

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Bartestree with Lugwardine Neighbourhood Area
Parish Council	Bartestree with Lugwardine Group
Draft Consultation period (Reg14)	23 November 2015 to 18 January 2016.
Submission consultation period (Reg16)	22 March 2016 to 3 May 2016.

Determination

Is the organisation making the area application the relevant body under section 61G (2) of the 1990 Act		Yes
Are all the relevant documentation included within the submission <ul style="list-style-type: none"> • Map showing the area • The Neighbourhood Plan • Consultation Statement • SEA/HRA • Basic Condition statement 	Reg15	Yes
Does the plan meet the definition of a NDP - 'a plan which sets out policies in relation to the development use of land in the whole or any part of a particular neighbourhood area specified in the plan'	Localism Act 38A (2)	Yes
Does the plan specify the period for which it is to have effect?	2004 Act 38B (1and 2)	Yes
Are any 'excluded development' included? <ul style="list-style-type: none"> • County matter • Any operation relating to waste development • National infrastructure project 	1990 61K / Schedule 1	No

Does it relation to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the parish council undertaken the correct procedures in relation to consultation under Reg14?		Yes
Is this a repeat proposal? <ul style="list-style-type: none"> • Has an proposal been refused in the last 2 years or • Has a referendum relating to a similar proposal had been held and • No significant change in national or local strategic policies since the refusal or referendum. 	Schedule 4B para 5	No

Summary of comments received during submission consultation

Department	Comments
Development Management	No comments received
Strategic Planning	<p>Overall Policy have stated that the polices BL1,2,3,4,5,6,7,8,9,10,11,12 and 13 are in general conformity with the Core Strategy.</p> <p>Other comments/conformity issues: Policy have suggested to add that this was a designation in the Unitary Development Plan. Para 4.2, Provision of sites for intensive agriculture/horticultural. <i>“Applications for the installation of all forms of large-scale, intensive agriculture such as polytunnels, poultry units, indoor dairy units and pig units are not considered appropriate within the setting of this Neighbourhood Area”.</i> Although the emphasis is on large scale developments, this statement is not in conformity with the Core Strategy and is prohibitive in nature. Policy RA6 is encouraging of many kinds of rural proposals and it does not make a distinction on size of developments apart from ensuring the development is commensurate with its location and setting. A policy or statement reflecting this approach would be more advisable.</p> <p>Planning application 143771 for 100 dwellings is currently awaiting an appeal following a refusal decision by the local authority. The appeal is due to commence 10th May 2016. This site is mapped on Map B as an unsupported site by the community. An appeal hearing/inquiry on this site is pending and the final outcome will have a bearing on the NDP due to the site size should the appeal be allowed. However, progress towards a draft Plan will be a material consideration in the appeal decision also. A table of housing sites with planning permission including site capacities would be helpful in the housing section of the plan. Although capacity of sites with planning permission is set out in the supporting text, it would helpful if it was more clearly set out in a table rather than submerged in the text.</p>
Landscape / Archaeology/ conservation	Archaeological Advisor Herefordshire Council has no further comments on this plan.

Strategic Housing	No comments received
Economic Development (Received LATE)	No issues with the Reg 16 Bartestree Plan.
Environmental Health (Received LATE)	Given that no other specific sites have been identified in the plan EH is unable to provide comment with regard to potential contamination.
Parks and Countryside	No comments received
Education	No comments received
Transportation and Highways	<p>With regard to the following NDP Transportation and Highways have one commented on the policy statement below.</p> <p><i>"Policy BL13 Transport and Highways (CS Policy MT1)</i></p> <p><i>Proposals for development will need to show: V. the site is linked to the village by an existing footway/cycleway or through the creation of a new footway/cycleway that provides safe passage to the range of village facilities including bus stops; and also include a possible foot/cycle bridge across the River Lugg near to the A438."</i></p> <p>Transportation would like consideration be given to some additional wording (in red below), is added to the end of the policy statement</p> <p>"Secure cycle parking to be provided at strategic bus stops to facilitate cycle and ride."</p>
Waste	No comments received

External Consultees

Welsh Water	<p>Welsh Water confirms they no further comment to add over and above our Regulation 14 consultation response in January 2016.</p> <p><u>Summary of Reg 14 comments</u></p> <p>Given that the Bartestree with Lugwardine Draft Neighbourhood Development Plan has been prepared in accordance with the Adopted Herefordshire Local Plan Core Strategy, DCWW are supportive of the aims, objectives and policies set out.</p> <p>As the Neighbourhood Plan does not allocate any new housing sites, and as we have already provided representations to Herefordshire Council for those sites that have obtained planning permission or are pending, we have no further comments to make.</p>
Severn Trent	<p>Severn Trent Water do not provide water or waste water services to this parish in Herefordshire and therefore has no comments in relation to the Neighbourhood plan.</p>
Natural England	<p>Bartestree with Lugwardine Neighbourhood Plan</p> <p>Natural England are pleased to see that our previous advice has been taken into consideration in relation to the River Wye SAC and priority habitat.</p> <p>Other advice included a requirement for development to deliver ecological enhancements and green infrastructure provision. Please see our previous response to the draft neighbourhood plan (dated 18 January 2016) for more detailed comments.</p>

	<p>Habitats Regulations Assessment (HRA) Report and Addendum We confirm that having read the Habitats Regulations Assessment (HRA) Report and Addendum, NE agree with the conclusion that the Bartestree with Lugwardine Plan will not have a likely significant effect on the River Wye SAC.</p> <p>Environment Report Natural England welcomes the production of an Environmental Report. Having reviewed the report Natural England confirms that it meets the requirements of the Strategic Environmental Assessment (SEA) European Directive and national regulations, and that they concur with its conclusions.</p>
Environment Agency	<p>Environment Agency has no further comments to provide on this consultation.</p> <p>Reg 14 comments- The submitted document confirms that no additional sites are currently considered suitable for allocation within the Plan, although reference is made to sites with planning permission and previously supported for development. All sites referenced in the plan (Map B) are located within Flood Zone 1, the low risk Zone. Notwithstanding the above it is important that any forthcoming windfall/infill development sites are located on land at the lowest risk of flooding and will accord with Herefordshire Council's Core Strategy (Policy SD3 – Sustainable Water Management and water Resources).</p>
Historic England	<p>Historic England is supportive of both the Vision and objectives set out in the Plan and consider that it takes a suitably proportionate approach to the historic environment of the Parish. Beyond those observations HE have no further substantive comments to make.</p>
National Rail	<p>Network Rail has been consulted by Herefordshire Council on the Bartestree with Lugwardine Neighbourhood Development Plan (NDP) document. The comments send through are general in nature and do not directly specify reference to the Bartestree with Lugwardine Plan. Network Rail request to be consulted if the area includes, or is adjacent to any part of this route or if your plan has an interest in transport connections that include this line.</p>
Coal Authority	<p>The Coal Authority has reviewed the document, and has no specific comments to make on it.</p>
Mike Wilson Resident	<p>The plan is verbose, repetitive, lacks evidence, contradictive, not easy to reference and not in line with / repeats higher plans. The NDP is only required to set the policies for planning officers of the planning authority to carry out their duties within the neighbourhood development area.</p> <p><u>Lacks Evidence:</u> In particular for para 3.4, there is no evidence why, at the second para, applications rejected or withdrawn have not been included. It was never put to the Parish.</p> <p><u>Contradictive:</u> Under Summary of Draft, para 3, bullet point 4, and para 3.8, policy BL8, which determines from the Core Strategy policy LD4, historic character is to be conserved. Yet the proposed settlement boundary still shows an area where this is not the case.</p> <p>There still remains considerable misunderstanding between the "village envelope or settlement boundary" as is commonly</p>

	<p>understood by Parishioners and the planning definition of the term settlement boundary. The village envelope is a line including all the properties and public areas generally around the heart of the village(s). The planning definition of the term settlement boundary is the area within which there is a presumption in favour of residential development.</p> <p>The land ESE of the road leading to St Michael's Hospice and the old Bartestree Convent has been included within the new Settlement Boundary even though it would affect the setting of 4 listed properties and an existing cemetery if developed. Decisions over the inclusion of this site were influenced by the results of a poll of 107 people who attended 2 consultation days. The fact that there would be a poll and that the result would influence decisions was not made known to the remaining 1493 voting residents in the parish area. Hardly an inclusive and balanced result.</p> <p>Similarly, with Public Open Space (Green Spaces – BL9). The policy protects them, but equally those on the edge of the Settlement Boundary should not be included as there is not a presumption in favour of residential development. E.g. the Village Hall and Playing fields and the 2 (INCA) sites on the south side of the A438.</p> <p>Not easy to reference: The formatting of the document does not lend itself to being easily referenced. The first 2 sections have no para numbers. When para numbers are introduced, the sub-paras are then further divided without any identification.</p> <p>Not in line with / repeat higher plans: Para's 3.5 to 3.9 neither add to nor change anything to what is already covered by the Core Strategy and are not therefore required.</p> <p>Sites shown by the SHLAA to be of low/minor constraints, annotated "Highly suitable" and adjacent to the Settlement Boundary, without other mitigating factors (mineral deposits etc.), have not been included. HLAA/366/001__O/Bart/008 HLAA/088/001 (Non disclosable pecuniary interest – owned by stepson)</p> <p>Whilst the minimum number of properties required by the Core Strategy has almost been achieved, there is an absolute minimum of sites to allow for further development, beyond that figure and within the plan period, without a full review of the of the Settlement Boundary.</p>
RRA Architects/ CR Planning Solutions	<p>RRA sent a resubmission of a representation made at the Regulation 14 stage of the Plan. This is being resubmitted at this stage as they have suggested some of the points raised in the statement have not been adequately considered and addressed to date.</p> <p>These relate to the Plan's reliance on all of its current commitments and windfall to deliver its minimum housing requirement over the plan period as well as its approach to development in the Conservation Area of Lugwardine. To address these points the representation seeks Land to the Rear of New Rents, Lugwardine to be included within the settlement boundary. Inclusion of this site would help build certainty and flexibility into ensuring a robust Plan is produced which will deliver over the plan period.</p>

<p><u>Gladman</u></p>	<p>Gladman are of the opinion that the neighbourhood plan is fundamentally flawed and inconsistent with the requirements of national planning policy and guidance. It is therefore not appropriate to progress the Plan to examination until these matters are addressed.</p> <p>Gladman are actively working to promote the site for residential development and have submitted an outline application to HC for residential development up to 100 dwellings (including a minimum 35% affordable housing), with associated open space, landscaping and a community orchard. This response provides a site submission for the site to be included within the neighbourhood plan.</p> <p>If the Plan is not withdrawn, Gladman expressly request that the Examiner hold a hearing session(s) of the examination of the neighbourhood plan. Due to the unresolved objections relating to the contents of the neighbourhood plan it is considered that a hearing should be held pursuant to paragraph 9(2) of Schedule 4B of the Town and Country Planning Act 1990 to ensure adequate examination and permit Gladman and other individuals a fair chance to put their case.</p>
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Officer's Appraisal

This plan has met the requirements of the regulations as set out in the table above. No concern has been raised from both internal and external responses with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy. With the exception of Gladman Homes, and RRA, each has planning proposals. The Gladman proposal for 100 homes is currently undergoing appeal. 2 objections have been raised to the plan, stating that it is verbose and repetitive along with contradictive. However this view has not been expressed by the Policy team of Neighbourhood Planning team.

There are no site allocations but the plan places a great reliance on windfalls and capacity within the settlement boundaries of Bartestree and Lugwardine. As there has been several large schemes approved in the past year accommodating up to 142, this has contributed to meeting the proportional growth minimum of 152.

Overall, 5 Responses have been received from internal service providers and 10 external consultees. HC Strategic Planning raised no objections towards the plan and assured that the policies within the HFSP plan comply with the Core Strategy

External responses from technical bodies such as Historic England, Natural England, Welsh Water and Environment Agency have raised no objection. Two objections (Gladman and RRA Architects /CR Solutions) have been received.

Overall it is recommended that the Bartestree with Lugwardine Neighbourhood Plan progresses to examination.

Programme Director's comments

I am happy for this plan to progress to examination.

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

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

Approved

A handwritten signature in black ink, appearing to read 'G. Hughes', written over a horizontal line.

**GEOFF HUGHES
DIRECTOR FOR ECONOMY, COMMUNITIES AND CORPORATE**

Date: 12 May 2016

Appendix 1

Neighbourhood Development Plan – conformity assessment

Neighbourhood Development Plan – conformity assessment

Name of NDP: Bartestree & Lugwardine Neighbourhood Development Plan

Date: 18 April 2015.....(Reg 16).....

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Policy BL1 Housing Design Criteria	SD1, RA2	Y	
Policy BL2 Extensions to Properties	SD1	Y	
Policy BL3 Infilling and Windfalls	SD1, RA2, RA3	Y	
Policy BL4 Settlement Boundaries	RA2	Y	
Policy BL5 Housing in the Countryside	RA3	Y	
Policy BL6 Redundant Rural Buildings	RA5	Y	
Policy BL7 Rural Exception Sites	H2	Y	
Policy BL8 Conserving Historic Character	LD1, LD4	Y	
Policy BL9 Protecting Green Spaces	OS2, OS3	Y	
Policy BL10 Affordable Housing	H1	Y	
Policy BL11 Working from	E3	Y	

Home			
Policy BL12 Supporting Local Businesses	RA6,E1,E4	Y	
Policy BL13 Transport and Highways	MT1	Y	

Other comments/conformity issues:

Para 1.6, first line - At the start of the Plan period, Bartestree with Lugwardine was designated as a main village. It would be helpful to add that this was a designation in the Unitary Development Plan.

Para 4.2, Provision of sites for intensive agriculture/horticultural. "Applications for the installation of all forms of large-scale, intensive agriculture such as polytunnels, poultry units, indoor dairy units and pig units are not considered appropriate within the setting of this Neighbourhood Area". Although the emphasis is on large scale developments, this statement is not in conformity with the Core Strategy and is prohibitive in nature. Policy RA6 is encouraging of many kinds of rural proposals and it does not make a distinction on size of developments apart from ensuring the development is commensurate with its location and setting. A policy or statement reflecting this approach would be more advisable.

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