

Bosbury and Catley Neighbourhood Plan Examination
Questions of clarification from the Examiner to the Parish Council and HC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. The “Progression to Examination Decision Document” refers to a site allocation, the Old Court Farm site which is expected to provide up to five dwellings. I do not interpret criterion 1B of Policy 1 as allocating this site. However, the Policies Map also shows it as a proposed housing site. Please clarify the Plan’s intention (bearing in mind if it is a site allocation, evidence will need to be provided on the site selection and assessment criteria used and the Strategic Environmental Assessment will need to consider reasonable alternatives as well as landowner evidence on availability and deliverability). Am I right to assume the “Progression to Examination Decision Document” and the Policies Map are therefore arguably hasty in stating it is a site allocation?

Parish Council response: Old Court Farm is not intended to be a site allocation. It is referred to in the policy as an exception to the general scale of proportionate and sustainable growth which is otherwise sought under policy 1A. This is in order to secure the re-development of this site which has been long-sought. The Parish Council accepts that as redundant agricultural buildings the scheme is not brownfield land as it is currently described in the policy.

2. Please can HC update me on the number of completions and commitments for a) the Plan area and b) the Parish using the most up to date figures available. If it is not possible or it is difficult to separate the Plan area from the Parish, please provide the Parish figure.
3. Please can HC confirm the proportional growth target figure for a) the Plan area and b) the Parish. If it is not possible to separate the Plan area from the Parish, please provide the Parish figure.

HC Response - No of households in Bosbury and Coddington parish - 367. Total growth in the parish area is 51, this is broken down in the table below. The Bosbury parish figures are coterminous with the parish boundary and not the NA boundary as this would make housing commitments more difficult to compile and out of sync with the calculations other parishes across the county. We agreed with the parish whilst they were redrafting that they could use their whole parish figures rather than just those within the NA area.

RA2 Settlement Identified settlements for proportionate growth	% growth in CS	No of new houses to 2031	Completions 2011-2018	Commitments 2011-2018	Residual
Bosbury Parish	14	42	11	25	15
Coddington	14	9	0	0	9

4. Page 7 of the Plan refers to the Buchanan Trust site and appears to assume a figure of 22. Please update me about the position on this site. If planning permission has been granted then these figures will, no doubt, be included in the answer to question 2 above.

Parish Council response: by way of background, the Buchanan Trust seeks to provide accommodation, employment, training and support for ex-military beneficiaries. A new Board

of Trustees took control in 2016 and have started to implement changes in line with Charity Commission recommendations to substantially increase the number of ex-military beneficiaries. There are plans to provide about 30 almshouses on the estate, many of them being converted farmhouses, cottages and redundant agricultural buildings. Further details of the Trust's plans can be seen here <http://www.buchanan-trust.org.uk/>. To this end, planning permissions have recently been granted to the Buchanan Trust, at North Farm (6 dwellings, November 2017 LPA ref 172544) and Green Farm (6 dwellings, April 2018 LPA ref 174131). These sites are in Bosbury parish albeit outside the Neighbourhood Area. Planning permission has also been granted for a residential training centre at North Farm including 8 en-suite rooms (LPA ref 173390).

5. Page 7 of the Plan includes two tables showing how the figures are derived (although the information appears under a subheading of "Options for the Neighbourhood Plan". I find it difficult to interpret these and they seem at odds with the commentary. If an assumption on housing numbers is being made for, for example, Old Court Farm or for windfalls, figures should be justified in themselves.

Parish Council response: using information from HC it is now possible to update and consolidate these two tables to show the February 2019 position for Bosbury parish as follows. This includes planning permission for 12 dwellings on three sites which have been granted since April 2018:

HOUSING REQUIREMENT 2011-2031		42
Dwellings completed 2011-February 2019	11	
Dwellings with planning permission, February 2019	37	
Windfall allowance:		
Old Court Farm Barns	5	
N of Old Court Farm	8	
Other small infill inc. from policy 3C	10	
Total windfall allowance	23	
TOTAL HOUSING DELIVERY		71

The windfall opportunities at Old Court Farm Barns and North of Old Court Farm are described and justified in the Plan. Overall, a windfall allowance of 23 dwellings for the remaining 12 years of the plan period is considered reasonable having regard to the recent delivery rate. The above table shows that 27 windfall dwellings have been built or committed in the eight years since 2011 (c. 3.4 units per annum), excluding the site for up to 21 dwellings east of the village which was granted outline planning permission on appeal in March 2017. The proposed windfall allowance of 23 dwellings represents some 1.9 units per annum for the remainder of the plan period, well below the recent rate, and is considered realistic particularly given the known potential at Old Court Farm. If felt to be a better title, the Parish Council would be happy to change the word "options" in the title to "housing delivery".

6. The designation of the settlement boundary appears to show part of a commitment site. If this is the case, please explain why the whole of the commitment site (as shown on the Policies Map) has not been included in the settlement boundary.

Parish Council response: The settlement boundary in respect of this up to 21 dwellings commitment site (LPA ref 160450) has been drawn to include only areas of development (dwellings, access road and gardens) and to exclude areas indicated as open space on the perimeter of the site (landscaped buffer area, balancing pond and village green). This will deliver long-term planning policy protection for these green areas.

7. Criterion 1A of Policy 1 uses the phrase “proportionate and sustainable development”; I’m not sure what the intention of this phrase might be – what does this mean?

Parish Council response: the intention of this phrase is to ensure that development proposals respect the character of the village by giving guidance as to individual site size. The scale of the proportionate and sustainable growth sought under policy 1A is evidenced in the Housing Volume Calculation basis on p. 15.

8. Criterion 1B of Policy 1 uses the phrase “exceptions in scale”; what is the intention of this phrase?

Parish Council response: the intention of this phrase is to allow an exception to the above guidance as to scale in the case of the redevelopment of Old Court Farm.

9. Should the sub section heading on page 7 “Village Character” be “Local Character”?

Parish Council response: Yes. This would align the heading with the policy title.

10. The first paragraph of Policy 4 requires applicants to submit further information to identify the impact on local infrastructure and services and so on. Please could a brief explanation be given of the reasons for including this in the Plan?

Parish Council response: the purpose of this proposed requirement is to ensure that full information is available to decision-makers as to the likely implications of planning proposals for the sustainable development of the Neighbourhood Area. This is to support the approach of policy 4 in the retention and development of accessible local services and community facilities, in accord with the National Planning Policy Framework paragraph 83.

11. Page 5 of the Plan indicates that it includes a number of aspirations falling outside the development and use of land remit of the Plan and that these are included within each topic where relevant. I cannot find any such aspirations. Have these now been removed in this version of the Plan and if so should this section of the Plan be revised?

Parish Council response: during the development of the Plan, the policies have become focussed on land-use and development matters. It is no longer intended to refer in the NDP to matters which fall outside this scope. The last paragraph on page 5 can be deleted.

12. Further to my letter of 4 January 2018 to HC drawing attention to the new basic condition on habitats, please confirm whether a response was sent and if so, and my apologies for this, please could this be resent to me?

HC Response - A briefing note was sent to the examiner regarding the new basic condition on January 15th 2019.

This note is attached at the end of this document.

13. Given that the Plan area is smaller than Bosbury Parish, is there any reason to extend the referendum area - should the Plan progress to that stage - beyond the Plan area? I simply seek the views of both Councils in this regard should they wish to offer any.

Parish Council response: The Parish Council is content to follow the views of HC on this matter as they administer the referendum.

HC Response- I have spoken to Electoral services and they have suggested the referendum area would be the Bosbury parish area and not the neighbourhood area. As all the administrative systems that electoral

services use, administer the vote on parish area. Parishioners rely on the facilities and amenities within Bosbury Village and are directly affected by the NDP, therefore the parish should be included within the referendum area.

14. Was the Neighbourhood Development Plan dated October 2016 on HC's website, the version of the Plan subject to an earlier independent examination?

The NDP dated October 2016 was subject to an independent examination in February/March 2017.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.
Ann Skippers
18 February 2019



Amendment to the Prescribed Basic Condition: Neighbourhood Development Plans

The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 (“the 2018 Regulations”)

15 January 2019

The 2018 Regulations have introduced amendments to the basic condition relating to Habitat Regulation Assessments as required within the Neighbourhood Planning (General) Regulations 2012. This basic condition must be met by a neighbourhood plan to be successful at examination.

The 2018 Regulations insert “the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017” (assessment of implications for European Site: neighbourhood development plans) Herefordshire Council prior to the 2018 Regulations sought Counsel advice in light of the implication of the European judgment *the case of People Over Wind and Sweetman v Coillte Teoranta (C-323/17)* (“Sweetman”).

Counsel advice indicated that policies which form part of the development plan and have been considered through the Core Strategy assessment Policy SD4 (for example) remove the pathway to harm and ‘likely significant effects’. Therefore an Appropriate Assessment would not be required and NDPs met the EU obligations.

As all neighbourhood plans need to be in conformity with the Core Strategy and the policies of the development plan read as a whole, there is no need for the NDPs to include additional mitigation covered within these policies as it is within the higher level plan (the Core Strategy).

Neighbourhood Plans which are currently at examination as well as submitted for examination on or after 28 December 2018 have been subject to a revised HRA post the recent European judgement of *the case of People Over Wind and Sweetman v Coillte Teoranta (C-323/17)* (“Sweetman”) and concluded as having ‘no likely significant effects’ without the inclusion of mitigation measures that would have required an Appropriate Assessment.