

## **Burghill Neighbourhood Development Planning Replies from the Qualifying Body (QB) to the Examiner's Questions – October 2018**

**The Examiner's text setting out her questions is repeated below with the same paragraph numbers as identifiers. The QB's answers are set out below the Examiner's questions in italics and in text of a different colour.**

1. What is the "private low intensity leisure use" shown on Map 4. Which Policy does it relate to?

### **QB's Answer to question 1:**

*The designated use does not relate to any specific leisure policy but is considered to be covered by Policy B4: Rural Enterprise and Farm Diversification. The land is owned by The Bell public house. At times in the past there has been a low intensity use for leisure caravans. It is the view that a licensed and permitted use for up to 5 units under the auspices of an organisation such as the Caravan and Motorhome Club would not be an inappropriate low intensity leisure use in this locality. The "low intensity leisure use" also gives the public house the option of using this ground for linked business activities of low intensity which might marginally exceed those permitted under the terms of the Town and Country Planning (General Permitted Development) Order and its successive additions and amendments.*

2. What is the evidence to support the requirement in Policy B1 for at least 15% of the development to be single storey dwellings?

### **QB's Answer to question 2:**

*This arises from answers to the questionnaire and the views of local people identifying the need for accommodation for the elderly population. There are a number of single storey dwellings in the parish favoured by this generation who occupy dwellings singly or in couples. From the Herefordshire Council's statistical records, the county's current population over the age of 65 is 45,800 persons and this is anticipated to increase by 19% over the next 7-year period. The current population over the age of 85 is 6,100 and this is anticipated to rise by 20% of the next 7-year period. This is a significant percentage when viewed against a total county wide population of approximately 190,000 persons.*

3. Are the three sites shown in yellow on Maps 2 and 3 as Planning Commitments sites that have planning permission for housing? If so would the QB supply me with the names of the sites and the number of dwellings approved so that these can be cross referenced from the justification text.

### **QB's Answer to question 3:**

*Map 2: This triangular site is in the south of the parish and abuts the boundary. It fronts both Tillington Road and the Roman Road. P/160048 – planning permission granted April 2017, for 50 dwellings but not commenced. There is a condition of the planning permission preventing occupation of any dwellings until March 2020 unless water supply infrastructure problems are resolved before this date.*

*Map 3: The northernmost triangular site is known locally as Pye Finch, taking its name from the former lands of Pye Finch Farm. P/151316 – planning permission granted May 2016 for 24 dwellings. Building work currently in progress.*

*Map 3: The southernmost trapezoidal site is next to Bredstone House and is opposite The Redstone group. P/ 173605 – outline planning permission granted December 2017 for*

*residential use. There is a planning condition requiring compliance with the submitted drawings which shows a layout of 10 dwellings.*

4. How are the business parks listed under Policy B2 rated in the Employment Land Study 2012? Are the sites safeguarded under Core Strategy Policy E2?

**QB's Answer to question 4:**

*Neither business park is listed in the Employment Land Study 2012. However, both sites were employment areas in the parish in 2012 and continue as employment zones. The zone in Tillington also has a shop and post office. Core Strategy Policy E2 refers to land rated as 'best', 'good' or 'moderate' in the Employment Land Study 2012. As neither of these sites were included in the Employment Land Study, they are not safeguarded under Core Strategy Policy E2.*

5. The first part of Policy B2 is vague and imprecise. It does not explain what types of "employment uses" will be acceptable and refers in vague terms to sites "throughout the parish". The second part of Policy B2 is considered to be vague and imprecise; it does not specify what the future acceptable uses are. In any case a neighbourhood plan policy cannot state that change of use or redevelopment "will be permitted". Any future uses on the business park would have to be limited to those that would be acceptable in a residential area in view of the proposed housing allocation adjacent. In the circumstances I shall be recommending that the policy be deleted.

**QB's Answer to question 5:**

*The Examiner's suggested deletion considered acceptable.*

6. I consider that there is a degree of conflict between Policies B3 and B4. Policy B3 would encourage the conversion of an existing building without any limitations on its type or location whereas Policy B4 is restricted to traditional agricultural buildings that form part of an existing group of buildings subject to the building being structurally sound etc. Would the QB explain what type of buildings are intended by the term "traditional agricultural buildings". Is Policy B4 more relevant to historic farmsteads? Would the LPA and QB consider whether Policy B4 is unduly restrictive as Policy B3 could be used to agree to the conversion of modern agricultural buildings for employment uses. Would the LPA and QB comment on the following proposed revisions to combine the wording of these 2 policies.

**"New employment development will be encouraged on the Tillington Business Park, Burlton Court Farm Business Zone, through the re-use of a suitable brownfield site or the conversion of a suitable existing building, including an agricultural building, provided that: criteria c) to f) of Policy B3.**

**"Where the development proposal involves the conversion of an agricultural building that forms part of an historic farmstead, the development should meet the following: criteria b) to h) of Policy B4."**

**QB's Answer to question 6:**

*It is accepted that the inclusion of "traditional" in Policy B4 is otiose and the Examiner's suggested policy changes are considered acceptable.*

7. Are the transport improvements set out in Policy B7 required to deliver the development set out in the BNP? If so, would the QB provide the evidence that these

schemes are necessary to deliver the development proposed and that they are deliverable. If not, would they confirm that these measures are to remedy existing transport issues in the parish and should be regarded as aspirations of the Parish Council or as community projects?

**QB's Answer to question 7:**

*To promote pedestrian safety the QB seeks continuity of footways between housing groups and services. It is a long-held view of the QB that a continuous footway is needed between The Bell public house and the centre of the Burghill Village. The QB has attempted to provide this in the past through voluntary work, but the final scheme has been frustrated by the lack of available land and planning permissions requiring access points onto the main village road. Some land owners are prepared to gift the land for public works, providing the funding comes as part of development projects.*

*There have been significant highway accidents in some parts caused by poor forward visibility, narrow sections of road and vehicle speeds well in excess of the speed limit. Hence the inclusion of traffic calming in Policy 7.*

*It is considered that by setting out these matters in policy terms the infrastructure would come to fruition as part of any project which has highway frontage. Furthermore, such works would be constructed to adoptable standards and future maintenance passed on to the appropriate authority.*

8. What is the status of the Design Guidance set out in Appendix 3 of the BNP? Has it been adopted by Herefordshire Council? It includes a number of prescriptive requirements which go beyond design guidance particularly on the size of a development (no more than 10 dwellings) and the mix of house sizes and types which are not addressed in the Plan's policies. Would the QB provide me with the evidence to justify the maximum site size and the size and mix of housing. This should be based on a Housing Needs Assessment and not solely on the opinions expressed in responses to the NP questionnaires. Would the LPA comment on whether any aspects of the "Design Guidance" are unreasonable given the circumstances of the Plan area.

**QB's Answer to question 8:**

*As stated, it is "Guidance". It has not been adopted by Herefordshire Council. It is not proscriptive and is therefore aspirational. However it does provide the views of the QB as to what is considered acceptable within the parish in order to achieve some semblance of the existing with future housing so that projects would acceptably merge with the character and fabric of the existing housing groups.*

9. Policy B9 is titled Landscape Character however it includes policies on historic buildings and settlement patterns in criteria b) and e). Would the QB comment on the proposed revisions to the first paragraph of the policy.

**"Development proposals should protect, conserve and enhance the local landscape character including the historic settlement pattern, historic buildings and their settings and traditional farmsteads."**

Does the QB have any evidence to justify criterion a) of Policy B9 which is considered to be restrictive and could affect sustainable development on the edge of Hereford and proposals for a relief road.

**QB's Answer to question 9:**

*In terms of the Examiner's suggested revision of the first paragraph, the QB accepts the proposed change in the text.*

*Regarding criterion a) of Policy B9 none of the favoured sites are within the proposed relief road corridor. On the matter of the "retention of the green areas between Burghill and Hereford" the QB is concerned to retain the separate identity of the Village and prevent coalescence with the City which is extending northwards and encroaches upon the southern boundary of the parish. Historically, the Roman Road and its fringe was an effective northern boundary for the city, but this has now been effectively breached by significant permissions for residential projects.*

10. Has any assessment of the proposed local green spaces been carried out apart from that in Table 3 of the Plan? What evidence does the QB have that the green areas are demonstrably special to the local community and hold a particular local significance as required by NPPF paragraph 77? Is there public access to the common land or use for recreational purposes? Does its ownership by the Parish Council and legal status as common land afford it adequate protection? Is site 6 the land at St Marys Park safeguarded through a planning condition or any other protection? Site 8 is part of a fruit farm and not green space; at what stage are the proposals to extend the graveyard?

**QB's Answer to question 10:**

***Nos 1,2 & 3 Tillington Common (1); Whitmore Pool/The Bird Pool (2); Whitmore Common (3):***

*These three areas are owned by the Burghill Parish Council as common land and the public have access to these areas for leisure use. The areas are managed and funded by the BPC. The BPC considers it has adequate control measures in place to manage these three areas and secure the future use of the land as amenity space for parishioners.*

***No. 4 The Green Areas at Leasown and Bakers Furlong in Burghill:***

*Planning Application was refused Ref: DS992603/F and an appeal dismissed due to the importance and impact on the local green area. Also, historically protected through the area planning process and included in the former UDP as protected open space. (Safe environment for your children to play and encouraging healthy lifestyle – only alternative The Copse, access to which is across the main village road and down a narrow lane).*

***No. 5 The Green Semi Circle at Redstone:***

*Protected Open Space in UDP as has an amenity value to the local community. (Safe environment for young children to play and encourage healthy lifestyle from an early age – alternative again is The Copse, access to which is across the main Tillington/Weobley Road and down a narrow lane).*

***No. 6 The Deer Park and other open areas at St Mary's Park:***

*The open land at St Mary's including the deer park is wholly owned by St Marys Burghill Manco Limited, which is the management company owned by the residents and governed by the conditions of the Rent Charge Deed. All residents are shareholders of the company. Any proposed change of use would therefore need the support of residents as set out in the company's articles.*

*The existing parkland is used by residents for recreational activities, such as exercising,*

*dog walking, bird watching, children's games and general well being. Part of the park is enclosed and is a managed environment for a small deer herd.*

**No. 7 The Copse Leisure Area:**

*Owned by Herefordshire Council but negotiations in hand to transfer the community asset to the charity whose sole objective is*

*"TO PROMOTE FOR THE BENEFIT OF THE INHABITANTS OF THE PARISH OF BURGHILL IN HEREFORDSHIRE THE PROVISION OF FACILITIES FOR RECREATION OR OTHER LEISURE TIME OCCUPATION OF INDIVIDUALS WHO HAVE NEED OF SUCH FACILITIES BY REASON OF THEIR YOUTH, AGE, INFIRMITY, DISABLEMENT, FINANCIAL HARDSHIP OR SOCIAL AND ECONOMIC CIRCUMSTANCES OR FOR THE PUBLIC AT LARGE, IRRESPECTIVE OF NATIONALITY, RACE, ETHICAL OR NATIONAL ORIGIN, COLOUR, DISABILITY, AGE, SEXUALITY, POLITICAL OR RELIGIOUS BELIEFS IN THE INTEREST OF SOCIAL WELFARE AND THE OBJECT OF IMPROVING THE CONDITION OF LIFE OF THE SAID INHABITANTS AND THE DOING OF ALL SUCH OTHER THINGS AS ARE INCIDENTAL OR CONDUCIVE TO THE ATTAINMENT OF THESE OBJECTS".*

*There is an interest on the land in favour of the Duchy of Cornwall. A Survey carried out in 2002 identified the need for local sporting and leisure facilities, which was reiterated again in the Burghill Parish Plan in 2006 and through the Neighbourhood Development Plan consultation process. The Copse Leisure Trust carried out their own survey in 2014 to ascertain if the activities had changed. Planning permission was granted for a sports pavilion and two tennis courts, plus a future bowling green. Section 106 monies have already been allocated from approved planning permissions. The Charity Chairman recently met with the LPA's Section 106 officer to drive forward the project in anticipation of the additional need from new development in the parish. Currently on site there are only 2 portacabins housing changing facilities which are nearing the end of their useful life. Running costs are met by an annual donation from the Parish Council, revenue from the hire of facilities, fundraising and grants to ensure its sustainability. The facility is managed by 7 trustees who are all volunteers. The area is used all year. Currently the organisers are seeking funding from Sports England and The Football Association.*

**No 8: Possible Graveyard Extension next to St Mary's Church:**

*This an area of land currently used as orchards and in the ownership of the Welcome Foundation, who own other significant areas of farm land within the parish. The church is running short of land to be used as a graveyard. No formal arrangements are currently in place between The Church Commissioners and adjacent land owners concerning any extensions to the current graveyard. However, it has been the view of the BPC that it would not look unfavourably at any planning application made to extend the graveyard in the direction of site No8 on the western side of the church.*

11. Policy B11 gives examples of the village hall and educational facilities. Would it be possible to add a list of all the community facilities that Policy B11 will apply to?

**QB's Answer to question 11:**

*The Simpson Hall – Tai Chi, Short Mat Bowling, Bridge, Play Group, Flicks in the Sticks, Dog Training, Gardening Club, Parish Council and local community group meetings, Retirement Club, Knit one, natter two, Community Cafe, Community Access Point and Community Library, Community Photocopier, Fundraising events, Meals for the Community, Pilates, Messy Church.*

**Burghill Guide & Scout Hut** – Brownies and Rainbows.

**St Mary's Church, Burghill** – Community space for church events and services.

**The Copse Leisure Area** – Nordic Walking, Rounders, Boot Camp, Walking Group, 3 football, teams including county youth team, community events, children's play area and picnic benches. It is well used by people of all ages. Community Games (received an award from Sebastian Coe for commitment to the legacy of the London 2012 Olympics). Heart of England in Bloom Award 2018, links with Burghill Academy, use of facilities by local community groups i.e. retirement club, Burghill Guides and Rainbows.

**Burghill and Tillington Cricket Club** – Thriving cricket club with an active junior section.

**Burghill Academy including Messy Boots Play group.**

12. Policy B13 criterion c) requires the waste water treatment for all schemes to be constructed to a standard capable of adoption. The latter part of the criterion refers to dwellings. Is it intended that this should only be applied to residential development or would it apply to any form of development requiring waste water management schemes? In this requirement feasible and deliverable in this rural parish where many existing properties are served by private treatment plants? Can the requirements of criterion h) be applied? |Would the LPA comment on whether the requirements of these two criteria are standard requirements?

**QB's Answer to question 12:**

*Criterion c) of Policy B13 does not mention "waste water treatment". However, it does refer to "water management schemes" which has a much wider remit possibly including foul and surface water sewerage (a sewer serves more than one property) and sustainable drainage methods such as swales and attenuation ponds. It is normal procedure for such combined works to be constructed to an adoptable standard as often they are too complex a burden for individual management. There is no suggestion in the Policy B13 that private drains (a drain serves a single property) or that a private treatment plant serving a single property should be constructed to a standard suitable for adoption. It is accepted that for single dwellings drainage functions are adequately covered by Section H2 of the Building Regulations and this document is sufficiently competent to deal with such matters.*

*Aside from small treatment plants for single dwellings there would be occasions where sites for more than one dwelling would require larger installations likely to discharge in excess of 2,000 litres per day. Such plants would be subject to more rigorous controls as set out in the General Binding Rules administered by the Environment Agency. Collective management of such installations can cause problems which result in pollution of ground water, hence the need for more stringent design and management.*

*In summary, it is not considered that a change is needed to Policy B13.*

13. The Environmental Health Officer has advised that if necessary, a Remediation Scheme will be required for the development of the solar farm at Winstow Pit. Would the QB and LPA agree that this should be included as a requirement in the policy wording of Policy B14.

**QB's Answer to question 13:**

*It could be considered appropriate to include such a rider. However, for a recent planning permission (P/173837) granted in November 2017 for an extension to a dwelling on the adjacent site, in the same ownership, the Local Planning Authority included the following*

*condition in relation to the closed landfill:*

*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 shall be submitted in writing. 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 comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework*

*From the above it can be reasonably assumed the LPA is well aware of the environmental constraints for this site and will act accordingly by imposing a restrictive pre-commencement condition to any planning permission granted for a solar farm.*