

HC and Bishopstone Group NDP Draft answers to examiner's questions

1. Has any formal assessment been undertaken of the two housing site options considered at Bishon Farm? How were other suggested sites considered? On page 15 of the NP reference is made to 36 suggestions being put forward for possible sites, many of which were for the Bishon Farm site. The SEA considers 39 options for accommodating varying forms of growth but it is not clear whether individual site options have been considered or whether the preferred approach has been assessed as required by PPG paragraph 38 on SEA. In addition to the SEA, has any assessment been undertaken to demonstrate the deliverability of the site eg to consider the access requirements, impact on landscape and heritage, number of dwellings that can be accommodated, location of community orchard?

We have not seen any formal assessment of the two housing site options at Bishon Farm other than that carried out by Herefordshire Council when the sites were submitted in answer to the call for sites. The landowner commissioned an ecological survey and management plan for the Bishon Orchard site which we included with our NDP (Consultation Statement appendix 10). So far the landowner has produced two possible designs for development on the sites; on both the community orchard is in the position shown on the sketch plan on page 16 of the NDP.

Apart from the two sites at Bishon Farm, no other sites were formally offered during consultation for the NDP. The other comments referred to on page 13 relate to areas of the village rather than specific sites. We considered them all when drawing up the new settlement boundary as follows

- Behind Canon Rise (2 comments). We rejected this as it would mean expanding the settlement area into open farmland, which is opposed by residents, and access would be from a narrow single track lane off the C1091
- Near Bishopstone church (1 comment). This area is designated as open countryside under the Herefordshire Core Strategy where new development is not allowed. Our NDP page 13 supports a small amount of carefully controlled growth of this kind if Core Strategy policies change.
- South of the C1091 opposite the drive to Bishopstone House (1 comment). Already included in the settlement area.
- On the north side of the C1091 between Bishopstone House drive and bungalows to the west (1 comment) Rejected because of proximity to the Roman villa site which lies between Bishopstone House and the C1091, and because access would be at the point where the C1091 narrows on leaving the village to become single track
- On infill sites within the village (3 comments). Covered by NDP policy H1.7
- South of the C1091 between Forge Cottage and the turn to Bishon Common (1 comment). Rejected as residents are opposed to development on productive agricultural land particularly in the area between the C1091 and the A438.

We can provide a plan showing these sites if it would assist the examiner.

2. Would the LPA comment on whether it is appropriate for the NP to only apply the 18% growth target to Bishopstone and Byford? Should it have been applied to the Plan area as a whole?

18% Growth target is for the whole of the Parish area, it is up to the QB to decide on where and how to allocate growth in their neighbourhood plan. In accordance with policy RA2 of the Core Strategy, list 4.14/4.15 the main focus of the growth should be in the Bishopstone and Byford. The areas outside the identified areas for proportionate growth will be limited for rural housing.

3. Page 13 refers to 3 dwellings having been completed between 2011 and 2017 and 21 windfalls between 2000 and 2015. Page 15 refers to an earlier approval of 7 dwellings at Bishon Farm. Would the LPA provide me with a summary of the housing completions since 2011 and the current commitments in the Plan area.

No of house required- 25

Completions 2011-2018- 4

Commitments as at 1st April 2018- 2

Remaining- 19

Planning permission for conversion of redundant farm buildings to 7 houses was granted in 2006 (application no 062313).

4. Does the indicative number of dwellings on the Bishon Farm site of between 12 and 16 include the conversion of the farm buildings previously approved?

The indicative number of dwellings on the Bishon Farm site does not include the barn conversions. We hope that the conversions can be carried out alongside the new development

5. In Policy H1, is it intended that points 4 and 5 relate to the allocated site at Bishon Farm?

Yes, in Policy HI parts 4 and 5 relate to the site at Bishon Farm.

6. Part 8 of Policy H1, part 4 of Policy H2 and Policy H3 are worded the same. To avoid unnecessary repetition, it is suggested that Policy H3 should be revised to relate to development in the hamlets and countryside outside settlement boundaries. Part 8 of Policy H1, part 4 of Policy H2 would then be deleted. Would the QB confirm this is acceptable.

We accept the suggestion.

7. In its comments on the policies, Herefordshire Council has highlighted concerns about the access visibility and the sensitivity of the site to change in landscape terms. Would the QB discuss these concerns with HC and suggest wording to be included in Policy H1 to address them. In response to Strategic Policy's comments at Regulation 16, wording could be added onto policy H1 point 4: *Development on the Bishon Farm site must create safe access and its design must be sensitive to the existing natural and built landscape.*

8. Would the QB explain what is intended by the phrase "impact on existing natural horizons" in Policy G1, part 2f).

This was intended to answer residents' concerns that development should be low impact and not intrusive in the historic landscape. To make it clearer we suggest changes to G1 (part 2a) and G1 (part 2f) as follows.

G1.2a The orientation, siting, scale, proportion, massing including existing roof lines, materials and detailing of the design.

G1.2f Impact on existing environmental features and landscape, including the effects on its distinctive quality, local diversity and the beauty of the wider landscape when viewed as a whole.

9. Would the QB provide a map to show the revisions to the settlement boundary at Byford proposed in the light of the representation from Suzi Stockton. Would this impact on other landowners? If so they should be consulted on this proposed modification.

The qualifying body have previously commented on responses received at Regulation 16, and we would like to retract our response to Suzi Stockton's regulation 16 comments. This is because our position has changed and we are

withdrawing our agreement to the proposed revision of the Byford settlement boundary as requested by Suzi Stockton. The original settlement boundary was carefully drawn so as to include a number of possible sites for small developments and infill throughout the village, including the paddock in question. This was in accordance with residents' wishes shown during the process of consultation. We agreed to the revision because we believed that the owners of the paddock supported Ms Stockton's request and agreed to it being outside the settlement area. We have now learned that this was not the case, that the owners were not aware of her request, are strongly opposed to any revision of the boundary and want the paddock to be available for possible development with other sites as envisaged in our policies. Every household in Byford was given a copy of the Submission Draft and we have not received any other requests for a change to the settlement boundary in that part of Byford or elsewhere. The parish council are supportive of the submission draft Byford Settlement Boundary and wish to retain the boundaries set out in the submission draft policies maps.

10. Policy G4 part 2 and Policy G6 part 3 contain actions for the Parish Council and are not planning policies. I shall be recommending that they be included as Community Projects.

We agree with the recommendation.

11. Policies G3 parts 1 and 2, G5 and G6 parts 1 and 2 add no locally specific policies to those set out in the Core Strategy. I shall therefore be recommending that they be deleted although the supporting text may set out how the Core Strategy policies are to be applied in the Plan area.

We agree with the recommendation.

Bishopstone Group NDP

Information requested by the Independent Examiner

1. Bishopstone Group NP area 2011 – population 456, households 198
2. We are not aware of any other neighbourhood plans covering the Bishopstone Group NP area
- 3, 4 I have contacted Paul Walker, who wrote our Basic Conditions Statement. He is on holiday this week but has promised to provide the information requested as soon as he returns to work on Monday – apologies for the delay

Note

On re-reading our NDP as a result of the examiner's questions I have realised that an error was made while preparing the draft for printing. At the top of page 11 the third sentence should read "The population of the Group is just under 460" not "400." I am very sorry about this, – can we correct it in the final version or is there anything we can do about it now?

BISHOPSTONE NEIGHBOURHOOD PLAN

Submission Draft Version

Commencement of Examination Procedural Note
Bishopstone Neighbourhood Plan
By Independent Examiner Rosemary Kidd

Addendum to Basic Conditions Statement - Bishopstone Group Neighbourhood Plan

Bishopstone Neighbourhood Plan

The Independent Examiner has requested further information on the Basic Conditions Statement namely as follows:

3) Would the Qualifying Body provide me with a brief summary that demonstrates how the NP delivers sustainable development. The Basic Conditions Statement has not addressed this issue.

4) Would the QB provide me with a Human Rights assessment to show how the consultation process and the policies of the Plan have taken account of Human Rights. The Basic Conditions Statement has not addressed the matter.

3. Sustainable Development

3.1 - The community is made up of people of all ages.

3.2 - There is a limited bus service between Eardisley and Hereford and a small community centre located within the Parish. The aims of the NP are in scale to the retention of these facilities and services as a sustainable community.

3.3 - Sustainable development is delivered in a community where there is a healthy balance between community, economic and environmental needs. This includes providing opportunities for limited housing, local employment and for growth of local businesses(tourist and working from home).

3.4 - The NP aims to deliver sustainable development through encouraging the use of public transport and the use of cycling and provision of a walking network. Improvement to the electronic communication network are also involved.

4. Human Rights Assessment

4.1 - The submitted NP is fully compatible with EU Regulations.

4.2 - The Bishopstone Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulations and policy guidance which are both compatible with the Convention. The Plan has been prepared in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national or district level as demonstrated below.

4.3 - The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights(The Convention). The Convention includes provision through the form of Articles, the aim of which is to protect the rights of individuals.

4.4 - Section 6 of the Act prohibits public bodies from acting in a manner which is incompatible with the Convention.

4.5 - Various rights outlined in the Convention and its first Protocol are to be considered in the process of making and considering planning decisions namely:-

Article 1 of the First Protocol protects the rights of everyone in the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The submitted NP is fully compatible with the rights outlined in this Article. Although the Submitted NP includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law namely the Planning and Compulsory Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that the land is used in the most sustainable way avoiding or mitigating adverse impacts on the environment, community and economy.

Article 6 protects the rights to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations on its proposals at various stages and an independent examination process to consider representations that are received.

Article 14 provides that " The enjoyment of the rights and freedom set forth in the European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion political or other opinion, national or social origin, association with a national minority, property or other status". The Parish Council have developed the policies and proposals within the Plan in full consultation with the community and other stakeholders to produce as inclusive a document as possible and in general terms the policies and proposals will not have a discriminatory impact on any particular group of individuals.