

Bodenham Neighbourhood Development Plan
2013 / 2031

Draft 2.1

19 March 2014

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Introduction

This draft consultation Bodenham Neighbourhood Development Plan (NDP), covering the Bodenham Parish Area (see Annex A) was prepared over the period July – December 2013. The Bodenham Neighbourhood Area, which corresponds to the Parish Area, was approved by Herefordshire Council under the Neighbourhood Planning Regulations 2012 on 31 March 2013.

A Vision for Bodenham

To maintain a thriving community whilst continuing to protect and enhance the local environment by allowing change through sustainable development.

The Plan aims to achieve this vision by providing specific planning policies intended to address issues identified in the Bodenham Parish Plan as being important to the local community, particularly where those issues are perceived as not being adequately addressed through existing planning policies in the Herefordshire Council's Core Strategy ⁽¹⁾.

The Plan has been prepared on behalf of the local community by a Plan Steering Group, supported by Bodenham Parish Council. The Steering Group was formed by community representatives and some Parish Councillors after the Parish Council approved the principle of plan preparation at a formal public meeting on 5 November 2012. That meeting was followed by publicity and a call for volunteers in the Bodenham *Newsletter*, on the Parish Website and on notice boards throughout the Parish.

The Plan has been produced in accordance with powers introduced in the Localism Act 2011 with the intention that it will become part of the Statutory Planning Policy Framework and that the policies contained herein will be used to determine future planning applications.

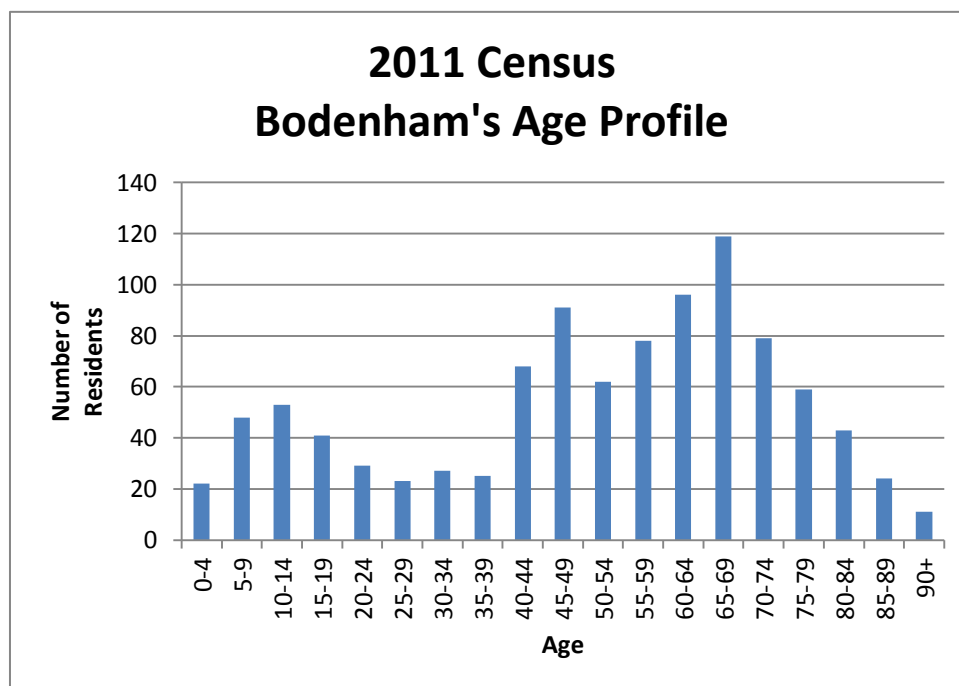
This draft of the Plan will be subject to consultation with Herefordshire County Council and Bodenham residents. It is proposed that a further draft of the Plan reflecting responses to this first consultation will then be subject to a further 6 week consultation period.

Background

Bodenham is a mainly rural parish of some 2,139 hectares (5,286 acres) about 7 miles North of Hereford and 6 miles South of Leominster. The River Lugg flows from North to South through the Parish on its way to the Wye and the two main centres of population in the Parish lie on either side of it. To the West is the original village of Bodenham, which is a conservation area (see the map at Annex B) and contains the church and primary school, while to the East is the rather larger and more recent residential area of Bodenham Moor with the Chapel, Parish Hall, Post Office, GP Surgery and a number of local businesses and other amenities.

1. All references in this Plan to "Core Strategy" are to Herefordshire Council's Core Strategy dated [TBC]

The population of the Parish, as recorded in the 2011 Census, is 998 and, as can be seen from the chart below, it includes a significant proportion of those above retirement age.



Employment. The dominant economic activities in the Parish are agriculture and homeworking. Planning consent has been given to the establishment of “work units” at the Baches Bargains site in Bodenham Moor. Although there are two other employment sites within the Parish it is likely that homeworking will become the predominant local economic activity. It is felt that this form of economic activity contributes directly to the three sustainable development dimensions set out in the National Planning Policy Framework (NPPF)⁽²⁾.

Community Facilities/Recreation. The Parish has a good range of well patronised community facilities – a Parish Hall, Primary School, GP Surgery and Dispensary, Church, Chapel, Post Office, Garage, Shop, General Store and Hairdressers. There is sufficient flexibility to allow for modifications of these facilities to take account of fluctuations in population and age mix.

2. National Planning Policy Framework (Page 2). The dimensions are :

- **Economic** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **Social** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **Environment** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Apart from tennis courts, and a bowling green there is no other formal outdoor sport provision within the Parish. However, informal outdoor recreation and sport is well catered for with a golf course and a range of equestrianism, angling and rambling, and other opportunities. all available locally. A variety of indoor recreational activities also take place in the Parish Hall.

Open/Amenity Spaces. Eight areas of public open space within the Parish are listed at Annex C, together with some background notes. Three of these: Maund, Upper Maund/Whitchurch Maund and Common Marsh are registered Common Land. All of the listed public open spaces are regarded as being of particular importance as public amenity areas and any development proposals affecting them will be strongly resisted in accordance with Core Strategy Policy OS3.

Parish Features

A significant proportion of the Bodenham Neighbourhood Area is at risk of fluvial flooding from the River Lugg and three minor tributaries, and is located in Flood Zone 2 and Flood Zone 3 (see the Environment Agency Flood Map at Annex D).⁽³⁾

There has been a long history of flooding in Bodenham. Most recently, in 2007 approximately 40 dwellings in the Bodenham Moor area were flooded and many more suffered damage to garages, outbuildings and gardens. This was the result of a short period of exceptionally heavy rainfall causing flash (pluvial) flooding made worse by the poor design and the lack of adequate maintenance of the local drainage infrastructure. (An Environment Agency Map showing the areas in the Parish considered to be at risk from such surface water flooding is at Annex E).

The River Lugg is designated a Special Area of Conservation and a Site of Special Scientific Interest. There are two other Sites of Special Scientific Interest in the Parish.

3. Table 1 of the NPPF provides the definitions for each of the flood zones, which are summarised as follows:

- Flood Zone 1: Low Probability. Land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year.
- Flood Zone 2: Medium Probability. Land assessed as having between a 1 in 100 and 1 in 1000 annual probability of river flooding or between a 1 in 200 and 1 in 1000 annual probability of flooding from the sea in any year.
- Flood Zone 3a: High Probability. Land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.
- Flood Zone 3b: The Functional Floodplain. Land where water has to flow or be stored in times of flood. The identification of the functional floodplain should take account of local circumstance and not be defined solely on rigid probability parameters. However, land which would flood with an annual probability of 1 in 20 or greater in any year should provide a starting point for consideration and discussion.

A large lake, formerly a quarry working, is located to the West of Bodenham Village and this area includes a parcel of “brownfield” land containing former quarry works buildings. The lake functions as a Nature Reserve and is a designated Special Wildlife Site.

Consultation

Throughout the development of the Neighbourhood Plan local residents have been kept informed of progress in as many different ways as possible. At all stages notes explaining the nature and importance of Neighbourhood Planning have been available on the Parish Website with links to the detailed guidance notes provided on the Herefordshire Council website. All Meetings of the Steering Group have been publicised in advance, both in the monthly Bodenham *Newsletter* and on the Parish Website. All these Meetings have been open to attendance by any member of the public, and the importance of community involvement and feedback has been repeatedly stressed. Progress reports have been presented to all monthly Meetings of the Parish Council, which are also open to the public. These reports have been recorded in the Council’s Minutes, copies of which are available to all on the Parish Website. Similarly, each successive draft of the Neighbourhood Plan has been published on the Parish Website and comments invited on it and this will be followed up with ‘open days’ at which local residents will be able to discuss the Plan and the proposed settlement boundaries in detail and propose any amendments they wish.

Once completed, the Neighbourhood Plan Proposal will be submitted to Herefordshire Council for publication on its website as required under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 with details of how, where and when representations can be made.

Herefordshire Council will then provide copies, together with representations made, to an independent Examiner appointed to report on how the Plan meets the statutory requirements.

Subject to it meeting these requirements, it would then be put to a referendum of Bodenham electors.

The Referendum

To be adopted as planning policy this Plan must be subject to a vote at a local referendum, as required by the Neighbourhood Planning Regulations 2012.

The referendum will ask the question “Do you want Herefordshire Council to use the Neighbourhood Plan to help decide planning applications in the Bodenham Neighbourhood area?”.

Subject to a majority vote, the Plan would become adopted planning policy and used when considering planning applications.

Housing Background

As at 2011 there were approximately 485 dwellings in Bodenham Neighbourhood Area of which approximately 270 were in the main settlement area of Bodenham Moor and approximately 69 were located in Bodenham, much of which lies within the Bodenham Conservation Area. The balance of dwellings are scattered outside the two main settlements.

A considerable number of new dwellings were constructed in Bodenham Moor principally during the 1970s and 1980s with two further windfall infilling developments taking place in Sycamore Close and Orchard Close in more recent times.

Further windfall infilling development has also taken place in three other sites. Twenty four housing units, known collectively as the Siward James Centre, were erected in Bodenham Moor in the 1970s to meet the needs of local people of mature years and are available for rental as they fall vacant. Social housing units are located in the Caldervale/ Wood House Lane area near the Parish Hall. There is extant planning consent for two additional affordable social housing units to be erected in Wood House Lane. This area and the Parish Hall are physically separated from the Bodenham Moor settlement area by the A417.

Bodenham and Bodenham Moor are identified in the Core Strategy as being suitable for “proportionate” housing growth over the period to 2031. This is defined as 15% growth based on the number of existing “main” village houses and would result in 50 additional new houses up to 2031.⁽⁴⁾ Core Strategy Policy RA2 states that Neighbourhood Development Plans shall aim to provide levels of housing which meet these (Housing Market Area) targets.

Housing Policies

The housing policies set out in this Plan reflect views expressed by members of the local community in the lead up to publication of the Bodenham Parish Plan in 2012 and more recently during the development of this Plan. They conform with Core Strategy Policy RA2 by allowing proportionate housing growth aimed at:

- Providing opportunities for local people to build to solve their own housing needs, including those needing affordable housing. A partnership arrangement with a social housing provider/ housing association will be arranged to bring forward affordable housing.
- Promoting a sustainable pattern of development within the Bodenham Moor (Annex F) and Bodenham (Annex G) Settlement Boundaries that protects the high landscape value and village character and form. Outside of these boundaries development should be restricted to those within Core Strategy Policies RA3, RA4 and RA5.

The Bodenham Conservation Area (Annex G) contains many buildings of architectural interest and Policy BNDP 2 is framed to maintain the character and appearance of the area and avoid inappropriate development.

4. Core Strategy – Rural Housing Background Paper (Appendix 2) – March 2013

A Local Occupancy Condition will apply in order to ensure that provision of affordable housing under Core Strategy Policy H2 is solely to meet the genuine ongoing needs of local people.

Policy BNDP 1 – Settlement Boundaries.

Small scale appropriate development will be permitted within the settlement boundaries of Bodenham and Bodenham Moor (as delineated on the maps shown in Annexes F and G) in accordance with Policy RA2 of the Herefordshire Core Strategy and provided that any proposals offer a mix of housing types and promote good sustainable design and efficient use of land.

Developments outside these settlement boundaries will be adjudged against Policies H2, RA3 and RA4 of the Core Strategy.

Policy BNDP 2 – New Housing Development. New housing proposals coming forward under policy BNDP 1 should preserve or enhance the area's character and appearance and conform to Core Strategy Policy LD5. In assessing the suitability of a proposal it will be necessary for it to comply with the following criteria:

1. It must respect the scale, massing, height and density of surrounding buildings;
2. The quality and type of design, details and materials proposed should reflect those contributing to the area's character and appearance; and
3. Open spaces and landscape features should be protected and the setting and views into and out of the area should also be safeguarded.

Policy BNDP 3 - Affordable Housing. Proposals for affordable housing development should normally be located on sites within the Bodenham or Bodenham Moor settlement boundaries. However, where this is not practicable consideration will be given to proposals on exception sites in line with Core Strategy Policy H2 providing that:

- They are located on the edge of the settlement boundary;
- They meet the clearly identified needs of local people (normally from within the Parish or having a local connection – see the Local Occupancy Condition below);
- The development is subject to a Section 106 Agreement to ensure such housing remains affordable, for local people in need, in perpetuity; and
- The development is of a design mix, scale and character appropriate to its location.

The delivery of housing to meet local needs will be monitored during the Plan period. Should monitoring clearly demonstrate that local needs are not being met the Plan will be reviewed.

Policy BNDP 4 - Flood Risk. There will be a strong presumption against any built development in areas of high flood risk. Such risk arises in Bodenham from both fluvial (river) and pluvial (rainfall/surface run-off) sources. Any proposal will have to conform to Core Strategy Policy SD3 and clearly establish that any flood risk is fully addressed by a satisfactory flood risk assessment and the implementation of appropriate measures to mitigate that risk. The flood risk assessment will also be required to address questions of water flows, wastewater disposal, restriction on flood plain storage and any consequential heightened risk elsewhere.

Local Occupancy Condition

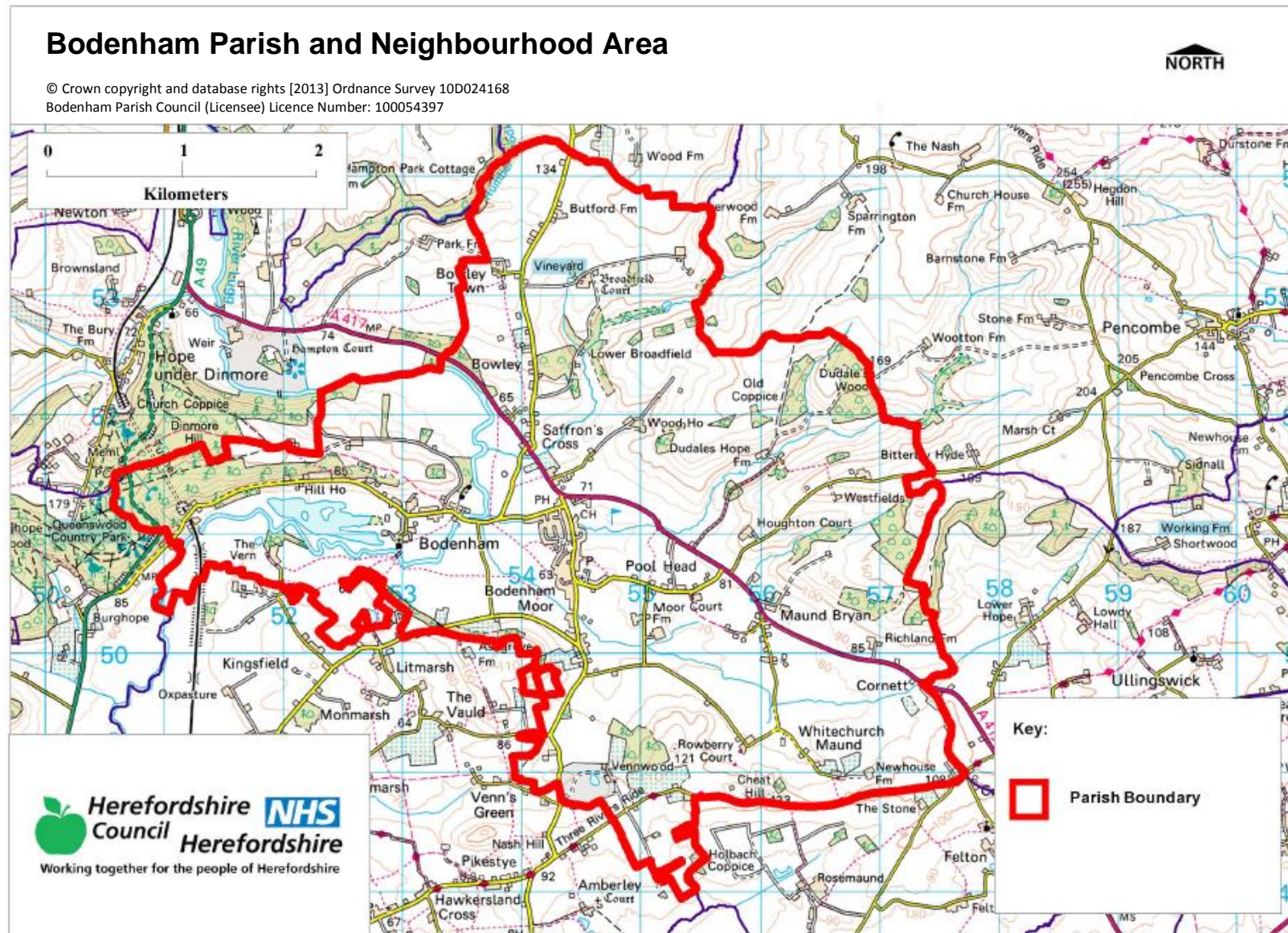
Housing permitted under **Policy BNDP 3** will be restricted for local occupancy only generally in line with “The Developers Guide to Delivering Affordable Housing in Herefordshire” Chapter 5. In order to secure this condition properties restricted for local occupation only shall only be occupied by a person or household who:

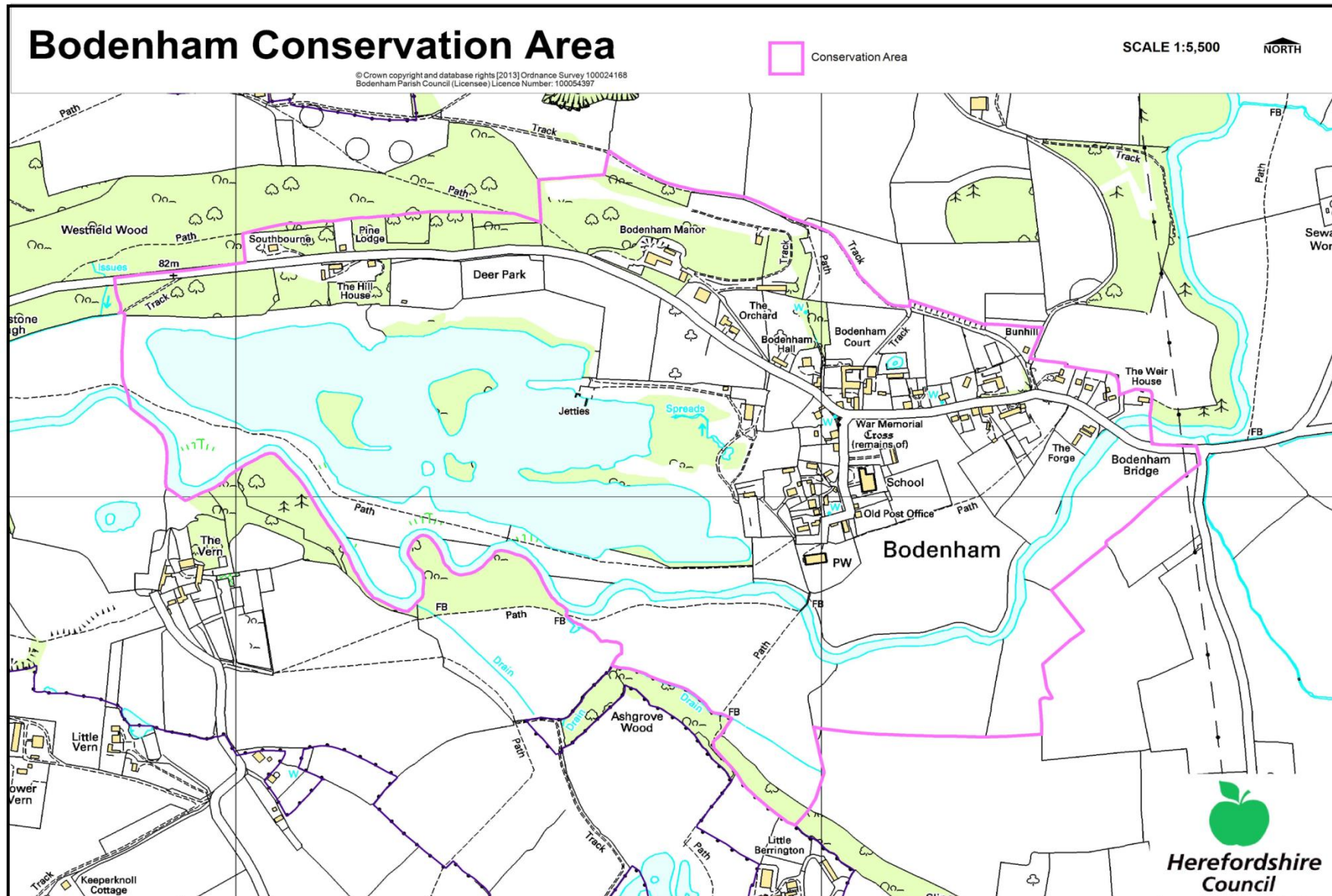
- currently lives in the locality ⁽⁵⁾ and has done so for a continuous period of at least 3 years; and/or
- works in the locality and has done so for at least 3 years; and/or
- has moved away but has strong established and continuous links with the locality by reason of birth or long term immediate family connections; and/or
- has an essential need through age or disability to live close to those who have lived in the locality for at least 3 years; and/or
- has, for whatever reason, the written support of Bodenham Parish Council.

Annexes

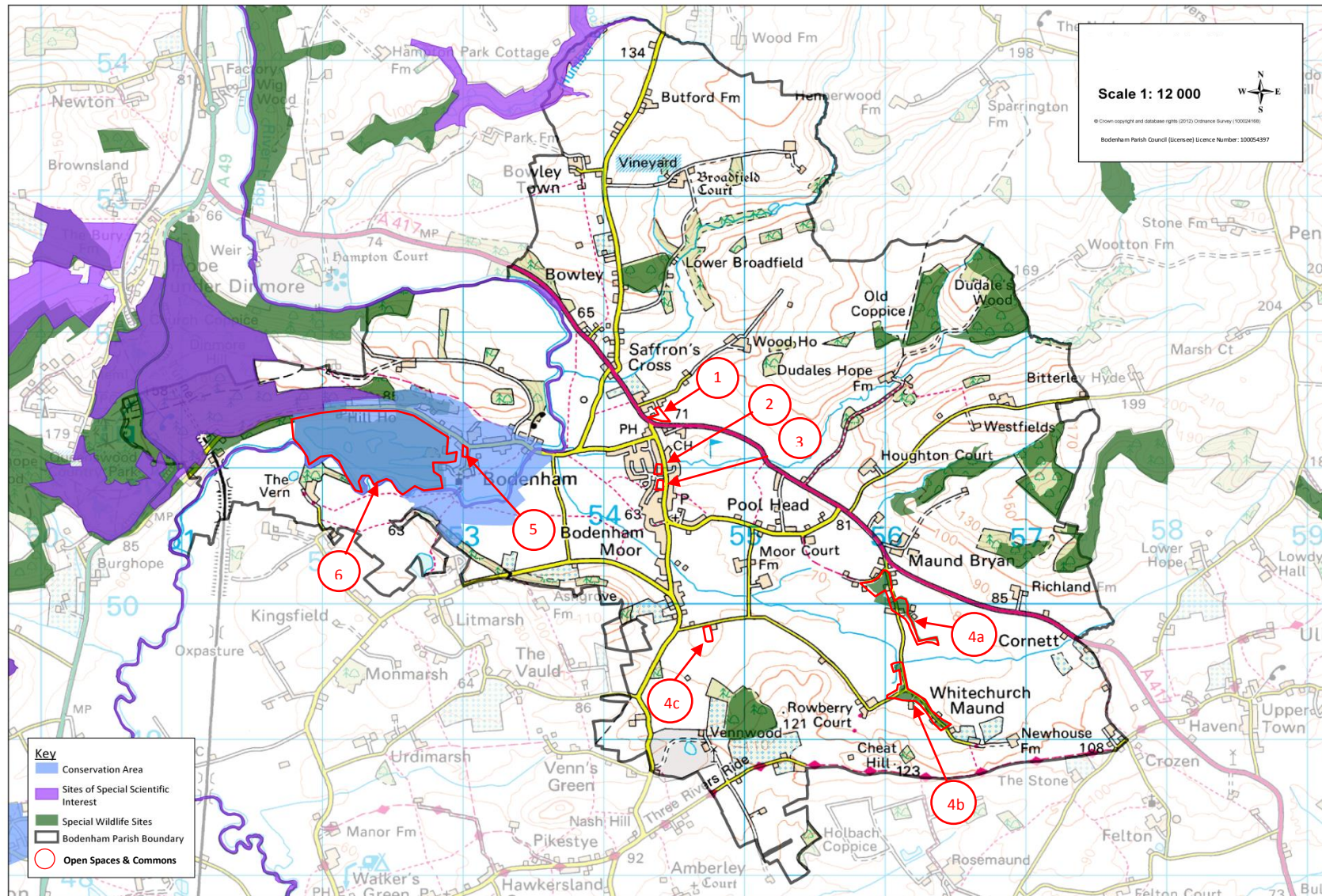
- A. Bodenham Parish and Neighbourhood Area
- B. Bodenham Conservation Area
- C. Bodenham Parish with Designated Conservation Areas, Protected Open Spaces and Common Land
- D. Environment Agency River Flood Map and Bodenham Neighbourhood Area
- E. Environment Agency Surface Water Flood Map and Bodenham Neighbourhood Area
- F. Bodenham Moor – Proposed Addition to Settlement Boundary
- G. Bodenham Conservation Area – Proposed Settlement Boundary

5. The definition of ‘locality’ refers to the Bodenham Parish in the first instance, and if after a reasonable period of active marketing an occupier cannot be found, the definition would cascade to include Herefordshire, and following further unsuccessful marketing the property may be occupied by person/persons from outside the area.





Bodenham Parish with Designated Conservation Areas, Protected Open Spaces and Common Land



Areas of Open Land Protected from Development under this Plan

(shown on the above map)

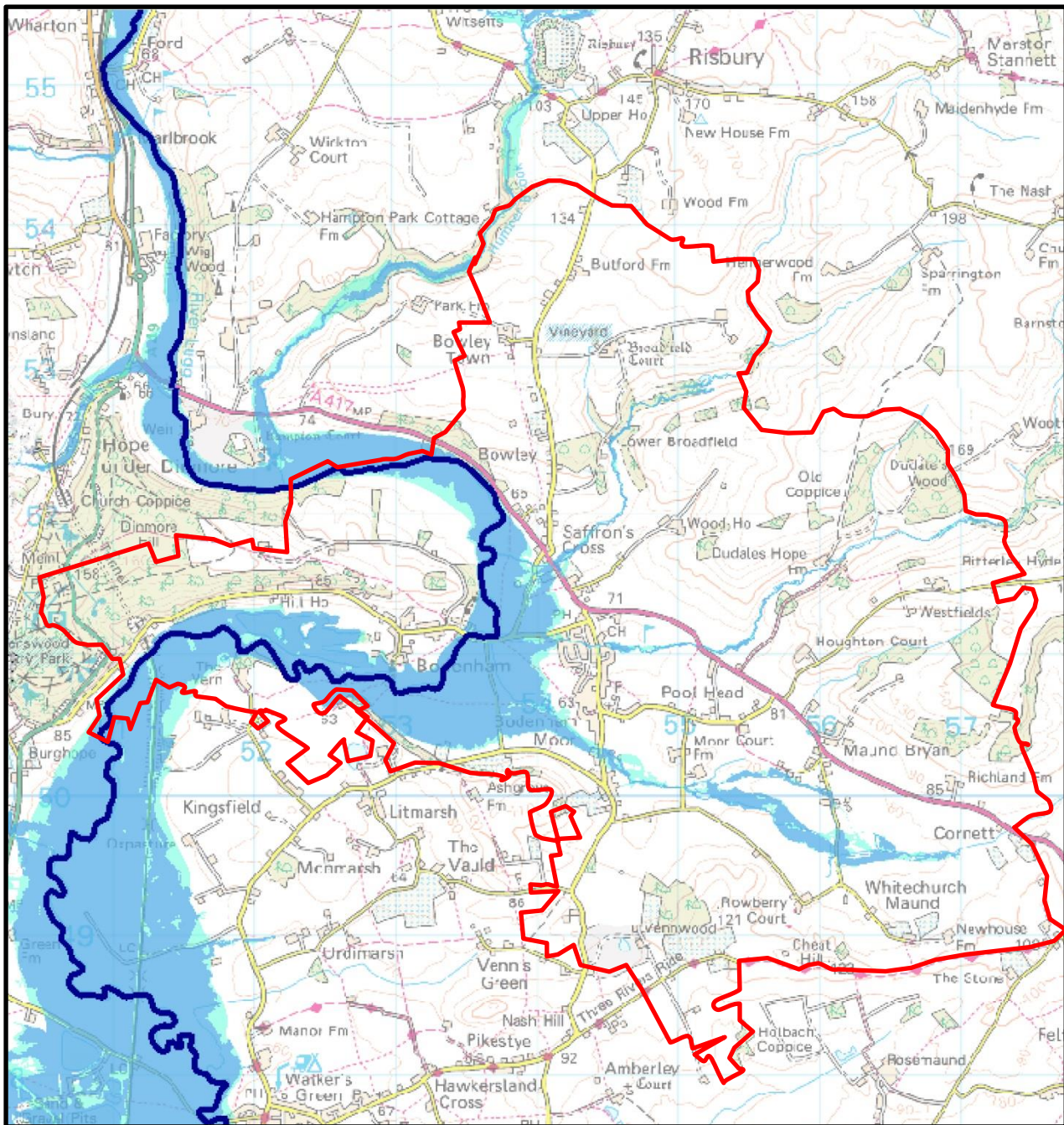
1. The Tennis Courts adjacent to Bodenham Parish Hall and the Field Parcel to the East not lying within the Settlement Boundary. The Tennis Courts plot was previously 'protected' by UDP Policy RST4.
2. Green space to the East of the GP Surgery in Bodenham Moor bounded by the C1125 and Ash Grove Road and owned by Herefordshire Council. The site was previously 'protected' under UDP Policy HBA9.
3. The Village Green in Bodenham Moor. The site is bounded by the C1125, Ash Grove Road and Brockington Road and is owned by Herefordshire Council. It was previously 'protected' under UDP Policy RST4. The land is designated as a "Public Open Space".⁽⁶⁾
4. Three parcels of Common Land:⁽⁷⁾
 - a. Maund Common (Register Unit CL.2) (GR 560500)
 - b. Upper Maund and Whitchurch Maund Commons (Register Unit CL.30) (GR 562494)
 - c. Common Marsh. Area fronting on Rowberry Lane and adjacent to the western boundary of Blue Cedar Cottage (Register Unit CL.90) (GR547498)
5. The Village Green in Bodenham Conservation Area on which are sited the War Memorial and the Market Cross. (Unit No. VG.9 in the Land Section of the Register of Town or Village Greens maintained by Herefordshire County Council). Ownership is vested in Bodenham Parish Council.⁽⁸⁾
6. Lady Close Orchard and Bodenham Lake Nature Reserve. The entire land parcel is owned by Herefordshire Council.

6. Sch. 5A Amendment to Open Spaces Act 1906 (c.25) - 23 June 2003: Column GC32. Registration Numbers HE37364 & HE 37365.

7. Registered under the Commons Registration Act 1965, Sect. 9. Decision Notice 15/U/19, 15/U/20 & 15/U/21 dated 16 March 1973 issued by the Commons Commissioner.

8. Under the Commons Registration Act 1965, Section 8(3) by Decision Notice 15/U/18 dated 27 February 1973 issued by the Commons Commissioner.

Environment Agency River Flood Map and Bodenham Neighbourhood Area

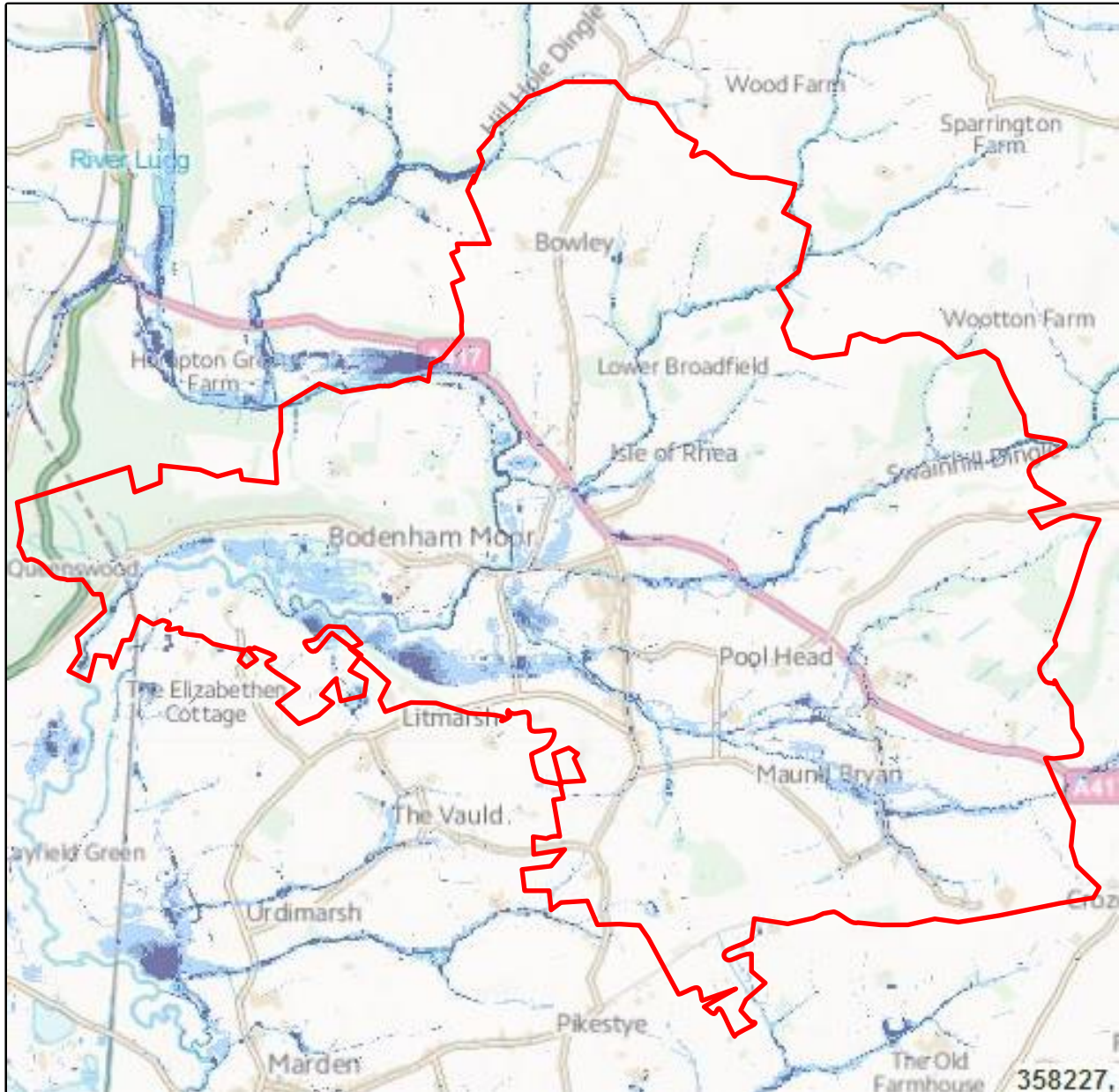


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Legend

- Flood Zone 3 (1 in 100 and greater)
- Flood Zone 2 (1 in 1000 – 1 in 100)
- Parish Boundary

Environment Agency Surface Water Flood Map and Bodenheim Neighbourhood Area



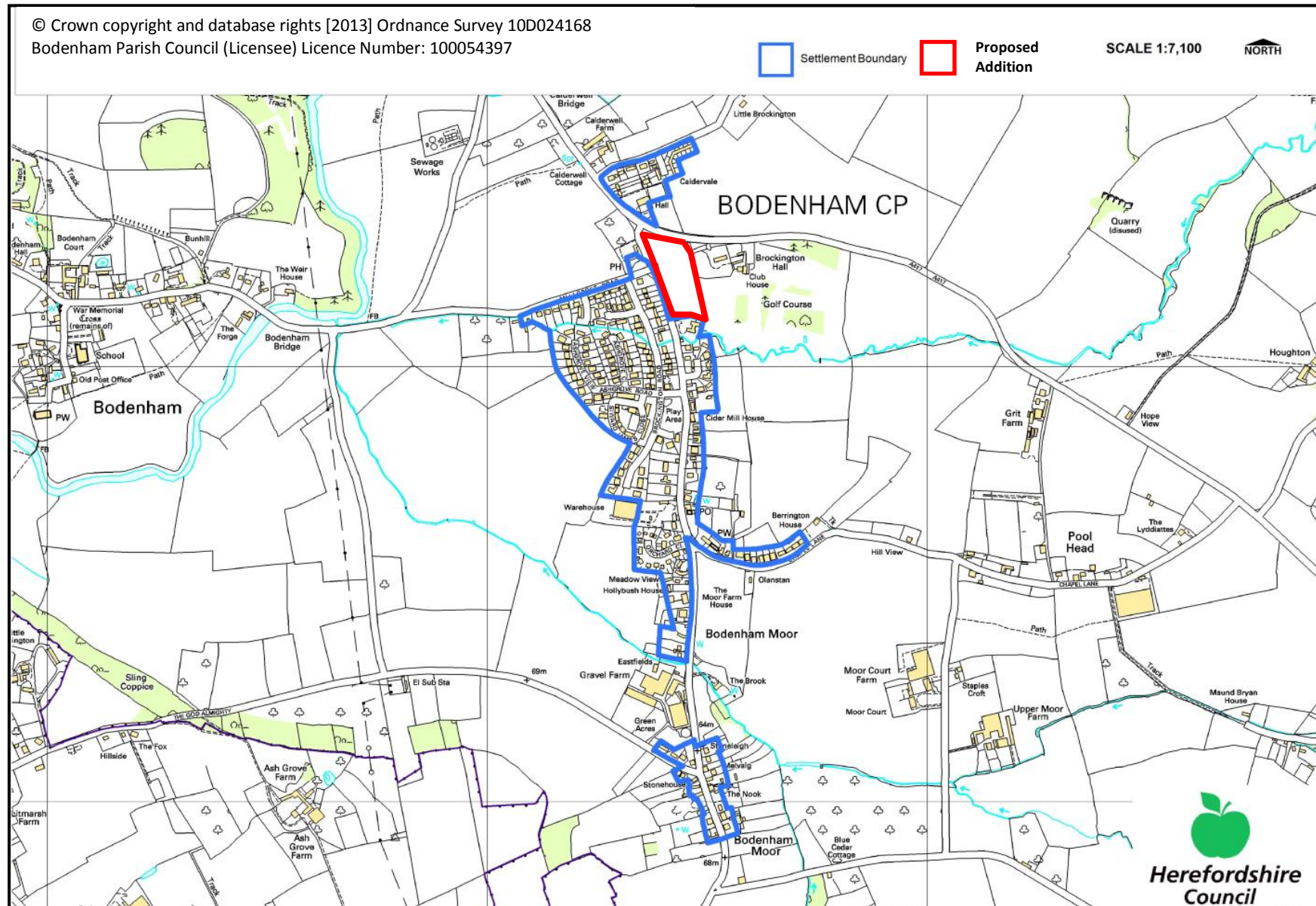
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Legend – Surface Water Flood Risk

- High (1 in 30)
- Medium (1 in 100 – 1 in 30)
- Low (1 in 1000 – 1 in 100)
- Very Low (<1 in 1000)
- Parish Boundary

Bodenham Moor – Proposed Addition to Settlement Boundary

Annex F



Bodenham Conservation Area – Proposed Settlement Boundary

Annex G

