

Neighbourhood Planning Team

From: Turner, Andrew
Sent: 23 November 2022 16:26
To: Neighbourhood Planning Team
Subject: RE: Bartestree with Lugwardine Group Reviewed Regulation 16 submission neighbourhood development plan consultation

RE: Bartestree with Lugwardine Group Reviewed 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.

Having reviewed records readily available, I would advise the following regarding the proposed sites indicated shown on Map C allocated for the development of housing:

- H1: Land adjacent to Newcourt Farm, Cotts Lane 3
- H2: Land adjacent to October Cottage, Longworth Lane 5
- H3: Land at Figgynut Cottage 4

H1: Land adjacent to Newcourt Farm, Cotts Lane 3

Historical maps from 1889 indicate the proposed site is located on a former quarry. By 1987 the area been classed as unknown filled ground.

Sites identified as unknown filled ground can be associated with contaminative fill material. In practice, many sites identified through the historical mapping process as unknown filled ground are instances where hollows have been made level with natural material, have remained as unfilled 'hollows' or have filled through natural processes. However, there are some instances where the nature of the fill is not inert and would require further investigation. Without any additional information it is not possible to comment further on this site. Any additional information you may be able to obtain will help in determining the exact nature of the site.

The site's former potentially contaminative use will require consideration prior to any development.

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

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
 - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. 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 comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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 and agreed in writing 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 comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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 comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Technical notes about the condition

1. 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 2019.
2. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.
3. Where ground gas protection measures are required, they shall be validated in accordance with current best practice guidance.

General comments:

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

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

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

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

Kind regards

Andrew

Herefordshire.gov.uk

Andrew Turner
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Economy & Environment Directorate
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Bartestree with Lugwardine Neighbourhood Development

Plan: Review Submission Draft Regulation 16

Representation

Prepared on behalf of Ms D Charity

By CR Planning Solutions

November 2022



1. Introduction

- 1.1 This representation has been made by CR Planning Solutions on behalf of Ms Charity and is being made to the Review Submission Draft Regulation 16 version of the Bartestree with Lugwardine Neighbourhood Development Plan (BLNDP).
- 1.2 The BLNDP was completed in 2016 and is now been reviewed to take account of recent developments, changes in national policy and guidance, and experience of its operation. The review draft BLNDP has reached its Regulation 16 stage and is now out to public consultation when representations are invited for consideration by the steering group. This consultation ends on 29 November 2022.
- 1.3 The BLNDP has to meet Basic Conditions which include:
- Having regard to national planning policy and advice contained in guidance issued by the Secretary of State.
 - Being in general conformity with the strategic policy of the development plan.
 - Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest
 - Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area
 - Contributing to the achievement of sustainable development.
 - Being compatible with EU obligations and Human Rights.
 - Prescribed conditions are met in relation to the order
- 1.4 This representation furthers a previous representation made by CR Planning Solutions on behalf of Ms Charity to the Regulation 14 draft of the BLNDP. This previous representation raised an objection to the designation of Land East of Traherne Close as a Local Green Space (LGS) L5 within the review draft BLNDP as identified on page 23 of the Bartestree and Lugwardine Village Policies Plan (Map C) and Policy BL10.
- 1.5 The previous representation made the case that the designation of Land East of Traherne Close as a Local Green Space (LGS) L5 should be omitted from the list of Local Green Spaces in Policy BL10 and other relevant plans within the BLDP, and accordingly the site not be designated as a Local Green Space.

- 1.6 The submitted Regulation 14 representation was reviewed as part of the NDP process with a summary of the response provided within the published BLNDP Consultation Statement.
- 1.7 The Consultation Statement summarised the submitted Regulation 14 representation.
- 1.8 In response to the representation, the site remains designated as an LGS within the Regulation 16 submission version of the BLNDP. The following response has been provided in the BLNDP Consultation Statement:
- 1.9 *'Land east of Traherne Close (L5) is demonstrably special green space to the local community. This is evidenced by the level of response to the 2021 NDP consultation on housing site options (33 comments, only one of which favoured development) and to the regulation 14 consultation (10 comments in support of policy BL10). Comments show that its particular local significance stems from its historic quality, wildlife interest and tranquillity, which complements the adjacent St. Peter's graveyard. The fact that the land is in private ownership with no public access does not prevent its designation as Local Green Space. It can be readily appreciated by members of the community from the public footpath which runs alongside its eastern boundary, and from the graveyard.'*
- 1.10 *L5 has clearly-defined and well-established boundaries which endow the site with an enclosed and secluded local character. Planning Practice Guidance confirms there are no hard or fast rules about how big a LGS can be; places are different and a degree of judgment will inevitably be needed (Planning Practice Guidance ID: 37-015-20140306). L5 at 1 ha. is smaller than other areas of Local Green Space already designated as such in the NDP, such as L2 (1.3 ha.) and B1 (3.3 ha.). Applying judgement, it is evident that L5 is not 'extensive' in the local village context and landscape setting, and that the proposal to designate it as Local Green Space does not amount to the blanket designation of open countryside adjacent to settlements. Finally, LGS designation will provide additional local benefit to the existing designation as a Conservation Area. This is because these designations are intended to achieve different purposes. Whilst Conservation Area status protects character or appearance, it does not necessarily preclude development, whilst Local Green Space designation gives effect to the aspiration of the local communities to identify and protect green areas such as L5 which are of particular importance to them.'*

- 1.11 As a result, this Regulation 16 representation furthers the original objection and continues to make the case that LGS designation Land East of Traherne Close, Lugwardine as a Local Green Space (LGS) L5 within the review draft BLNDP as identified on page 23 of the Bartestree and Lugwardine Village Policies Plan (Map C) and Policy BL10, is not in conformity with plan policy and as such does not meet the Basic Conditions and accordingly should not be designated as Local Green Space.
- 1.12 The site is in the ownership and control of Ms Charity on behalf of whom this representation is hereby submitted. Ms Charity received a letter dated 17 March 2022 from the Parish Council notifying her of the proposal as well as the opportunity to make comment through this consultation.
- 1.13 This representation will demonstrate that with respect to this LGS designation, the review Submission Regulation 16 draft BLNDP, as written, is not in conformity with plan policy and as such does not meet the Basic Conditions.
- 1.14 To address these concerns this representation seeks an amendment to the review submission draft BLNDP to remove the LGS designation L5 from Land East of Traherne Close.

2 Land East of Traherne Close: Site Description

- 2.1 Land east of Traherne Close is located within the settlement of Lugwardine which is located to the east of Hereford City on the A438. The site is located within the settlement's Conservation Area.
- 2.2 The loosely rectangular 2.5 acre site is currently used as grazing land and forms a relatively flat, well contained site enclosed by fencing.
- 2.3 The site is bounded by residential properties to the west, south and south-east, the detached cemetery of St Peter's Church to the east, and open fields to the north. To the northwest of the Site is a Medieval moated site designated as a Scheduled Monument. The site's southern and western boundaries are defined by the rear garden hedges, walls and fences of houses both within Traherne Close and those located off the A438. These dwellings comprise a mix of bungalows, one two-storey house and one bungalow with dormers. The site's eastern boundary is defined by a post and rail

fence. A public right of way (footpath LU9) runs parallel to and immediately beyond the eastern boundary. Beyond the footpath corridor, is the detached cemetery of St Peter's Church which is defined as an LGS (L4) and a bungalow. The site's northern boundary is defined by a post and rail fence with pasture land extending northwards beyond the boundary.

3 National Planning Policy Guidance 2021

- 3.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and provides a framework within which locally prepared plans are to be prepared. To meet the Basic Conditions, the BLNDP has to have regard to national planning policy and advice contained in guidance issued by the Secretary of State
- 3.2 The justification for designating LGS sites is set out in the NPPF. LGS sites can be identified through Local and Neighbourhood Plans as green areas of particular importance to local communities.
- 3.3 Paragraph 101 of the Framework makes it clear that identifying land as an LGS should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Furthermore, an LGS should be capable of enduring beyond the end of the Plan period.
- 3.4 Paragraph 102 of the Framework states that the LGS designation should only be used where the green space is:
 - in reasonably close proximity to the community it serves;
 - demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - local in character and is not an extensive tract of land.
- 3.5 Planning Practice Guidance (PPG) adds to the Framework by stating that examples of green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis.
- 3.6 The PPG also states at paragraph 11 that '*Different types of designations are intended to achieve different purposes. If land is already protected by designation, then*

consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.'

- 3.7 Furthermore, Paragraph 15 of the PPG states that the National Planning Policy Framework makes it clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land and that *'Consequently blanket designation of open countryside adjacent to settlements will not be appropriate.'*

4. Adopted Herefordshire Core Strategy

- 4.1 To meet the Basic Conditions, the BLNDP is required to be in conformity with the policies of the adopted Core Strategy for Herefordshire.
- 4.2 Paragraph 5.3.4 of the Herefordshire Core Strategy states that non-statutory locally distinctive buildings and green spaces will be identified through forthcoming Development Plan Documents or Neighbourhood Development Plans.

5. Review Submission Draft BLNDP - Meeting the Basic Conditions

- 5.1 Policy BL10 of the review Submission Draft BLNDP identifies 13 Local Green Spaces in Bartestree and Lugwardine, as indicated on Map C. Policy BL10 seeks to protect these spaces for their beauty, historic value, special significance to the local community or recreational value. The Policy states that proposals for any developments on these sites will be resisted unless they are directly related to the retention or management of the green space.
- 5.2 Policy BL10 identifies the land which is the subject of this representation, *'L5 Land East of Traherne Close'* as one of these LGS proposals.
- 5.3 Prior to the site being identified as an LGS it was assessed as having potential as a housing site as part of the evidence base work undertaken by the Parish Council during the review of the BLNDP. A 'Call for Sites' exercise was undertaken in October 2020 which led to 15 sites, including Land East of Traherne Close, being independently assessed for their potential for housing development. The site assessments can be found in the NDP's Housing Site Assessment Report (December 2020). The

assessment undertaken on Land East of Traherne Close identified the site as having a potential capacity for 10 dwellings and stated that:

'Site 24, land east of Traherne Close

4.31 Site 24 is an edge-of-village greenfield site bordered by housing (bungalows), the burial ground Local Green Space, and agricultural land. Highway access is proposed to be achieved from Traherne Close to the west, enabled by a property demolition. It is within the Lugwardine Conservation Area and the setting of the medieval moated site, a Scheduled Ancient Monument, which lies to the north east. Further information would be needed to show that these designated heritage assets could be conserved in a manner appropriate to their significance, and that a suitable vehicular access could be viably achieved for the proposed scale of development. The access, historic environment and design factors point to any development being single-storey in the west and south of the site only, with open space on the remainder to provide a buffer to the burial ground Local Green Space and the Scheduled Ancient Monument.'

- 5.4 From this work, seven sites were identified for further consideration by the BLNDP Steering Group. Three of these sites were generally considered free of planning constraints and suitable candidates for allocation for housing development. The other four sites, including Land East of Traherne Close, were considered in the report as having some outstanding issues including potential heritage impacts and means of highway access, although they were all considered to have potential for allocation as housing sites if these matters could be addressed.
- 5.5 The BLNDP Steering Group undertook a public consultation on the seven possible housing sites, including Land East of Traherne Close, to help inform the decision as to which site or sites progressed into the Review draft of the BLNDP.
- 5.6 As a result of this public consultation, 33 comments were made on the residential development of Land east of Traherne Close raising the following principal issues: • impact of development on Lugwardine Conservation Area/scheduled ancient monument/archaeological interest of the site • biodiversity interest • highway and junction capacity/safety • impact on residential amenity/graveyard. Further details are provided within the NDP's Housing Site Options report dated April 2021.
- 5.7 Following the public consultation, the three small assessed sites that were deemed unconstrained were carried forward into proposed housing allocations in the review

draft BLNDP. Land East of Traherne Close was instead identified as an LGS with the justification to Policy BL10 stating that '*This land is adjacent to L4 and has been shown to be demonstrably special to the local community through consultation feedback. It holds a particular local significance by reason of its historic quality, wildlife interest and tranquility.*'

- 5.8 No robust or rigorous technical evidence has been provided to support this LGS designation on Land East of Traherne Close and no site assessment has been undertaken as per paragraph 102 of the NPPF. The LGS was designated on the back of a housing options consultation with the local community and as a result of their comments relating to the impact of development on the site.
- 5.9 This representation will demonstrate, in the following paragraphs, that the designation of this site as an LGS is not compliant with plan policy and as a result the review BLNDP, as drafted, does not meet the required Basic Conditions.

6. Site Assessment of LGS L5 Land East of Traherne Close, Lugwardine

6.1 As detailed in section 3 of this representation, in order for land to be designated as an LGS within the review draft BLNDP, there needs to be demonstrable evidence that individual areas of land proposed for such designation meet the tests set out in paragraph 102 of the NPPF as follows:

1. Is the site in close proximity to the local community it serves?
2. Is the site demonstrable special to the local community?
3. Is the site local in character and not an extensive tract of land?

6.2 Taking each of these points in turn and with respect to LGS site L5 Land East of Traherne Close:

1. *Is the site in close proximity to the local community it serves?*

6.3 In response it is agreed that the site is in close proximity to the village of Lugwardine.

2. *Is the site demonstrable special to the local community?*

- 6.4 In response, this site forms an agricultural pasture field on the edge of Lugwardine and is adjoined by residential development on three sides and a graveyard which is already protected as an LGS (L4). It is noted that within the current made BLNDP the site was not identified as an LGS and therefore was not deemed demonstrably special by the community at the time of its preparation. No specific evidence has since been provided to explain why this particular tract of pasture land is now regarded as demonstrably special to the community other than the community does not want to see this site coming forward for development with their reasons for this being detailed in the Housing Options Report and detailed at paragraph 5.6 of this representation.
- 6.5 In addition, the NPPF criteria at paragraph 102 also requires the site to not only be demonstrably special but to also hold a particular significance for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife.
- 6.6 In response, this field forms pasture land, has no landscape, wildlife or recreational value forming a field on the edge of the village with no technical evidence being provided by the Parish to the contrary. The field does, however, have heritage value as it lies within the Conservation Area along with other fields on the edge of the village, with a Scheduled Ancient Monument located to the north east. That said, and as per paragraph 11 of the PPG, these existing heritage designations along with the defined settlement boundary for Lugwardine will protect these assets with no additional local benefit being gained by the designation of Land East of Traherne Close as a Local Green Space.
- 6.7 No compelling evidence has been provided to conclude that the site is unique, distinctive or rare, elevating its importance above any other field on the edge of the village. Its designation as an LGS does not protect an identifiable landscape or area of green space that has special features, local significance or special character.
- 6.8 Given the land does not meet the requirements of paragraph 102 of NPPF this designation should be removed from the plan.

3. Is the site local in character and not an extensive tract of land?

- 6.9 The site forms a 2.5 acre pasture field which is in private ownership on the edge of Lugwardine which has existing residential development on three side and a graveyard

which is protected as an LGS (L4). The field holds no special character that distinguishes it from other similar sites adjoining the village.

- 6.10 Furthermore, the field forms a large tract of land which lies outside of the defined settlement boundary and is therefore contrary to paragraph 102 of NPPF and should not be designated as an LGS. This is further supported by the PPG which at paragraph 15 states that '*blanket designation of open countryside adjacent to settlements will not be appropriate*'.

7. Conclusion

- 7.1 In summary, Land East of Traherne Close, Lugwardine:

- forms a large tract of agricultural land, a 2.5 acre pasture field in private ownership outside of the defined settlement boundary,
- has never been regarded previously as demonstrably special to the local community or of local significance until it was appraised for its development potential,
- is not available for a recreational use,
- has no public access, and
- has no specific landscape or biodiversity interest or richness.

- 7.2 As detailed in this representation, Land East of Traherne Close does, along with other fields on the edge of Lugwardine, have heritage value as it lies within the Conservation Area, with a Scheduled Ancient Monument located to the north east. That said, and in line with paragraph 11 of the PPG, these existing heritage designations along with the defined settlement boundary for Lugwardine will protect these assets with no additional local benefit being gained by the designation of Land East of Traherne Close as a Local Green Space. This position has been upheld following refusal of planning permission (Ref P212992/F) on the site for 7 bungalows on the basis that the site lies outside of the settlement boundary and on heritage grounds given the site's location within the Conservation Area.

- 7.3 Furthermore and as per paragraph 15 of the PPG, blanket designation of open countryside adjacent to settlements, such as Land East of Traherne Close, as an LGS is not appropriate.

- 7.4 In addition, no robust and rigorous technical or corroborated evidence has been provided within the review draft BLNDP to demonstrate that designation of this pasture field as an LGS meets the tests in paragraph 102 of the Framework.
- 7.5 Given the above, the inclusion of Site L5, Land East of Traherne Close, as a Local Green Space is contrary to national and local plan policy and as such the review draft BLNDP does not meet the Basic Conditions
- 7.6 On behalf of our client, and to ensure that the Basic Conditions are met, we therefore recommend that:

The review submission draft BLNDP is amended so that Site L5 Land East of Traherne Close is omitted from the list of Local Green Spaces in Policy BL10 and Map C, and accordingly the site is not designated a Local Green Space.



The Coal
Authority



200 Lichfield Lane
Berry Hill
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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]

08 November 2022

Dear Neighbourhood Planning and Strategic Planning teams

Bartestree with Lugwardine NDP Regulation 16 (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

Neighbourhood Planning Team

From: Ryan Norman <Ryan.Norman@dwrcymru.com>
Sent: 29 November 2022 08:51
To: Neighbourhood Planning Team
Subject: RE: Bartestree with Lugwardine Group Reviewed Regulation 16 submission neighbourhood development plan consultation

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Dear Sir/Madam,

Thank you for the below.

We were consulted as part of the Reg 14 consultation and as such have nothing further to add at this time.

Kind regards,



Ryan Norman

Development Growth Manager | Developer Services |
Dŵr Cymru Welsh Water

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Herefordshire Council
Forward Planning
PO Box 4
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Herefordshire
HR4 0XH

Our ref: SV/2022/111226/OR-
07/PO1-L01

Your ref:

Date: 17 November 2022

FAO: James Latham

Dear James

Bartestree with Lugwardine Reviewed Reg 16 Neighbourhood Plan

I refer to your email of 18th October 2022 in relation to the Regulation 16 Bartestree with Lugwardine Neighbourhood Development Plan (NDP) Review. We have previously reviewed the Regulation 14 Review Draft along with the associated Environmental Report and Appropriate Assessment (AA).

We have reviewed the Regulation 16 Neighbourhood Plan document along with the updated Appropriate Assessment and Environmental Report and have the following comments to offer.

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 NDP 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. Herefordshire Council have begun the Local Plan review process including updates to the evidence base.

Flood Risk: We note the continuation of the promotion of the three previously proposed housing sites within the neighbourhood plan. We noted in our previous response that all of the proposed housing sites are located within Flood Zone 1 (the low risk zone). We would not, in the absence of specific sites allocated within areas of fluvial flooding, offer a bespoke comment on flood risk 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 the drainage team at Herefordshire Council.

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

Cont/d..

River Wye SAC Catchment: It is noted that Bartestree with Lugwardine falls within the River Lugg Sub-Catchment and that an Appropriate Assessment (AA) (dated July 2022) has been undertaken in light of recent comments from Natural England (NE). As confirmed within the AA document, and the Draft Plan, the most significant issue within the River Wye SAC Catchment (included the River Lugg) relates to water quality and the potential impact of policies and site allocations within the NDP's.

We have previously provided comment on similar NDPs' with a view to ensuring a robust submission and that development can be achieved without impact on the integrity of the SAC, primarily within the Lugg Catchment.

Herefordshire Council are seeking to progress mitigation measures, including integrated wetlands, to assist in the reduction of phosphate levels and with a view to resolving water quality issues within the County, specifically the Lugg Sub-catchment. Further evidence is being drafted by the Council, in consultation with NE, to give greater certainty that the mitigation proposed will enable development to proceed without an impact on the SAC.

It is noted, and welcomed, that the NDP includes a specific Policy section on Water Quality in the River Lugg and that the Policy BL12 (Water Quality in the River Lugg) now makes specific reference to impacts on the Catchment, including the need for nutrient neutrality and mitigation measures to secure such. The Phosphate Budget Calculator Tool, and associated guidance, is also referenced in the Policy.

In consideration of the above Herefordshire Council should be satisfied, in consultation with NE, as the primary consultation body on this matter, that this approach, including possible mitigation, is a viable and deliverable and that there is a reasonable degree of certainty provided to take forward the sites in the plan.

Yours faithfully

Mr. Matt Bennion
Planning officer

Direct e-mail matthew.bennion@environment-agency.gov.uk



Historic England

Mr James Latham
Herefordshire Council
Neighbourhood Planning & Strategic Planning
Plough Lane
Hereford
Herefordshire
HR4 0LE

Direct Dial: 0121 625 6887

Our ref: PL00791473

16 November 2022

Dear Mr Latham

**BARTESTREE WITH LUGWARDINE NEIGHBOURHOOD PLAN REVIEW-
REGULATION 16 CONSULTATION**

Thank you for the invitation to comment on the reviewed submission Neighbourhood Plan.

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

We commend the commitment in the Plan to support limited well designed locally distinctive development that is sympathetic to the character of the area including its rural landscape character, heritage assets and green infrastructure

Beyond those observations we have no further comments to make on what Historic England considers is a good example of community led planning that takes a suitably proportionate approach to the historic environment of the Parish.

I hope you find this advice helpful.

Yours sincerely,

P. Boland

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

cc:



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone 0121 625 6888
HistoricEngland.org.uk



Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Bartestree with Lugwardine Review Reg 16

Date: 05/12/22

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
BL1 - Criteria for the Design of New Housing	SD1 - Sustainable design and energy efficiency RA2 - Housing in settlements outside Hereford and the market towns.	Y	
BL2 - Extensions to Properties	SD1 - Sustainable design and energy efficiency	Y	
BL3 - Bartestree and Lugwardine Settlement Boundaries	RA2 - Housing in settlements outside Hereford and the market towns.	Y	
BL4- Settlement Gap between Bartestree and Lugwardine	RA2 - Housing in settlements outside Hereford and the market towns.	Y	
BL5 - Housing Site Allocations	N/A	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
BL6 - Housing Mix	H3 – Ensuring a range and mix of housing types	Y	
BL7 - Affordable Housing	H1 – Affordable Housing	Y	
BL8 - Community Facilities	SC1 – Social and Community	Y	
BL9 - Conserving Historic Character	LD4 – Historic environment and heritage assets	Y	
BL10 - Local Green Spaces, Allotments and Rights of Way	OS2 - ; OS3 - Loss of open space, sports or recreation facilities	Y	
BL11 - Landscape Views	N/A	Y	
BL12 - Water Quality in the River Lugg	SD4 – Wastewater treatment and river water quality	Y	
BL13 - Supporting Local Businesses	E1 – Employment Provision ;E2 - Redevelopment of employment land; RA6 - Rural economy	Y	
BL14 - Redundant Rural Buildings	RA5 - Re-use of rural buildings	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
BL15 - Transport and Highways	MT1 - Traffic management, highway safety and promoting active travel	Y	Not clear what 'extends the range of public transport' means in this context. Need to be more specific. How does active travel infrastructure extend the range of public transport?

Other comments/conformity issues:

Our ref:
Your ref:

James Latham
Herefordshire Council
Via email –
jlatham@herefordshire.gov.uk
neighbourhoodplanning@herefordshire.gov.uk

Russell Gray
Assistant Spatial Planner
National Highways
The Cube
199 Wharfside Street
Birmingham
B1 1RN

Tel: 07849077545

31 October 2022

Dear James,

The Bartestree with Lugwardine Reviewed Neighbourhood Development Plan

National Highways welcomes the opportunity to comment on the reviewed submission draft of the Bartestree and Lugwardine Neighbourhood Development Plan which covers the period from 2011 to 2031. We note that the document provides a vision for the future of the area and sets out a number of key objectives and planning policies which will be used to help determine planning applications.

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth.

In relation to the Bartestree and Lugwardine Neighbourhood Development Plan, our principal interest is in safeguarding the operation of the A49 corridor which routes approximately 3km to the west of the Plan area. We understand that a Neighbourhood Development Plan is required to be in conformity with relevant national and Borough-wide planning policies. Accordingly, the Neighbourhood Development Plan for Bartestree and Lugwardine is required to conform to the Herefordshire Local Plan Core Strategy, which is acknowledged within the document.

We note that the housing need set out in the Herefordshire Council's Local Plan Core Strategy has already been met for this Parish, although the Neighbourhood Development Plan will support small scale housing and employments within the Parish.

Considering the limited level of growth proposed across the Neighbourhood Development Plan area, we do not expect that there will be any impacts on the operation of the SRN. We therefore have no further comments to provide and trust the above is useful in the progression of the Bartestree and Lugwardine Neighbourhood Development Plan.

Yours sincerely,

Russell Gray
Assistant Spatial Planner
Email: Russell.Gray@highwaysengland.co.uk

Neighbourhood Planning Team

From: HINDLE, Joanna (NHS HEREFORDSHIRE AND WORCESTERSHIRE ICB - 18C)
<joanna.hindle3@nhs.net>
Sent: 18 October 2022 14:24
To: Neighbourhood Planning Team
Subject: RE: Bartestree with Lugwardine Group Reviewed Regulation 16 submission
neighbourhood development plan consultation

This message originated from outside of Herefordshire Council or Hoople. Please do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Afternoon,

Thank you for notifying NHS Herefordshire & Worcestershire Integrated Care Board (ICB) of the Bartestree with Lugwardine Group Parish Council Regulation 16 Neighbourhood Development Plan consultation.

NHS Herefordshire & Worcestershire ICB has no direct comment on the plan, but welcomes the Community Action for the Parish Council's plans for improvements to broadband infrastructure, which is of benefit to the provision of healthcare into rural communities.

Kind Regards,

Jo Hindle

Primary Care Contracts Officer

NHS Herefordshire and Worcestershire

01905 896985 | 07521 059078 | joanna.hindle3@nhs.net



Proud to be a part of

Herefordshire and Worcestershire Integrated Care System

Neighbourhood Planning Team

From: Mid Planning <MidPlanning@cyfoethnaturiolcymru.gov.uk>
Sent: 24 October 2022 12:12
To: Neighbourhood Planning Team
Subject: BartestreeReg16NDP - Bartestree wth Lugwardine Reg16NDP - NRW Response NRW:07380744

Importance: High

This message originated from outside of Herefordshire Council or Hoople. Please do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

Thank you for consulting Natural Resources Wales on the above neighbourhood plan.

We have reviewed the plan and have no comments to make, but refer you to Natural England as the Appropriate Nature Conservation Body (ANCB) to consider the Plans proposal further.

Kind Regards

Bryn Pryce

Tîm Cynllunio Datblygu / Development Planning Team

Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffôn / Tel: 03000 654696

www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Yn falch o arwain y ffordd at ddyfodol gwell i Gymru trwy reoli'r amgylchedd ac adnoddau naturiol yn gynaliadwy / Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably.

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi / Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.

Neighbourhood Planning Team

From: Withers, Simon
Sent: 18 October 2022 16:46
To: Neighbourhood Planning Team
Subject: RE: Bartestree with Lugwardine Group Reviewed Regulation 16 submission neighbourhood development plan consultation

Dear Team

I have reviewed the modifications and consider that the revised document addresses the difficulties that have persisted about the interpretation of the settlement strategy in relation to windfall and infull sites beyond the settlement boundary. I believe this provides far greater certainty in terms of decision making.

The introduction of site allocations and identification of important open spaces also provides for a more robust plan.

Subject to Lugg catchment water quality issues being resolved I'm aware of the generally suitability of allocation H1 but less certain of H2 and H3 and would urge the PC to be sure of the viability of the access arrangements for these site.

Thank you for allowing me the opportunity to comment

Best wishes

Herefordshire.gov.uk

Simon Withers

Development Manager | Development Management
Economy and Environment

Personal Contact Details:

@ Simon.Withers@herefordshire.gov.uk

Tel 01432 260612

Mail Development Management, Herefordshire Council, Plough Lane Offices, Plough Lane, Hereford, HR4 0LE

Neighbourhood Planning Team

From: Planning Central <Planning.Central@sportengland.org>
Sent: 27 October 2022 09:21
To: Neighbourhood Planning Team
Subject: RE: Neighbourhood Plan - Bartestree with Lugwardine Review

This message originated from outside of Herefordshire Council or Hoople. Please do not click links or open attachments unless you recognise the sender and know the content is safe.

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

Government planning policy, within the **National Planning Policy Framework** (NPPF), identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.

It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 98 and 99. 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.

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

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.

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 99 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>

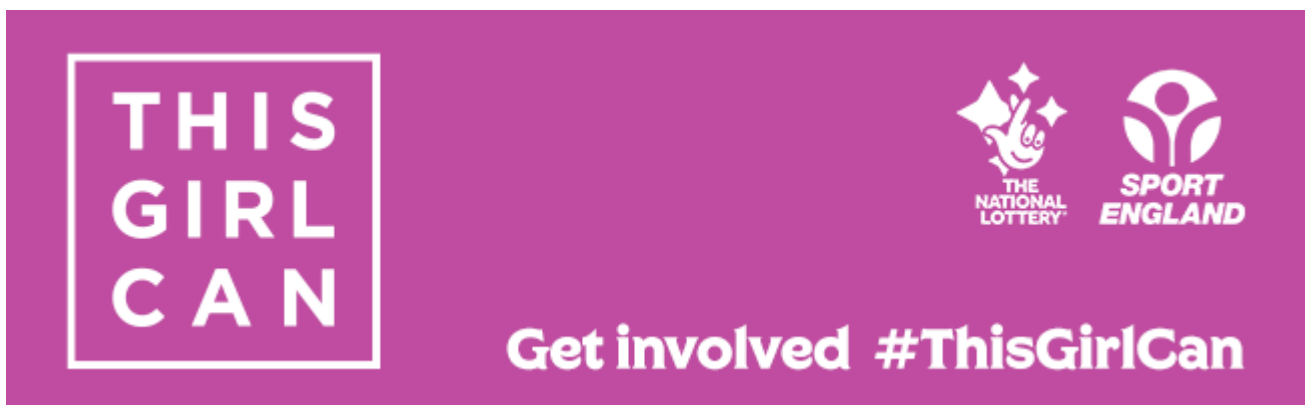
Sport England’s Active Design Guidance: <https://www.sportengland.org/activedesign>

(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 Administration Team
Planning.Central@sportengland.org



Sport Park, 3 Oakwood Drive, Loughborough, Leicester, LE11 3QF



We have updated our Privacy Statement to reflect the recent changes to data protection law but rest assured, we will continue looking after your personal data just as carefully as we always have. Our Privacy Statement is published on our [website](#), and our Data Protection Officer can be contacted by emailing [Gaile Walters](mailto:Gaile.Walters@sportengland.org)