

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Brampton Abbots and Foy Group Neighbourhood Area
Parish Council	Brampton Abbots and Foy Group Parish Council
Draft Consultation period (Reg14)	28 January to March 2019
Submission consultation period (Reg16)	25 November 2019 to 20 January 2020

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?	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> • County matter • Any operation relating to waste development • National infrastructure project 		
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

External Consultation Responses	
Historic England	No comments received
Coal Authority	No specific comments to make.
Welsh Water	<p>Whilst welcome the inclusion of BAF9, there is no reference to the Grampian date of 31st March 2020 that we have been recommending Herefordshire Council impose on any new development within the Lower Cleeve Wastewater Treatment Works (WwTW) catchment.</p> <p>Please see Reg 14 consultation response for further information.</p>
National Grid	No record of apparatus within the Neighbourhood Plan area at this time.
Environment Agency	<p>Would not, in the absence of specific sites allocated within areas of fluvial flooding, offer a bespoke comment at this time.</p> <p>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).</p>
Herefordshire Council Responses	
Development Management	No comments to make

Conservation – Building Conservation	No comments to make
Air, Land & Water Protection	No other specific sites have been identified in the plan so unable to provide comment with regard to potential contamination.
Strategic Planning	The plan is in general conformity, no significant changes to comments made at Regulation 14. Please see table below for full assessment.
Environmental Health and Trading Standards	No objections to the Brampton Abbots and Foy Regulation 16 draft neighbourhood plan.
Transportation	<p>Para 4.14 - Depending on the size of the development a Transport Assessment/Statement will be required.</p> <p>Policy BAF5 d - Any expansions to rural businesses should meet HC design guidance for parking and turning.</p> <p>Para 6.21 - Currently going through a change of use.</p> <p>Policy BAF7 - They may wish to consider adding protection to the line of former railway against development in favour of active travel (walking and cycling) routes.</p> <p>A feasibility study in 2008 investigated a possible redecking of Backney Bridge to provide a walking and cycling route to Ross Rugby Club. This remains a long term aspiration, should funding allow, to ultimately form part of National Cycle Network route 44 between Hereford and Ross-on-Wye, and provide an alternative walking and cycling route between the parish and Ross-on-Wye.</p> <p>Figure 9 - This is also a key walking route and connects to a cycling route we promote that runs through the parish: https://www.herefordshire.gov.uk/download/downloads/id/2536/wye_valley_leisure_cycle Ride.pdf. It would be good to see this mentioned in the NDP</p> <p>Objective 6 - There seems little of the usual requirements on developers to encourage active travel. This should be included.</p> <p>Depending on the size of the development a Transport Assessment/Statement will be required. Any works proposed on the highway require a technical audit and Road Safety Audit</p> <p>Para 6.27 - Sustainable mode of travel will be supported and should be provided with all development. Cycle storage should be provided on site.</p>
Other Responses	
Clive Newey	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

	<p>topography of the village.</p> <p>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.</p>
<p>Walsingham Planning Limited</p>	<p>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.</p> <p>Objections</p> <p>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.</p> <p>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.</p> <p>3) No assessment has been made whether additional sites could be allocated within Brampton Abbots in accordance with Paragraph 69 of the Framework.</p> <p>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.</p> <p>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:</p> <p>"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."</p> <p>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.</p> <p>Figure 1 – Site Plan of the Land to the South of Church Road</p> <p>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</p>

	<p>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 ?</p> <p>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.</p>
<p>Paul Smith Associates on behalf of local land owner</p>	<p><u>Paragraphs 4.6 and 4.7:</u> 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.</p> <p><u>Paragraph 4.10:</u> 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.</p> <p><u>Paragraph 4.11:</u> (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.</p> <p>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.</p> <p><u>Policy BAF1 (1) in relation to development within settlement boundaries</u> 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.</p> <p>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.</p> <p><u>Policy BAF(2): development outside the settlement boundary within the AONB</u> Reference to ‘distribution’ is imprecise as to its meaning and should be omitted;</p>

	<p>Reference to "The Core Strategy growth target" is imprecise and should be replaced by the following: "<i>where Herefordshire Council is unable to demonstrate a five year supply of deliverable housing sites</i>"</p> <p>The word "nearest" should be added to criterion 'f' to ensure it is more precise and it should read as follows: "<i>...does not significantly reduce the gaps with the nearest settlement boundary</i>". Consequently, the last sentence of paragraph 6.6 ought to be amended accordingly.</p> <p><u>Policy BAF(3) development outside the settlement boundary and not within the AONB</u></p> <p>This heading should be amended to read "Development outside the settlement boundary, not permitted under Policy BAF(2) and not within the AONB"</p> <p><u>Policy BAF6 Polytunnels</u></p> <p>This policy might be improved with reference made to Herefordshire Council's own guidelines on such development.</p>
<p>Tompkins Thomas Planning on behalf of the landowner Mr C Winney</p>	<p>The land is previously developed land that the NDP includes within the draft settlement boundary.</p> <p>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.</p> <p>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.</p> <p>In order to ensure that the NDP benefits from the status afforded by paragraph 14, 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.</p> <p>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.</p> <p>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.</p>

Please note the above are summaries of the response received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.

Officer appraisal

This plan has met the requirements of the regulations as set out in the table above. All the requirements of regulation 14 were undertaken by the parish council and all the required documentation was submitted under regulation 15.

No major concerns have been raised from internal responses, nor 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. Therefore the plan is considered to meet the general conformity requirements of the Core Strategy and comments are generally supportive.

External responses from technical bodies such as Historic England, Natural England, National Grid, Coal Authority and the Environment Agency have raised no objection to the Regulation 16 draft plan, however Welsh Water have made comment regarding their Reg 14 comments regarding the Lower Cleeve WwTW.

There were four external responses, which highlight a number of comments and objections. One comment made objection to the Settlement Boundary and the need for the inclusion of more up to date figures. Another states that the plan fails the basic legal requirement and does not propose enough development, a second objection to the Settlement Boundary and another comment stating the plan does not adhere to Para 14 of the NPPF as it does not make provision for specific housing allocation sites.

These issues would not prevent the plan being recommended for examination where the outstanding objections can be reviewed.

Assistant Director's comments

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.



Richard Gabb

Programme Director – Housing and Growth

Date: 24/1/2020

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

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