

BURGHILL NEIGHBOURHOOD DEVELOPMENT PLAN

Burghill Parish Council's rebuttal submission concerning comments made at Regulation 16 consultation stage.

Introduction:

Burghill Parish Council (BPC) considers that it is appropriate to provide background information in the form of a rebuttal to some of the comments made during the Regulation 16 consultation stage of its NDP. The rebuttal is presented under headings related to specific topics raised in the representations.

Consultation Process:

Regarding the claimed lack of consultation, the Herefordshire Council has confirmed that the BPC has fulfilled its statutory obligations when going through the NDP process. The BPC's "Consultation Statement" itemises the relevant events in the NDP's progress to its current position of satisfying Regulation 16 and its progress to examination.

There have been numerous occasions when the BPC has invited parishioners to discuss the neighbourhood plan, including all Parish Council Meetings, an open invitation to join the Steering Group made up of a mix of PC members and parishioners, Questionnaires, Options Days, leaflet drops, displays on public notice boards and two occasions when the Site Assessment Report has been put on public display and comments invited. Just because the BPC as a democratic body hasn't always agreed with a certain point of view doesn't mean that the BPC has not consulted, listened and reviewed its decisions.

Those who have made comments have been critical of the role of the NDP Steering Group (SG) in that it was allowed to progress with its activities and reach decisions without consultation. The SG was not a decision-making group. It was a research and advisory group making presentations to the BPC. All meetings of the group were public sessions, but few members of the public who were not SG members attended. Notes of every group meeting are published documents. All decision making was referred to the BPC and all documents which were ratified by the BPC became published documents. The SG did not instruct consultants. This was done by The Clerk on behalf of the BPC. Throughout, the process has followed the correct administrative procedure; both BPC and SG members having acted in the best interests of the Parish without personal interest or favour.

Percentage Housing growth within the parish:

Many of the representations seek to challenge the proportionate growth criteria for the parish which is dictated by the Core Strategy (Development Plan). Policy RA1 of the Core Strategy (CS) requires a growth factor of 18% for those parishes within the Hereford Market Area (HMA). Representations to the Burghill NDP claim that this growth is excessive and a figure of around 11% would be more locally appropriate and correct.

At the time of the examination in public of the CS the BPC put forward a strong claim

that there might be errors in the calculations for the 18% growth factor and a lower figure of the order of 11% would be more appropriate for the Burghill parish. This claim was rejected by the Inspector and no change was made to the 18% figure in Table RA1 of the CS.

For success in the process the NDP has to align with the overarching policies of the development plan. Therefore, the BPC, together with its independent town planning consultants, took the view that the NDP should be assembled to align with the 18% growth factor for the HMA as set out in CS Policy RA1.

The Proposed "Tillington" Settlement Boundary:

It is claimed that the settlement boundary for Tillington has been drawn without public consultation. In all published versions of the NDP there has been shown a settlement boundary for Tillington. It has undergone slight changes, such as the exclusion of part of site No:8 (Highway frontage) as a preferred site, but otherwise it has remained substantively the same. It designates Tillington as a growth zone in line with Policies RA1 & RA2 of the CS.

At various stages of the draft NDP and through its Reg14 and Reg16 phases the BPC has agreed changes and the document has been on public display. All these versions showed a settlement boundary for Tillington. Furthermore, the BPC has accepted the professional views of its independent consultants and not sought at any time, via alternative instruction of any type, to vary boundaries or include sites in terms of personal preference. The sites have been included on the basis of proper independent assessment in line with the guidance issued by Herefordshire Council.

"Tillington" and not "Tillington Common"

The tables linked to Policies RA1 and RA2 of the CS identify growth areas within the parishes. For the Burghill Parish two areas are identified in the table linked to Policy RA2 where proportionate growth would be appropriate. These are Burghill and Tillington. For both these areas settlement boundaries have been drawn and included within the NDP.

Representations have been made claiming that the housing area of Tillington Common should also have been included, despite its non-inclusion in CS tables.

At the time of the Examination in Public of the Core Strategy it was the view of Burghill Parish Council that both Tillington and Tillington Common should be classified as open countryside. However, the adopted version of the Core Strategy includes both Tillington and Burghill in Policy RA2 as housing growth areas. It follows that the designation of a settlement boundary for each of these areas was an appropriate action.

Tillington Common is not included in Policy RA2 (Tables 4.14 and 4.15) and as such remains open countryside with no defined identifiers as a village in planning terms. As it is excluded from Policy RA2, it is considered to be an unsustainable location for new development due to lack of services and infrastructure. Therefore, development proposals for Tillington Common and the wider rural parts of parish are for the present time governed by the Core Strategy planning policy constraints for development in the

countryside, outside of settlement boundaries, as set out in Herefordshire Core Strategy at Policy RA3.

For the above reasons it is considered that the definition of a settlement boundary for the Tillington Common area is neither necessary nor appropriate.

Burghill Village should be the preferred growth area not Tillington.

The claim is made that growth should have been directed to Burghill and not Tillington as the suggested NDP housing sites would result in an overwhelming increase in housing in the Tillington zone.

In the post war period, within the settlement boundary of Burghill Village, there has been significant and possibly disproportionate growth which has subsumed the older and sporadic dwelling layout. Aside from a number of infill plots for single dwellings there has been frontage development along the main Burghill Road. There are also development groups comprising: Redstone, Manor Fields, Leasown, Bakers Furlong, Lower Orchard, Hay Meadow and the converted barns and buildings at Home Farm. There are two more recent planning permissions for 24 dwellings at PyeFinch (24 under construction) and 10 dwellings on land adjacent to Bredstone House (not yet started) making a total of 34 dwellings.

By comparison, in Tillington in the post war period, there has been limited growth within the proposed settlement boundary for this zone. This has comprised a group of 6 modest semi-detached dwellings at Cherry Orchard, originally built for farm workers, and a few detached dwellings along Crowmoor Lane to the south of the centre. The NDP proposes just two development sites here (Nos: 10 & 25) for a maximum of 18 dwellings in total in this sustainable zone of the parish. The BPC considers this to be an acceptable distribution of housing within the parish providing potential to meet the housing growth requirement of the CS. Moreover, Tillington is probably the most sustainable location for growth within the central parish locality. Development here would be on a bus route, near the school and public house and close to a shop. No other area, apart from the southern fringe of parish abutting the city boundary, affords such accessible proximity to services.

An over provision of sites that would exceed the 18% Policy RA1 HMA growth requirement.

The HC Neighbourhood Planning Team strongly and wisely advised that we should put forward a plan that did not just rely on the minimum figure for development as we could still face challenges from developers. It is agreed that for the allocated NDP sites, together with commitments from planning permissions that have been granted, there would be a theoretical surplus above the 18% growth requirement for the HMA as set out in Policy RA1. It is impossible to achieve accuracy for the required growth as there are several factors that determine the deliverability of any site, despite the land use factors that may make it a suitable location for development. Aside from matters of infrastructure provision there are financial, personal, probate, ownership changes and business constraints which delay sites coming to fruition. It is against this background that a theoretical over provision is a pragmatic approach to the delivery of housing sites in any location.

It is the view of the BPC that within the parish there are a number of possible delays with committed planning permissions that inject uncertainty into the figures. These are set out below with a brief description.

Planning permissions have been granted for single dwelling sites within the Tillington/Tillington Common area. However, due to the restricted size of the development site and proximity of habitable buildings it might not be possible to satisfy the drainage constraints imposed by: HC's recently published SuDS Handbook; The General Binding Rules of the Environment Agency; The Building Regulations and the manufacturers' specifications for the installation of either private sewage treatment plants (PSTP) or septic tanks:

- P/152868 - Gospel Hall, Portway (Applicant: Mr G Snowzell) Site too small to accommodate PSTP and drainage field – existing cesspool fails size and proximity test.
- P/172420 - Land adjacent to the Old Chapel, Tillington (Applicant: Mr M Crockett) Site possibly too small to accommodate PSTP and drainage field.
- P/173848 - Two storey extension to Bird in Hand Cottage - cottage empty for some time (Proximity of existing septic tank to private well water supply - within 50m zone)(Applicants: Mr and Mrs T Gilbert)
- P/174268 - Garden of Bird in Hand Cottage, Tillington (Proximity of proposed PSTP to private well water supply - within 50m zone)(Applicants: Mr and Mrs T Gilbert).
- P/180151 - Garden of Cyrene, Tillington (Proximity of habitable buildings unlikely to allow siting of drainage field for PSTP) (Applicant: Mr & Mrs N Wright).
- P/173167 - Garden of "Live and Let Live", Tillington (Drainage field Soakage tests failed - applicant unacceptably proposes connection of PSTP to highway drain in breach of SuDS Handbook and others) (Applicant: Mr & Mrs Bailey).

There have been losses in the existing dwelling count within the parish. These are itemised as follows:

- Upper House Barns - a location where a permitted conversion for two dwellings was changed to one dwelling, resulting in the loss of one dwelling.
- Loss of two dwellings at The Parks Farms - two former HC owned farm properties that have now been empty for more than 5 years. A planning permission was granted in 2015 for an additional 2 dwellings but work has not commenced.
- Loss of a dwelling(s) at Hospital Farm – a former council owned farm dwelling which is now unoccupied.

Significant planning permission – delayed start:

- P/160048 – Site for 50 dwellings between Tillington Road and Roman Road – granted April 2017, but not commenced. There is a condition of the planning

permission preventing occupation of any dwellings until March 2020 unless water supply infrastructure problems are resolved before this date. (Applicant: Trustees of the late Mr P Matthews).

Collectively the above sites represent an uncertainty in the committed development count of at least 60 dwellings. Therefore, against this uncertainty in numbers a modest over provision in the allocated NDP sites provides a reasonable safety margin to achieve the 18% HMA growth requirement in the parish.

Lack of Infrastructure in Tillington:

It has been claimed that the lack of sewerage infrastructure inhibits development to the extent that the selected sites would be unable to proceed.

It is a common occurrence with rural areas that sewage disposal has to be done through private means, either by septic tank or PSTP's with their necessary drainage fields providing tertiary treatment. These installations generally require a 15m spacing from habitable buildings and providing ground absorption rates are adequate and properties not too close the required compliance can be achieved with the constraints imposed by the regulations. These private means of treatment affect the chemical balance of the of the ground and an over concentration of units can cause pollution within the river catchment.

Tillington is approximately 800m from the head of the gravity sewer. Aside from providing for new development, when a developer can requisition a sewer from the service provider though using s98 of the Water Industry Act of 1991, the utility provider will also consider providing for existing development under s101A of the same Act.

Within the Tillington and Tillington Common areas the BPC is aware of pollution problems caused by the inadequacy of existing private sewage treatment systems. It is also aware that the lack of infrastructure could frustrate the delivery of both extant planning permissions and those permissions which might be granted for selected NDP sites. In attempt to solve these problems the BPC has commenced collating information with a view to making a formal submission to the service provider (Welsh Water). The submission will request the service provider to research the economics of providing first time sewerage to serve existing development. In this assessment the service provider will also anticipate the potential revenue to be derived from proposed sites bearing in mind that the capital cost of any scheme is balanced against this revenue source from connected properties through many years of future use.

Summary:

The BPC considers that the above information rebuts the main issues raised by some of those who commented during the various consultation stages of its NDP. BPC hopes that these comments are helpful to the Examiner.