

Bentley modified neighbourhood plan examiners initial comments – EHDC and Bentley Parish Council response

	Question	Who for?	Response
1	I need to ask the District Council to confirm whether it has provided Bentley Parish Council with an indicative housing requirement figure for the new plan period, under the provisions set out in paras 67 and 68 of the NPPF?	EHDC	Yes, the Council has produced a guidance document including indicative housing figures for every parish in EHDC (outside SDNP) Indicative housing numbers for parishes.pdf
2	Can the Parish Council comment on whether it feels its housing proposals, particularly those set out in Policy BEN 1 and BEN 2 will be able to deliver that indicative number and does that have any implications for the proposed end date of the modified plan. Should I be considering a shorter end date for the neighbourhood plan, rather than 2042?	Parish Council	<p>Bentley Parish Council (BPC) can confirm that it has received the indicative housing figures.</p> <p>We think that our Policies BEN 1 and BEN 2 will help us manage any housing figures and would like to alter our Modified Plan end date to 2042, in line with the recent change to the Local Plan being developed by EHDC.</p> <p>To ensure that our policies best support the evolution of our village we intend to formally review our NP every five years.</p> <p>As a general point about housing allocations for Bentley we are keen that any infill development are counted against our allocation and not as “windfall”. This approach to development would be consistent with our NP, Policy BEN 2, para. 1V.</p>
3	BEN4 - does the policy requirement to retain the significance of these assets reflect the more nuanced approach advocated by the Secretary of State set out in that paragraph of the NPPF which requires a balanced judgement relating	Parish Council	The BPC view is in line with that advocated by the Secretary of State and the NPPF.

	the scale of any harm or loss and the significance of the asset?		
4	BEN5 - It appears there is some additional rogue text has been introduced in criteria v) namely “Bentley Neighbourhood Plan”. Can the Parish Council confirm?	Parish Council	BPC are happy to change the text to read: <i>“the scheme provides for youth and sports facilities of the same scale, as exist at present on the site, unless a more appropriate location is identified”</i>
5	BEN6 - Is the objective of the policy to ensure that development does not result in the loss of on street parking for the parents dropping off and collecting their children. How would a decision maker be able to objectively assess whether the increase in traffic flows will adversely affect pupil safety.	Parish Council	Given the difficulty of assessing this, BPC are happy to remove para. iv. <i>“the proposals do not have a severely adverse impact on the traffic movements and parking in the area”</i> and to remove the <i>“and”</i> in para.3
6	BEN6 - Is it not covered by normal highway considerations in Policy BEN9?	Parish Council	BPC agree that this is covered in Policy BEN9.
7	BEN7 - Could the Parish Council comment on the question of which policy would a decision maker use to determine a planning application that covers the village shop and café, and The Star Pub. They are identified as a community facility but are also referred to in the supporting text of Policy BEN8.	Parish Council	BPC think that both policies would be referred to by a decision maker, depending on the issue being addressed.
8	BEN8 - Paragraph 4.10 refers to a planning appeal in respect of the employment site in the village. Can I be provided with details of that appeal and	Parish Council	BPC are happy for p.29. para. 4.10 to be removed. This reference was relevant when the BPNP 2016 was developed and made. It is more of a note now as this appeal was upheld and the change of use occurred c.10 years ago.

	if available a copy of any Inspector's decision.		
9	Can the Parish Council comment on whether it is case that the viability of the use is not the key question but rather whether, after marketing, it would not be possible to find a new occupier for the premises then alternative uses should be considered.	Parish Council	BPC are happy to remove this sentence: <i>"all reasonable efforts have been made to improve the operation and management of the business or facility"</i>
10	BEN9 - Does the Parish Council consider that any proposal that increased the volume of traffic in the village should individually be expected to show how they have mitigated that harm, or should it only be those that have a severe impact?	Parish Council	BPC are happy that only severe impact is assessed.
11	BEN10 - Does the District Council have a view as to whether the policy requirements to deliver a minimum 10% biodiversity gain set out in B) are still required now that the biodiversity net gain provisions initiated by the Environment Act are fully in place? My understanding is that Planning Practice Guidance states that such policies are no longer required as the statutory scheme sets out options on how biodiversity net gain can be delivered	EHDC	Yes there would be no need to replicate what is now legislation in terms of developments requiring to deliver a minimum 10% BNG. Wording for this policy is a bit confusing as it seems to suggest if a development lies adjacent to a GI Network site it would be required to maintain or enhance the GI Network sites' value by providing a minimum 10% BNG. However, it is presumed the policy is still only referring to what can be done within the red line boundary of the development and not necessarily offsite in the adjoining GI Network site unless offsite measures are required and such measures can be delivered within the adjoining GI Network site. The current wording suggests there would be no exemptions to developments requiring to demonstrate 10% BNG. I am unsure if a NP could deviate in this way from the national legislation requiring BNG or if that was the intention, but if not then yes there

			should be no need to repeat what is set out and already required under the BNG Regs.
12	BEN10 - Does the Parish Council accept that the requirements in C., namely that “all developments” should contain habitat enhancement measures, should only apply to new buildings. Should the requirements set out for bat boxes, swift bricks and hedgehog routes, be quoted as examples of how wildlife can be supported?	Parish Council	BPC are happy that this applies to new buildings and alterations to existing buildings and to include these examples.
13	BEN11 - . I visited the green space at Somerset Fields, and it seemed to play a similar role to other green amenity spaces I saw in the residential areas of the village. What was the criteria or threshold for inclusion that led to this one being included and other were not?	Parish Council	BPC specifically chose the site at Somerset Fields given its size, proportion and safety as an area that could be used for recreation such as children playing. We considered other smaller green spaces to be too small and/or relatively unsuitable for recreational purposes.
14	BEN12 - Is it the Parish Council’s expectation of the policy that all new buildings “should” incorporate grey and rainwater harvesting and that goes beyond the “encouragement” of developments that incorporate these features i.e. that these schemes will be supported?	Parish Council	Yes, that is our intention.
15	BEN12 - Would incorporating water butts to downpipes meet the expectation of the policy in terms of rainwater harvesting?	Parish Council	Yes, water butts are a good example of what we would like to see as part of new buildings.

16	<p>Has the District Council considered the imposition of policies covering grey water recycling as part of its local plan making across the district? I note that it is referred to in the Sustainable Construction SPD but is it a policy requirement and does it feel it can be, when it is not a Building Regulation stipulation?</p>	EHDC	<p>Policies CP24 and CP26 of the JCS relied on the water efficiency requirements of the Code for Sustainable Homes (see paragraph 7.52 of the JCS). With the demise of the CfSH, these requirements have lapsed from existing policy. The SPD does not introduce new policy, but offers guidance in relation to the general requirements of CP24 and CP26 (i.e. concerning resource efficiency and protecting the quantity of water respectively). Greywater recycling is one method of implementing these requirements but is not imposed as a specific requirement by the adopted Local Plan. The emerging Draft Local Plan proposed a stringent target for water efficiency based on the advice of the Net Zero Evidence Base Study (produced by Ricardo; see Section 7.5 of that document). The target was specified through draft Policy NBE8 in terms of a quantified requirement of 95 litres per person per day. This goes beyond the national optional technical standards for water efficiency, but was rationalised on the basis of advice from the Environment Agency and in the context of the South East as being a ‘water stressed’ environment. However, once again and to provide flexibility for developers, greywater recycling was not specified as a requirement. It is nonetheless recognised that greywater recycling could form part of an approach that developers may adopt in order to meet such a stringent requirement. Policy NBE8 remains a draft policy that has no significant material weight for decision-making at the time of writing.</p>
17	<p>I wonder whether it is a proportionate policy to require every planning application in the parish to have to explicitly demonstrate that all opportunities have been taken to reduce light pollution. Would it for example apply to domestic extensions, would it rule out conservatories? I note that the</p>	Parish Council	<p>One of the important reasons BPC decided to incorporate Policy BEN 13 is the proximity to South Downs National Park; who have a comprehensive policy covering Dark Skies. Our intention is to limit external lighting, rather than light emitted from internal use such as from a conservatory. As an example, we would encourage buildings to use external security lighting more sensitively by having timer switches rather than be always on.</p>

<p>requirement is there should be no negative impacts on measured and observed sky quality but the language within the hierarchy refers to lighting being avoided or mitigated which seems to accept there will be some impact.</p>		
---	--	--