

Bosbury and Catley Neighbourhood Development Plan 2011-2031

Response to Regulation 16 representations

Introduction

1. The Bosbury and Catley Neighbourhood Development Plan (NDP) was re-submitted by Bosbury and Coddington Parish Council to Herefordshire Council on 8 June 2018. This followed earlier submissions. A consultation in accordance with Regulation 16 was carried out by Herefordshire Council from 15 June to 27 July 2018. A total of 11 representations were received.
2. The NDP was sent for examination on 16 August 2018. As part of this process the Parish Council has been given an opportunity to comment on the representations made. The majority of the representations are in the nature of 'no comment' or 'no further comment', but four raise more substantive matters. The Parish Council's comments on these representations are set out in the schedule overleaf. The Parish Council appreciates the opportunity to respond.
3. Where representations suggest or give rise to amendments which it is felt would assist future users of the Plan, the Parish Council asks the Examiner to consider recommending suitable modifications. These minor textual additions/clarifications are clearly identified in the schedule and are shown in *italics*.
4. The Parish Council has no comment to make on the other representations.
5. References to the National Planning Policy Framework are to the March 2012 version. A revised Framework was published in July 2018, but under transitional arrangements the policies of the previous Framework will apply for the purpose of examining the NDP.

Schedule of comments by Bosbury and Coddington Parish Council on selected representations to the Bosbury and Catley Neighbourhood Development Plan Regulation 16 consultation

NPPF = National Planning Policy Framework (March 2012)

LPCS = Herefordshire Local Plan Core Strategy 2011-2031 (October 2015)

NDP = Bosbury and Catley Neighbourhood Development Plan 2011-2031 (May 2018)

Summary of representation	Parish Council comment
<p>Representation by: Andrew Turner, Environmental Health and Trading Standards, Herefordshire Council.</p> <p>Policy 1B: there may be unforeseen contamination on the proposed housing site arising from possible previous uses. Records also indicate that adjacent land has been used for storage of petrol. Contamination may be encountered as a result of these former uses. If so, specialist advice should be sought during development.</p>	<p>The Parish Council notes that any potential for contamination arising from the former uses of the site or adjacent land will need to be taken into account by developers in bringing a scheme forward, in accordance with normal planning requirements. Since LPCS policy SD1 already requires that “where contaminated land is present, [development proposals should] undertake appropriate remediation where it can be demonstrated that this will be effective”, no change to the NDP is required.</p>
<p>Representation by: Gladman Developments Limited.</p> <p>The NDP does not conform with national policy and guidance and does not contribute to the achievement of sustainable</p>	<p>The submitted NDP is accompanied by a Basic Conditions Statement which explains how the Plan has had regard to national policies and advice and how it contributes to the achievement of sustainable development. The representation argues that aspects of the NDP are contrary to these basic conditions, although save for the specific policy issues addressed below it does not challenge the Basic Conditions Statement (indeed, it is not referred to).</p> <p>The Parish Council notes that basic condition (a) requires consideration of whether it is appropriate to make the Plan</p>

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<p>development, with concerns raised as to:</p> <p>Policy 1: the Bosbury settlement boundary is too restrictive. Appropriate sites adjacent to the settlement boundary should be supported so as to be able to respond to future needs.</p> <p>Policy 2: policy is over-prescriptive and requires more flexibility in accord with NPPF paragraph 60.</p> <p>Policy 6: policy lacks clarity and regard should be had to NPPF paragraph 117.</p>	<p>“having regard to national policies and advice”; the test is not one of conformity as is suggested by the representation (penultimate paragraph).</p> <p>The Parish Council does not accept the substantive points made on the three policies referred to, and responds as follows:</p> <p>Policy 1 Village character: this policy seeks to deliver managed housing growth and is positively-worded, supporting proportionate and sustainable development and demonstrating how the strategic requirements for new housing set by LPCS policy RA2 will be met.</p> <p>The representation objects to the use of a settlement boundary in principle and to the boundaries chosen, which are seen as “highly restrictive”. It is suggested that the overall effect is that the NDP is contrary to basic condition (a); precludes what would otherwise be sustainable development; and is in conflict with LPCS policy RA2.</p> <p>The representation appears to be based on a misunderstanding of the approach taken in the LPCS. The LPCS actually encourages the use of settlement boundaries in NDPs as a means of clearly distinguishing between land in the identified settlements (such as Bosbury) and land outside settlements (which is considered as countryside). Since such boundaries will not be defined overnight, the LPCS provides an interim position: “in the period leading up to the definition of settlement boundaries the Council will assess any applications for residential developments ... against their relationship to the main built up form of the settlement” (LPCS paragraph 4.8.23). In this interim context and under policy RA2, residential planning applications on land adjacent to rural settlements could be legitimately considered. However, the definition of a settlement boundary in a Neighbourhood Development Plan provides clarity as to the planned extent of the “main built up form” of the settlement concerned. Once a settlement boundary is defined, land outside the boundary, including immediately adjacent sites, is defined as countryside and so is subject to the more restrictive terms of policy RA3.</p> <p>The proposed Bosbury settlement boundary delineates the main built up area. It includes committed and proposed housing sites; the strategic requirement for new dwellings is met. There are no other areas of land which could sensibly be included, built-up or otherwise, nor does the representation make any suggestion in this regard. The Parish Council considers the settlement boundary to be appropriately drawn.</p>

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	<p>The representation suggests that the policy be amended to allow sites adjacent but (presumably) outside the settlement boundary to be considered for development, so as to be able to respond to speculative “future needs”. Such an approach would be contrary to the LPCS, as explained above. It also ignores the fact that LPCS policy SS3 already provides a strategic approach to ensuring sufficient housing land delivery, including addressing shortfalls. There is no basis to develop local approaches in NDPs to provide flexibility on a “just in case” basis. This would represent an unjustified weakening of planning control which, by potentially allowing further building in relatively remote and poorly-serviced rural locations, would risk being contrary to sustainable development.</p> <p>In short, policy 1 is soundly-based, implementing a key requirement of the LPCS by defining an appropriate settlement boundary. This enables proportionate housing delivery to support strategic needs and enable local development, whilst protecting village character and the surrounding open countryside.</p> <p>Policy 2 Local character: this policy sets various criteria to guide development (it is not restricted to housing proposals, as the representation suggests). The aspects referred to – design, local character, low-carbon energy, landscaping, flood risk and archaeology – are normal planning considerations which are routinely assessed in considering development proposals.</p> <p>It is unclear from the representation why the policy is deemed over-prescriptive. By taking a criteria-based approach, the policy embodies a flexible approach which will allow individual schemes to respond to specific sites and their context. The representation is particularly concerned with design, but the policy has no undue or unusual design requirements. Indeed, the reference made in policy 2A to “local distinctiveness and a strong sense of place” reflects and implements national policy (NPPF paragraph 58, bullets 2 and 4). The representation refers to NPPF paragraph 60, but the policy manifestly does not impose a particular architectural style or taste or contain any unsubstantiated requirement to conform to a development form or style. In short, the policy has appropriate regard to national policies and advice and is not over-prescriptive.</p> <p>Policy 6 Biodiversity: this policy seeks the conservation, restoration and enhancement of biodiversity in the Neighbourhood Area. Relevant features are identified in the reasoned justification, embracing species, habitats and network connectivity. The Parish Policies Map identifies locally designated sites of importance for</p>

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	<p>biodiversity (Local Wildlife Sites). There are no international or national designations. All this is in accord with NPPF paragraph 117, as it is relevant to the Neighbourhood Area. The representation does not explain why the policy is considered to lack clarity. In short, policy 6 clearly identifies the local components of biodiversity and promotes the preservation, restoration, enhancement and creation of new biodiversity features and wildlife habitats, all in line with national policy.</p> <p>Overall, the Parish Council rejects the conclusion of the representation. It is appropriate to make the NDP having regard to national policies and advice, and its making will contribute to the achievement of sustainable development.</p>
<p>Representation by: Liz Duberley, Built and Natural Environment, Herefordshire Council.</p> <p>This representation suggests a number of minor textual amendments/clarifications; and that important views in and out of Bosbury should ideally be shown on a map.</p>	<p>The Parish Council would welcome the following suggested minor amendments being recommended by the Examiner as modifications to the NDP:</p> <ol style="list-style-type: none"> 1. Vision (p.4), second paragraph, first sentence, amend to read: <i>“It is accepted that the village needs to grow between now and 2031, but it is deemed essential that this happens gradually whilst retaining the unique and distinctive character of Bosbury.”</i> 2. Village Character (p. 7), first paragraph, first sentence, amend to read: <i>“The settled agricultural landscape around Bosbury derives its character from centuries of mixed farming.”</i> 3. Policy 2A, amend to read: <i>“Respect the local character; its historic and natural assets, and take every opportunity ...”</i>. 4. Policy 2B, amend to read: <i>“Respect the surrounding local landscape character beyond the built form within the Conservation Area.”</i> 5. Page 11, correct reference to the Hereford Way: <i>“Herefordshire Trail”</i>. <p>In respect of views, these are addressed at p.3 (final paragraph) and p.5 (fourth paragraph). The NDP text highlights the importance of views in and out of the Conservation Area, the village and the parish, notably of the Malvern Hills. The Parish Council considers that these references are sufficiently clear and that highlighting selected views and viewpoints to the possible exclusion of others on a plan would not be appropriate.</p>

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<p>Representation by: Sport England.</p> <p>Policy 4: the nature of the mitigating circumstances which would justify a loss of amenities is unclear. The policy should be reworded to provide the playing field with protection in line with paragraph 74 of the NPPF.</p>	<p>Policy 4 applies to a range of village amenities including (but not limited to) open space. Policy 4B seeks to resist the loss of local services and amenities unless this can be justified by significant material evidence and reason in line with policy SC1 of the LPCS. Policy SC1 primarily deals with social and community facilities such as local shops and village pubs. This cross-reference to another development plan policy avoids duplication and is appropriate.</p> <p>In respect of open spaces, the Parish Council agrees that the policy could be clarified in respect of the specific circumstances in which the loss of open spaces could be justified. LPCS policy OS3 already deals with this matter:</p> <p>Policy OS3 – Loss of open space, sports or recreation facilities In determining the appropriateness of proposals which results in the loss of an open space, sports or recreation facility, the following principles will be taken into account:</p> <ol style="list-style-type: none"> 1. clear evidence that the open space, sports or recreation facility is surplus to the applicable quantitative standard; 2. the loss of the open space, sports or recreation facility results in an equally beneficial replacement or enhanced existing facility for the local community; 3. the loss of the open space, sports and recreation facility is for the purpose of providing an ancillary development which improves the functioning, useability or viability of the open space, sport and recreation use, e.g. changing rooms, toilets, grandstand accommodation, assembly and function uses; 4. the loss of the open space, sports or recreation facility will not result in the fragmentation or isolation of a site which is part of a green infrastructure corridor. <p>Policy OS3 has the effect of incorporating the tests set in paragraph 74 of the NPPF into the development plan. There is no need to repeat these provisions in the NDP. It would be beneficial however to include an additional cross-reference to LPCS policy OS3 in policy 4B. The Parish Council asks the Examiner to consider recommending such a modification.</p>

DJN Planning Limited

October 2018

For Bosbury and Coddington Parish Council