concerns can be overcome.

If you have any queries or require any further information at this stage, please do not hesitate to contact me by telephone or email.

Yours faithfully

*G.COOPER*

Gavin Cooper BA (Hons) MA MRTPI  
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### Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Brampton Abbots & Foy- Regulation 16 submission version

Date: 23/01/20

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
BAF1- New Housing Development in Brampton Abbots	SS2; RA2; RA3; RA5; OS3; SC1; MT1; E2; SD1	Y	
BAF2- Good Quality Design	SS4; SS7; LD1; LD4; SD1	Y	
BAF3- Protecting Local non-designated Heritage Assets	SS6; LD4	Y	
BAF4- Landscape and Scenic Beauty	SS6; RA2; LD1; LD2; LD3; LD4; SD1	Y	
BAF5- To Support the Growth of Small Rural Businesses	SS5; RA4; RA5; RA6; E3	Y	
BAF6- Polytunnels	SS6; LD1	Y	
BAF7- Community Facilities and Open Spaces	SC1; OS2; OS3	Y	
BAF8- The Management of Traffic Safety around the NDP Area	MT1	Y	
BAF9- Public Sewerage Network and Wastewater Treatment Works (WwTW)	SD4	Y	



<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
BAF10- High Speed Internet and Communications	SS5; E1; E2; E3	Y	

**Other comments/conformity issues:**

Examiner NPIERS  
Ms Liz Beth

Dear Ms Beth,

RE: Brampton Abbotts & Foy NDP

I believe you have been instructed to examine the Brampton Abbotts & Foy NDP, and as such I wish to quickly highlight a couple of errors within the application relating to the maps used and the settlement boundary identified.

It appears I have missed my chance to highlight these errors to the Parish Council as the consultation period has ended, but as they are factual rather than opinion-based I hope it's OK to highlight them with you. Please see below:

Issue 1: Inaccurate Map, Figure 6.

The pond highlighted below is not the size shown on the map. I have identified and shown a correction below.

Issue 2: Inaccuracies in the settlement boundary, Figure 6.

a) Due to the error identified above, the settlement boundary doesn't correctly include the approved residential dwelling approved in application No.P182085/F. The area is marked pink in the map below.

b) The settlement boundary doesn't take into consideration planning application No.P180686, P180686/XA2 This application approves the installation of a storage container, substantial stone path and multiple large animal shelters. It also approves the commercial use of that land by Oak House Nursery School. At present the nursery hasn't implemented all of these approved elements (the stone path or animal shelters) however, it is used on an almost daily basis for the approved educational activities.

Due to the approval of structures and commercial activities this area should be included within the settlement boundary. The area is marked orange in the map below.

c) The settlement boundary doesn't take into consideration planning application No.P163755, where 10 houses have been approved in the middle of the village. This is marked in blue in the map below.

Map below is what is included in the submission as Figure 6:



The map below highlights the additional areas that should be included, as identified above.



I will leave it in your capable hands to ensure that these errors amended for the next stage of the NDP.

Yours sincerely,

Oliver Marshall