

Collins

**Design & Build
& Project Management**

Neighbourhood Planning Team
Herefordshire Council
PO Box 230
Blueschool House
Blueschool Street
Hereford
HR1 2ZB

Our Ref: Winforton - 2674
Please ask for: Russell Pryce
Direct Line: 01981 242928
Mobile: 07931 808200
E-mail: russell@collinsdb.co.uk

25th June 2015

Dear Sir Madam

RE: Eardisley Group Neighbourhood Plan – Reg 16 Consultation

We write to object to the draft NDP for Eardisley Group, with particular reference to Winforton.

Collins Design and Build own a small parcel of land on the western edge of Winforton village hereafter referred to as 'the land' (as identified on the enclosed plan). The land is available, deliverable and we consider it should, at least in part be included within the proposed settlement boundary for Winforton. I now set out the reasons why this is the case.

Proposed dwelling numbers and settlement boundary – Draft NDP Policies H2 and H5

The NDP effectively allocates land for 11 dwellings on two sites (which have planning permission) with one existing commitment taking this up to 12. Twelve dwellings is the minimum housing requirement to comply with the modified Core Strategy policies RA1/RA2 yet the NDP consultations have revealed that 15 dwellings would be supported by the community in Winforton.

Twelve dwellings represents a reduced provision than has actually been delivered in the Parish over the last twenty years and places a heavy reliance on full delivery on both sites. There is no buffer allowance in the event problems arise with either or both sites and to ensure choice and competition in the market. The Council's own statistics have historically identified on average, 10% of permissions either lapsed or are superseded in Herefordshire.

The draft NDP policy H5 does also support the potential for windfall development within the village but following an analysis of the windfall opportunities, they are all backland development, i.e. developing one house immediately behind another usually relying on access through a garden.

This format of development is usually very unpopular with neighbours because of inevitable overlooking and other amenity issues that arise and it is a format of development that is not a characteristic of the historic or current settlement pattern in Winforton, which is a linear village. In fact, the potential windfall options within the village will not comply with draft NDP policy H5 C iii as highlighted in bold below. The same policy criteria is repeated and emphasised in draft NDP policy H2. New build backland development is not in keeping with the character of the village.

H5 C - Elsewhere within the settlement boundary, housing may be developed on small sites or plots where:

i) They do not adversely affect the amenity of adjacent properties;

- ii) *Appropriate access arrangements can be provided;*
- iii) *They complement the character of the village and do not adversely affect any Listed building or other historic or natural assets; density of houses built is consistent with the village density;*
- iv) *The size of dwellings reflect the scale and character of surrounding properties and provide for the accommodation needs of families seeking 2-4 bedrooms;*
- v) *They comply with other detailed policies set out in this plan;*

Furthermore, some of the windfall options also are garden developments and therefore cannot be relied on for windfall purposes as set out in para 48 of the NPPF. Consequently, for these reasons, the deliverability of any windfall opportunities within the village, based on the current settlement boundary is questionable.

The NDP housing allocation for Winforton Parish therefore only proposes the minimum number that the CS allows as opposed to what the community consultations indicate would be acceptable and effectively has no buffer. The accepted buffer in Herefordshire for local plan housing land availability purposes is 20% because of the persistent under delivery over the last five years.

The NDP does not support the strategic aims of the draft CS and is not a sound basis for significantly boosting housing land supply, as required by the NPPF.

If every NDP only proposed the minimum CS housing provision and relied on *unrealistic* (NPPF term, para 48) windfall, it is highly unlikely the Council would deliver its required minimum rural housing target. Furthermore, the NDP runs for the full term of the Core Strategy up to 2031 and so not making any additional small provision now, on land where robust evidence exists that the land is deliverable, is compromising the delivery of Winforton Parish housing needs over the next 16 years.

Deliverability and Suitability of 'The Land'

The various NDP consultations on the site options (which initially included part of the land as a housing site option) have undoubtedly been influenced by the fact the EA records indicate that the land is within a floodzone. We have recently completed a Flood risk assessment in connection with a current live application for 3 self-build dwellings (ref 151111/O) which has revealed that the EA flood mapping is inaccurate and in fact, all the land is in floodzone 1 as illustrated in figure 3.10 below. This position has now also been accepted by the Council's lead flood and drainage consultant – copy enclosed.

This planning application is also supported by an ecology survey and drainage study which demonstrate that development of the land will achieve a net gain in biodiversity and that there will be no adverse impact on the River Wye SAC. This application demonstrates that there are no technical objections to the current application that would prevent the site being developed, and the case officer is supportive.

As explained above, the historic pattern and character of the village is one which has developed around the main road in a linear manner. Development on the land would continue this pattern but would not appear as an unacceptable encroachment into open countryside because the property to the west, Butterly, serves as a clear and logical end to the settlement when travelling along the main road.

The current planning application we have submitted was also partly informed by the draft NDP and policy H5 which states:

Proposals comprising custom built dwellings by people with a connection to the group parish will, in particular, be encouraged.

This ties in with paragraph 50 of the NPPF and paragraph 21 of the NPPG in the section 'Housing and Economic Needs Assessments' which now requires local authorities to evidence demand for self-build housing plots and ensure this demand is met in local development plans and/or NDP's. In turn, this NDP has been informed by various surveys which have identified a demand for self-build plots. Allocating land specifically for this purpose will ensure this identified need can be met.

The allocation could also be specifically for self-build plots and accommodation for the elderly and could include a village play area; a community facility which the village does not currently have thus complying with policy H1 (b) and policy C1 of the draft NDP.

Option 2 –Allocate the land currently the subject of a planning application for a development of three dwellings. This achieves access via the existing field access and again, HC highways raise no objection to its use to serve three dwellings. Alternatively, access could be gained via the adopted road through the Vineyards.

Again, the allocation could be for self-build plots.

Option 3 – Modify the settlement boundary to square off the south western edge of the settlement.

This will not have been previously considered because until recently, the land was in a floodzone but we have now proven that this is not the case. This is a logical change and follows the same approach that has been taken along the northern edge of the settlement where the proposed settlement boundary broadly follows a straight line. Access would be via the existing adopted highway thus it would not constitute a backland development and there would be no adverse impact on neighbours

The existing western edge of the Vineyards estate was only introduced approximately ten years ago when the estate was developed as the land originally formed part of a larger field. As such, the current western edge of The Vineyards it is not an historic field boundary.

Thank you for your consideration of our concerns and proposed modifications and I would be grateful to be kept informed of the next stages and key dates for the draft plan.

Yours faithfully

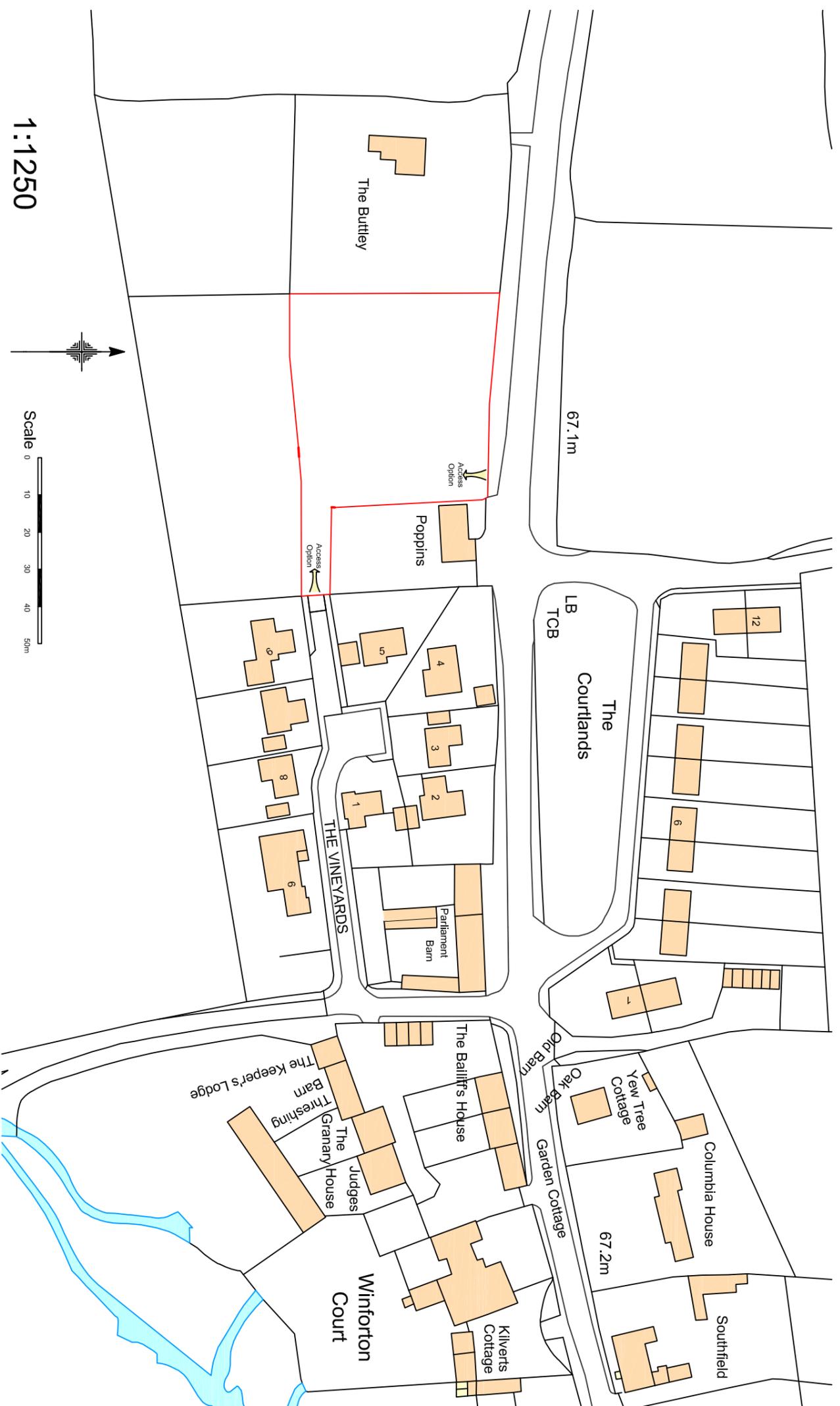


Russell Pryce MRTPI
Planning Manager

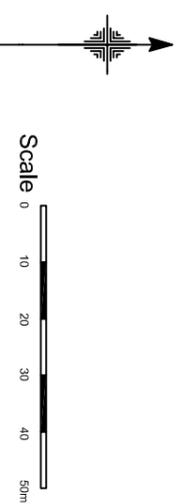
Attachments

- Plan 1 – Plan identifying land owned
- Options 1-3 for modifying the settlement boundary

Option 1



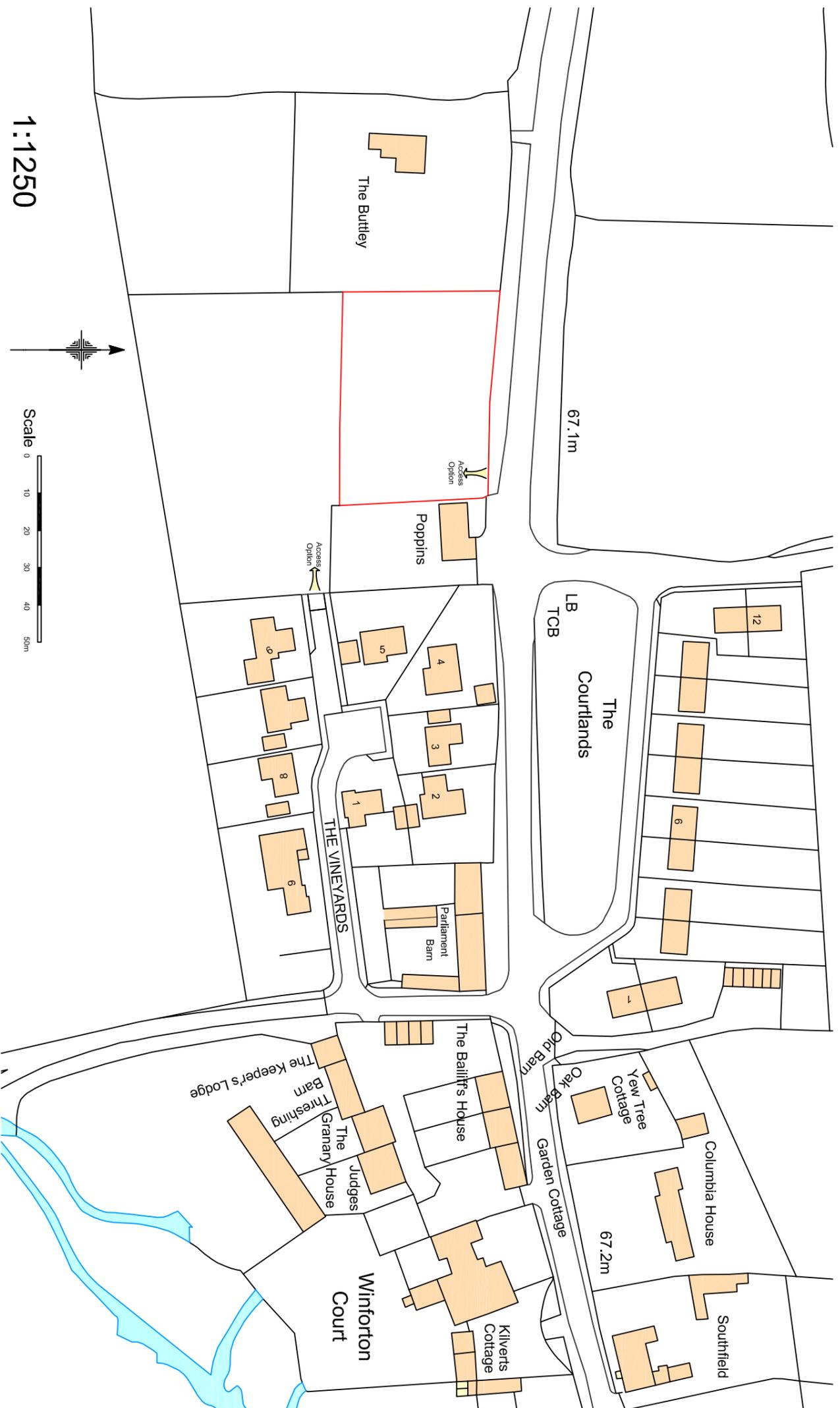
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		UNIT 5, WESTWOOD INDUSTRIAL ESTATE, PONTRILAS, HEREFORD, HR2 0EL TEL: 01981 240682 FAX: 01981 242926	
		TITLE Proposed Development Winforton, Herefordshire	
CUSTOMER Winforton, Herefordshire		DRN GCM	JOB No. 2674
DATE 25.06.15		DRG No. PO 01	
SCALE 1:1250		A3	

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Option 2



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TITLE
Proposed Development

CUSTOMER
Winforton, Herefordshire

DRN GCM JOB No. 2674

DATE 25.06.15 DRG No.

SCALE 1:1250 PO 02 A3

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Option 3



1:1250



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TITLE
Proposed Development

CUSTOMER
Winforton, Herefordshire

DRN GCM

DATE 25.06.15

SCALE 1:1250

JOB No. 2674

DRG No. PO 03

A3

The Land



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SCALE 1:1250		A3	

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Mr. James Latham
Neighbourhood Planning Team
Herefordshire Council
Forward Planning
PO Box 4
Hereford
Herefordshire
HR4 0XH

Our ref: SV/2010/103979

Your ref:

Date: 26 June 2015

Dear Mr. Latham

EARDISLEY GROUP REGULATION 16 CONSULTATION

I refer to your email of the 15 May 2015 in relation to the above Neighbourhood Plan (NP) consultation. We have reviewed the submitted document and would offer the following comments at this time. As submitted we would raise concerns with regards to a lack of sufficient evidence base to support allocations that are located within areas of flood risk. A robust evidence base, and decision making methodology, should inform the plan and ensure that it stands up to public scrutiny from developers, local communities and third parties. In the absence of an up to date Strategic Flood Risk Assessment (SFRA) we would expect robust justification for locating allocations within areas of potential flood risk and confirmation that the flooding is understood and can be managed/mitigated without impacts on third parties.

With reference to the Basic Conditions that Neighbourhood Plan must meet it would appear that the plan is not in full conformity with Herefordshire Councils Emerging Core Strategy (and current Unitary Development Plan) and does not fully promote sustainable development.

Policy SD1 – Sustainable Development: As part of an overarching sustainability policy we welcome reference to the need (Point c) for development to be undertaken within the capacity of essential infrastructure and that developers may need to contribute towards upgrades, including surface water and foul drainage. Point c also states that “existing and new properties should be safeguarded from flooding with measures introduced to reduce flood risk where necessary, in accordance with Policy E1”. Whilst this is welcomed reference should be made, in the first instance, to ensuring that development is sequentially located on land at the lowest risk of flooding (Flood Zone 1).

Policy E1 – Flooding: Eardisley, Winforton and Whitney-on-Wye are all impacted by fluvial flooding. We therefore welcome a flooding Policy to ensure that development

Environment Agency

Hafren House, Welshpool Road, Shelton, Shropshire, Shrewsbury, SY3 8BB.

Customer services line: 03708 506 506

www.gov.uk/environment-agency

Cont/d..

within these villages is directed to areas at the lowest level of risk. This Policy should accord with Herefordshire Council's Emerging Core Strategy Policy for Sustainable Water Management (Policy SD3), and the current Unitary Development Plan (Policy DR7) to ensure that development will be safe and will not increase flood risk to third parties. There is some repetition of Herefordshire Council's Policy within Policy E1 which is not necessarily required whereas we would recommend focus and consideration of flood risk issues in the Policy be specific to the NP areas.

Policy E1(c) states that no development will be permitted that will result in increased flood risk elsewhere. As both Policy MD1 and H4 propose development within Flood Zones 2 and 3 (Medium and High risk), based upon our 'indicative Flood Map', it may not be possible to achieve this. We would therefore expect a sequential justification of these sites, in the first instance, to confirm that there are no alternative sites available within Flood Zone 1. We would then expect an assessment of flood risk to confirm that the proposed sites are developable for the uses proposed and will not exacerbate flooding within Eardisley, with flood risk betterment provided where viable.

We note that the allocated/committed sites in Winforton or Whitney-on-Wye are located solely within Flood Zone 1, the low risk Zone. New development in these areas (Policy H5 and H6 respectively) should accord with a (revised) E1 Policy to adopt a sequential approach in ensuring development is located within Flood Zone 1, the low risk Zone.

As stated in the associated Environmental Report reference should be made to Herefordshire Council's Strategic Flood Risk Assessment (SFRA) 2009. It is understood that Herefordshire Council will be undertaking further updates to this document, which is now six years old, in consideration of flood risk, especially in the rural areas. We would therefore recommend you contact the Neighbourhood Planning team to discuss this further. To assist in this regard we have attached a copy of our recently produced Neighbourhood Plan Pro-forma which provides steer on how to address issues relating to flood risk and other sustainable water management requirements within your NP document.

Policy MD1 – Mixed Use Development in Eardisley: In acknowledgment of the above we would raise concerns, at this time, in relation to Policy MD1 and the development of this site, particularly for 'more vulnerable' uses such as a day-care facility (b) or residential (f). As shown on the attached Flood Map the site lies predominantly within Flood Zone 3 (High Risk) and it may not be viable to safely develop this site without increasing flooding to third parties. I refer to the associated Environmental Report (December 2014) which states that "Up-to-date flood risk information should be gathered from the Environment Agency, in order to ensure that any flood risks are considered when preparing the Eardisley Group NDP." The western edge of the site does fall within Flood Zone 1 and may be suitable for a day care facility, subject to a detailed Flood Risk Assessment (FRA).

In order to demonstrate that this site is appropriate for the abovementioned uses we would expect an assessment of flood risk (evidence) prior to final submission. We would expect a sequential justification of why this site has been allocated over sites within areas of lower flood risk. A SFRA should be undertaken to ascertain the precise risk to the site and whether it can be developed safely without increasing flooding to third parties.

Policy H4 – New Homes in Eardisley: Similar to the above land at The Glebe lies within Flood Zone 2, the medium risk Zone. This Policy confirms that development should comply with the flood risk Policy E1 but there appears to have been no

sequential assessment of sites to demonstrate that there are no alternative locations for residential development within Flood Zone 1 (low risk). A FRA may demonstrate that the site is in fact developable but, in the absence of this evidence base, the risks to the site are unknown.

Flood defences: Options are currently being investigated to reduce flood risk in Eardisley with works on the Folly brook proposed. Currently £200,000 has been allocated to the project, subject to approval of a business case and securing funding contributions if needed. Currently the earliest construction start date is 2021. This scheme is to be led by Herefordshire Council. There may well be scope, to accommodate future development within Eardisley, for developer contributions to be utilised to bring these flood alleviation options to fruition.

Water Quality: As stated within the associated Environmental Report (December 2014) 'New development proposed through the Eardisley Group NDP should be assessed against the capacity of local infrastructure'. On this point we note (Section 8.2.20) discussions with Welsh Water confirming that their treatment works are performing well but that there might be a need for phased development or contributions towards enhancement of the works.

Water Framework Directive (WFD): The EC Water Framework Directive European Union 2000 Commits all EU member states to achieve good qualitative and quantitative status of all water courses by 2027 Aims for 'good status' for all ground and surface waters (rivers, lakes, transitional waters, and coastal waters) in the EU.

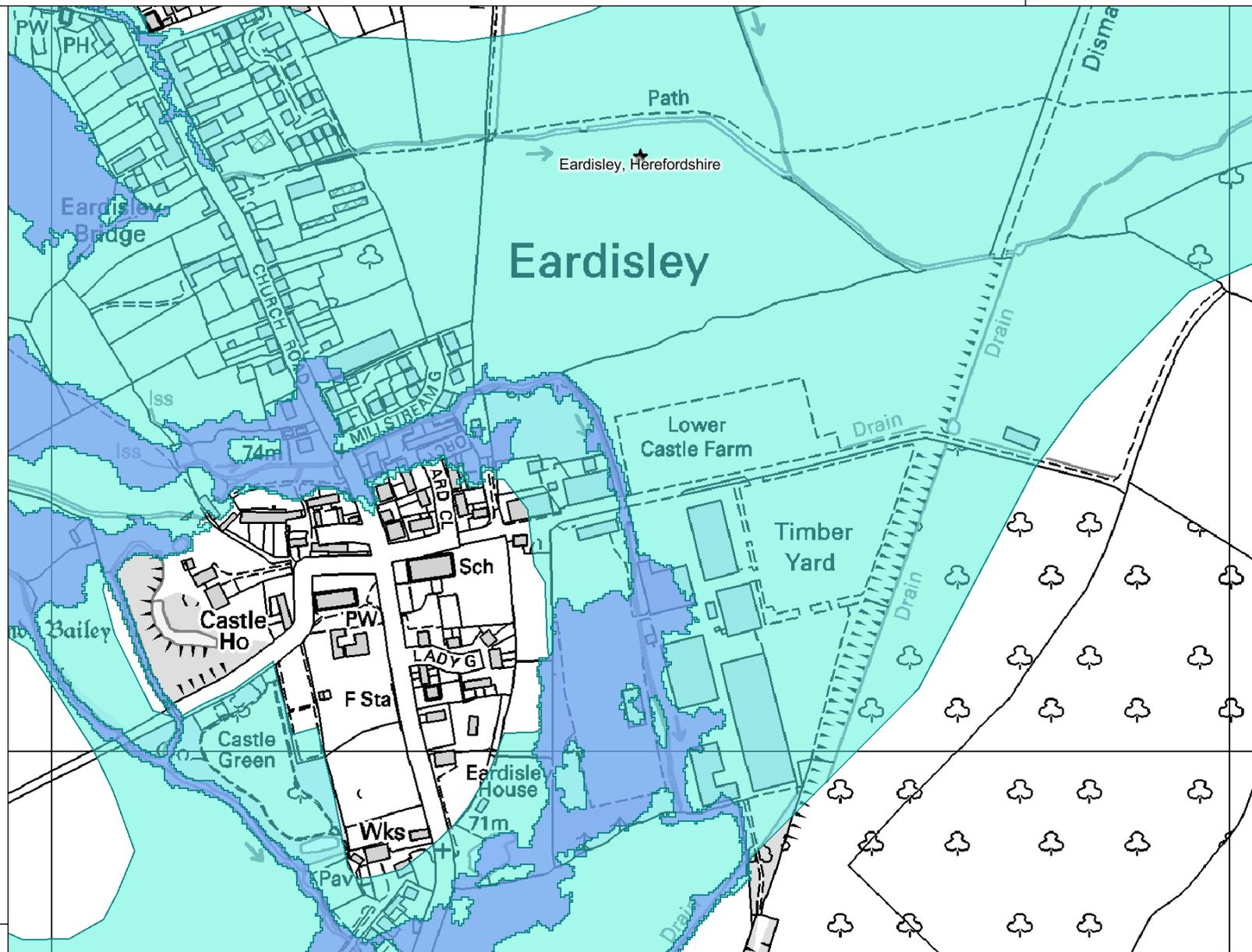
The Willerlsey Brook, which flows along the west of Eardisley is currently at 'moderate status'. In line with the above we would expect development in Eardisley to have no detrimental impact on the watercourse and, where possible, aid in it achieving 'good status' by 2027.

I trust the above is of assistance at this time. We would be happy to co-operate further on the areas detailed above prior to the proposed Neighbourhood Plan adoption. Please can you also copy in any future correspondence to my team email address at SHWGPlanning@environment-agency.gov.uk

Yours faithfully

Mr. Graeme Irwin
Senior Planning Advisor
Direct dial: 01743 283579
Direct e-mail: graeme.irwin@environment-agency.gov.uk

- Legend**
- Flood Map - Defences
 - Areas Benefiting from Flood Defences
 - Flood Map - Flood Storage Areas
 - Flood Map - Flood Zone 3
 - Flood Map - Flood Zone 2



0 47 94 141 m.



Date: 26 June 2015
Our ref: 154032
Your ref: Eardisley Group Neighbourhood Plan



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BY EMAIL ONLY

T 0300 060 3900

Dear Mr Latham

Re: Eardisley Group Neighbourhood Development Plan (NDP), SEA and HRA- Regulation 16

Thank you for your consultation on the above dated and received by Natural England on 15 May 2015.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Eardisley Group Neighbourhood Plan

The NDP relies on policies of the as yet un-adopted Herefordshire Local Plan. Until such time as the Herefordshire Local Plan is adopted the plan, policies within it cannot be relied upon to ensure the NDP will not have a likely significant effect. As a consequence, we disagree with the conclusions of the HRA of the NDP. In order to conclude that the NDP will not have a likely significant effect, we advise that either the NDP is adopted only after the Herefordshire Local Plan is adopted, or suitable policies are included within the NDP. Such policies will need to ensure that:

- “No development will be permitted within 100 metres of the boundary of the River Wye Special Area of Conservation (SAC). Development can only proceed where any adverse effects on the River Wye SAC can be avoided or mitigated.
- Development will only be permitted when it does not compromise the ability of the nutrient management plan to deliver the necessary overall nutrient reductions along those stretches of the River Wye SAC which are already exceeding water quality targets.”

Habitats Regulations Assessment (HRA) Report and Addendum

In Section 6 of the HRA and section 3 of the Addendum, it appears the basis for the conclusion that there will be no likely significant effect from the NDP, in combination with the proposed Main Modifications to the Herefordshire Local Plan (Core Strategy), is that in combination effects have been ruled out as the NDP aligns with the draft Local Plan.

The draft Local Plan has not yet been adopted and both it, and its HRA, are therefore liable to further changes. Given this, relying on the draft Local Plan to avoid or mitigate any potential impact is not considered sufficient to be certain of avoiding impact at this stage. The NDP’s HRA may, of course, rely on the evidence supporting the Local Plan’s HRA to draw conclusions as to whether the policies in the plan will have significant effects on the River Wye Special Area of Conservation (SAC).



Eardisley Environment Report

Natural England welcomes the production of an Environmental Report. Having reviewed the report Natural England confirms that it meets the requirements of the Strategic Environmental Assessment (SEA) European Directive and national regulations, and that we concur with its conclusions.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Gillian Driver on 0300 060 4335. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Gillian Driver

Miss Gillian Driver
Planning Lead Adviser
South Mercia Team



The Coal
Authority



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Email: planningconsultation@coal.gov.uk

Web: www.coal.gov.uk/services/planning

For the Attention of: Neighbourhood Planning Team

Herefordshire Council

[By Email: neighbourhoodplanning@herefordshire.gov.uk]

05 June 2015

Dear Neighbourhood Planning Team

Eardisley Neighbourhood Plan

Thank you for consulting The Coal Authority on the above.

Having reviewed your document, I confirm that we have no specific comments to make on it at this stage.

We look forward to continuing to receive your emerging planning policy related documents; preferably in electronic format. For your information, we can receive documents via our generic email address planningconsultation@coal.gov.uk, on a CD/DVD, or a simple hyperlink which is emailed to our generic email address and links to the document on your website.

Alternatively, please mark all paper consultation documents and correspondence for the attention of the Planning and Local Authority Liaison Department.

Should you require any assistance please contact a member of Planning and Local Authority Liaison at The Coal Authority on our departmental direct line (01623 637119).

Yours sincerely

Rachael A. Bust *B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MRTPI*
Chief Planner / Principal Manager
Planning and Local Authority Liaison

James Latham
Technical Support Officer
Neighbourhood Planning, Strategic Planning & Conservation teams
Herefordshire Council
Planning Services
Blueschool House
Blueschool Street
Hereford
HR1 2ZB

Enquiries: Rhys Evans/ Ryan Norman
0800 917 2652

19th May 2015

Dear Mr Latham,

**EARDISLEY GROUP PARISH COUNCIL NEIGHBOURHOOD DEVELOPMENT PLAN
CONSULTATION – MAY 2015**

I refer to your letter regarding the above consultation. Dŵr Cymru Welsh Water (DCWW) appreciates the opportunity to respond and we offer the following representation:

The comments provided at the Neighbourhood Development Plan Pre-submission Consultation Stage in November 2014 still apply, therefore we have no further comments to add at this time.

We hope that the above information will assist you as you continue to progress the NDP. Should you require any further information please do not hesitate to contact us at forward.plans@dwrcymru.com or via telephone on 0800 917 2652.

Yours sincerely,



Rhys Evans

Lead Forward Plans Officer

Developer Services

Latham, James

From: Turner, Andrew
Sent: 24 June 2015 11:55
To: Neighbourhood Planning Team
Subject: RE: Eardisley Group Regulation 16 Neighbourhood Development Plan consultation

RE: Eardisley Group Regulation 16 Neighbourhood Development Plan consultation

Dear Neighbourhood Planning Team,

I refer to the above and would make the following comments with regard to the proposed development areas identified in the '*Policies Maps of; Eardisley, Winforton and Whitney*':

Please note; The Eardisley Group Regulation 16 Neighbourhood Development Plan states that the "Housing Commitment" sites referred to throughout the plan have been "granted planning permission". Therefore on the basis that this statement is correct, I have not commented on the "Housing Commitment" sites on the understanding these sites have been subjected to comments during the planning process.

Eardisley

Having reviewed records readily available, I would advise that the 'Proposed site for development (policy H4, H7)' (Brown on the map) appears, from a review of Ordnance survey historical plans to have largely agricultural use history. By way of general advice I would mention that agricultural practices such as uncontrolled burial of wastes or excessive pesticide or herbicide application may be thought of as potentially contaminative and any development should consider this.

'Proposed site for mixed use (Policy EDM1)' (hatched in pink) is identified in the report as part of the 'Old Sawmills site'. This is a potentially contaminative use and will require consideration prior to any development. I would recommend any application that is submitted should include, as a minimum, a 'desk top study' considering risk from contamination in accordance with BS10175:2011 so that the proposal can be fully considered. With adequate information it is likely a condition would be recommended such as that included below:

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
 - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.

2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

Whitney on Wye

The 'Proposed site for development (policy H6,H7)' (Brown on the map) appears, from a review of Ordnance survey historical plans to have largely agricultural use history. By way of general advice I would mention that agricultural practices such as uncontrolled burial of wastes or excessive pesticide or herbicide application may be thought of as potentially contaminative and any development should consider this.

The review of Ordnance survey historical plans also indicates the 'Proposed site for development (policy H6,H7)' encroaches onto an area of land that since 1964 has been classed as unknown filled ground (pond, marsh, river, stream, dock etc.)

- Sites identified as unknown filled ground can be associated with contaminative fill material. In practice, many sites identified through the historical mapping process as unknown filled ground are instances where hollows have been made level with natural material, have remained as unfilled 'hollows' or have filled through natural processes. However, there are some instances where the nature of the fill is not inert and would require further investigation. Without any additional information it is not possible to comment further on this site. Any additional information you may be able to obtain will help in determining the exact nature of the site.

The sites historic potentially contaminative use will require consideration prior to any development. I would recommend any application that is submitted should include, as a minimum, a 'desk top study' considering risk from contamination in accordance with BS10175:2011 so that the proposal can be fully considered. With adequate information it is likely a condition would be recommended such as that included below:

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.

2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

General comments:

Developments such as hospitals, homes and schools may be considered 'sensitive' and as such consideration should be given to risk from contamination notwithstanding any comments. Please note that the above does not constitute a detailed investigation or desk study to consider risk from contamination. Should any information about the former uses of the proposed development areas be available I would recommend they be submitted for consideration as they may change the comments provided.

Finally it should be recognised that contamination is a material planning consideration and is referred to within the NPPF. I would recommend applicants and those involved in the parish plan refer to the pertinent parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development.

These comments are provided on the basis that any other developments would be subject to application through the normal planning process.

Kind regards

Andrew

Andrew Turner
Technical Officer (Air, Land and Water Protection),
Environmental Health & Trading Standards,
Economy, Communities and Corporate Directorate
Herefordshire Council, Blueschool House, PO Box 233
Hereford. HR1 2ZB.
Direct Tel: 01432 260159
email: aturner@herefordshire.gov.uk

From: Neighbourhood Planning Team
Sent: 15 May 2015 13:54
Subject: Eardisley Group Regulation 16 Neighbourhood Development Plan consultation

Dear Consultee,

Eardisley Group Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link: <https://www.herefordshire.gov.uk/planning-and-building-control/neighbourhood-planning/draft-plans-regulation-14-and-submitted-plans-regulation-16/eardisley-group-submitted-plans>

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 15th May 2015 until 26th June 2015.

If you wish to make any comments on this Plan, please do so by e-mailing: neighbourhoodplanning@herefordshire.gov.uk , or sending representations to the address below.

If you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the neighbourhood Development Plan, please indicate this on your representation

Kind regards

James Latham
Technical Support Officer
Neighbourhood Planning, Strategic Planning & Conservation teams
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Blueschool House
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Hereford
HR1 2ZB
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Email: jlatham@herefordshire.gov.uk
neighbourhoodplanning@herefordshire.gov.uk (for Neighbourhood Planning enquiries)

ldf@herefordshire.gov.uk (for Strategic Planning enquiries)

Web: www.herefordshire.gov.uk/neighbourhoodplanning (Neighbourhood Planning)

www.herefordshire.gov.uk/local-plan (Strategic Planning)

www.herefordshire.gov.uk/conservation (Conservation)

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Historic England

James Latham
Technical Support Officer
Neighbourhood Planning
Strategic Planning and Conservation Teams
Herefordshire Council
Hereford
HR1 2ZB

Our ref: 1413

Your ref:

Telephone
0121 256887

23 June 2015

Dear Sirs

EARDISLEY NEIGHBOURHOOD PLAN – REGULATION 16 CONSULTATION

Thank you for the invitation to comment on the Regulation 16 Neighbourhood Plan. As noted in our previous consultation responses we are supportive of the content of the document, particularly its' emphasis on local distinctiveness and the protection of locally significant buildings and rural landscape character. We are pleased to note that several of our earlier recommendations have been incorporated in this version of the Plan.

Overall Historic England considers that the Eardisley Group Neighbourhood Plan is a well-considered, concise and fit for purpose document that constitutes a very good example of community led planning.

I hope you find these comments helpful. If you have any queries please do not hesitate to contact me.

Yours faithfully

Pete Boland
Historic Places Adviser
E-mail: peter.boland@english-heritage.org.uk



Historic England, 8th Floor, The Axis, 10 Holliday Street, Birmingham B1 1TG
Telephone 0121 625 6870 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.





Neighbourhood Planning Team
Planning Services
PO Box 230
Hereford
HR1 2ZB

By email

Neighbourhoodplanning@herefordshire.gov.uk
let.009.SS.SS.12590066

25 June 2015

Dear Neighbourhood Planning Team

**EARDISLEY GROUP NEIGHBOURHOOD DEVELOPMENT PLAN
REGULATION 16 CONSULTATION**

We write on behalf of West Register (Realisation) Ltd and in response to the Eardisley Group Neighbourhood Development Plan (EGNDP) Regulation 16 consultation.

West Register supports the proposed allocation of its site, land at the Old Sawmills, which is proposed for mixed use development through Policy MD1, on the basis that Policy MD1 is amended to reduce the amount of proposed employment land and it is positively written. The rationale for this is set out below.

Policy Wording

Policy MD1 states that development of the Old Sawmills site is “an exception to policy J3”. However, the Old Sawmills site is not an exception site. Rather, it is to be an allocated mixed-use site, and the wording should better reflect this point. As such reference to this section of the policy should be deleted altogether and the wording should state:

“The area of land identified on Eardisley Inset Map comprising part (2.5 ha) of the Old Sawmills site may accommodate a range of uses...”

Indeed, the National Planning Policy Framework (NPPF) at paragraph 14 states that plan-making should ensure that opportunities are positively sought to meet the development needs of the area.

Paragraph 14 continues to state that plans should have sufficient flexibility to adapt to rapid change. Indeed the word “exception” contradicts the principle that neighbourhoods are required to “plan positively to support local development” (NPPF, paragraph 16).

Quantum of Development

The current apportionment in the EGNDP of 1ha for employment land and circa 0.5ha for community uses, with the remainder being split between housing, green infrastructure and car parking does not take into account the flood risk of

the site. Indeed taking the area at risk of flooding into account reduces the net developable area to 2.2ha.

West Register has undertaken a number of technical studies in respect of delivering a viable scheme on the site. These studies take account of the mix of housing, employment and community uses outlined in Policy MD1 as well as the site constraints. The technical work demonstrates that it would be very difficult to provide 1 ha of employment land and deliver the range of other proposed uses.

As such West Register requests that policy MD1 be amended so that a flexible amount of employment land is sought, taking into account the site constraints and other proposed uses.

We trust that the representation outlined above will be taken into consideration by the Neighbourhood Planning Team. We request the ability to participate in any future examinations of the Neighbourhood Plan.

Yours sincerely

A handwritten signature in black ink that reads 'Daniel Jackson'.

Daniel Jackson

Latham, James

From: Crane, Hayley
Sent: 18 May 2015 10:54
To: Neighbourhood Planning Team
Subject: RE: Eardisley Group Regulation 16 Neighbourhood Development Plan consultation

Hi

I've read through the plan and have no comments, they have listened to my past comments and amended everything.

Regards

Hayley

From: Housing Development
Sent: 15 May 2015 15:32
To: Crane, Hayley
Subject: FW: Eardisley Group Regulation 16 Neighbourhood Development Plan consultation

From: Neighbourhood Planning Team
Sent: 15 May 2015 13:54
Subject: Eardisley Group Regulation 16 Neighbourhood Development Plan consultation

Dear Consultee,

Eardisley Group Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link: <https://www.herefordshire.gov.uk/planning-and-building-control/neighbourhood-planning/draft-plans-regulation-14-and-submitted-plans-regulation-16/eardisley-group-submitted-plans>

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 15th May 2015 until 26th June 2015.

If you wish to make any comments on this Plan, please do so by e-mailing: neighbourhoodplanning@herefordshire.gov.uk, or sending representations to the address below.

If you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the neighbourhood Development Plan, please indicate this on your representation

Kind regards

James Latham
Technical Support Officer
Neighbourhood Planning, Strategic Planning & Conservation teams
Herefordshire Council

Planning Services

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Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 25 June 2015 10:42
To: Neighbourhood Planning Team
Subject: the form Comment on a proposed Neighbourhood Area was submitted

the form Comment on a proposed Neighbourhood Area was submitted, this is the list of values it contained.



First name:

Rose and Tony

Last name:

Urbainczyk

Which plan are you commenting on?:

Eardisley Group Neighbourhood Plan

Comment type:

Support

Your comments:

We support this plan, in particular Policy H4 New Homes in Eardisley, because we feel that it will help contribute to what most of the villagers want. We also support the number of houses planned (59) because of the benefits to the village as a whole that will accrue from them. It makes sense to make better use of 'brownfield' sites and these plans will stop uncontrolled sprawl by giving a well defined development boundary. Development within this boundary will not be further detrimental to existing the historic sites and buildings of the Black and White Villages Trail, which brings business to the village.

Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 25 June 2015 21:37
To: Neighbourhood Planning Team
Subject: the form Comment on a proposed Neighbourhood Area was submitted

the form Comment on a proposed Neighbourhood Area was submitted, this is the list of values it contained.



First name:

Mike

Last name:

Budd

Which plan are you commenting on?:

Eardisley - elements relating to Whitney-on-Wye

Comment type:

Objection

Your comments:

The plan for Whitney-on-Wye appears to centre on two issues a) the impact of the A438 b) housing location.

I agree with the strategy on the A438, and in particular that there should be a lower speed limit. I also agree that the first 4-5 houses should be built at Millhalf as there are disused vernacular buildings there which can be easily converted into accommodation which is sympathetic to the hamlet. This seems to be an entirely valid reason for the proposal. However I do not agree with the reasons given in the plan which centre around flood mitigation. I also do not agree that Millhalf should be the default location for further housing provision after the first 4-5 houses, as the pool of convertible vernacular buildings will be exhausted, and the main reason given in the plan, once again mitigation of flood risk, seems to me doubtful. Also I disagree with the assertion that Whitney is a village with three main centres, an assertion presumably relevant to the proposal that there should be development outside the main settlement area. I am making this objection because I believe that the reasons given for policies are as important as the policies themselves. If policies are developed for challengeable reasons they could be challenged in court by enterprising developers. Also they may become accepted as fact and used to justify medium to long term housing location policy.

The reasons given in the plan for selecting Millhalf as a development location are that housing along Duck Street, the main alternative location considered, is likely to cause an increase in flood risk though increased surface run-off presumably into the Millhalf brook [1]. I feel that the reasoning is doubtful because the area likely to be rendered impermeable by the housing (maybe 500-1000 square metres) is very, very small compared to the area of the two basins that cause flooding problems in Whitney. These are the river Wye basin (clearly huge) and Millhalf brook (around 7 million square metres). Therefore the increased surface run-off is unlikely to cause a significant increase in flood risk from these rivers [2]. Furthermore the very small increase in risk involved could be offset by sustainable drainage measures, which could be enforced in perpetuity eg via covenants. Finally, the drainage of much of the land in Millhalf is ambiguous - a significant proportion of Millhalf land actually drains to Millhalf brook. But the plan does not specify the

potential site of the second phase of housing which may be built there.

The plan implies that Whitney is a settlement with three main centres. It seems to me difficult to argue this. It seems more natural to argue that Whitney is a fairly concentrated linear settlement mainly consisting of Duck Street and Whitney Village road psychologically but not spatially divided by the main road. Millhalf is a very small, separate, agricultural hamlet. As a corollary it is perhaps worth recognizing that there is a risk that the will of the more numerous residents of Whitney on Wye dominates over the much less numerous residents of Millhalf in medium to long term planning, including housing allocation. It would be particularly unfortunate if the residents of Millhalf experienced a diminution in house values (from development) while Whitney was experiencing an increase (from flood risk mitigation and absence of development).

None of this is to deny the importance of flood mitigation measures at Whitney-on-Wye. Around six houses are at high risk of flooding and measures are desperately needed to prevent or mitigate the risk. After walking around Millhalf brook for a while it seems to me that the flood risk from the brook might be managed by addressing aspects of land management in the upstream catchment, but to establish whether that is true further work would be needed. It also seems to me that the existing stream diversion scheme, while helpful, has insufficient capacity (there is trashline evidence that the associated dam is being frequently over-topped).

In conclusion I would suggest:

- i) the plan is rephrased to justify the Millhalf location for the first 4-5 properties on the basis that vernacular buildings are available for conversion
- ii) the Millhalf location is withdrawn as the default location for further housing, as the main reasons given for this appear to me to be weak.
- iii) or alternatively any further development is strongly constrained (regarding materials, design and layout) to be consistent with Millhalf's character as a charming ancient agricultural hamlet with (currently) no modern buildings at all.
- iv) the statement that Whitney is a single village with three centres is withdrawn as it seems difficult to argue this
- v) Millhalf residents are separately consulted on medium to long term plans for housing in Millhalf
- vi) A flood risk study is conducted to determine what measures could be put in place to manage the Whitney flood risk. This is I think already intended. This should in my view include an upstream catchment study for Millhalf brook - this may not yet have been considered.

Finally I would like to note that my thoughts on the plan should be qualified by the fact that I have not been a resident of Whitney for very long, so I may not be aware of all the local issues and initiatives involved, and I may have misunderstood some aspects of the plan. My short residence also explains the length of my submission - I was not living in Whitney during the most of the local consultation period.

Footnotes

[1] In relation to the alternative Duck Street site for housing, it might perhaps be argued that the flash-flooding risk might be increased, but my understanding is that this is relatively easy to manage via artificial and sustainable drainage measures.

[2] A more detailed argument can be made involving the likely effects of the proposed housing on relative run-off percentages and runoff timings under the soil saturation conditions likely to precede a major flood. I would be happy to supply this on request.