

LPA Comments

Ref	Significance?	LPA Comments	NPWG Responses/Actions
P9, para 2	To consider	<p>To aid clarity, it is suggested that the paragraph is amended to recognise that whilst the PC will input into the determination of planning applications the LPA remains the responsible decision-making body. A suggested form of wording would be:</p> <p>The Bembridge Neighbourhood Development Plan will set out a series of policies which, once adopted, will be used to guide developers in the preparation of planning applications for proposed development <del>and the Parish Council and the local planning authority.</del> <u>The policies will also be used in determining planning applications for development proposals within the Parish.</u></p>	Amend wording
P10, flow chart	To consider	It is suggested that the flowchart is supported by a greater level of supporting text to explain (especially to applicants) what is being shown.	Explanation added and chart revised
P14, para 1	To consider	<p>The reference to the fact that the policies should not be read in isolation is welcomed, and it is suggested that this is expanded to include reference to the Core Strategy and NPPF. A suggested form of wording would be:</p> <p><b><u>The policies of this Neighbourhood Plan are arranged to reflect the key areas as identified in the previous section but are not intended to be read in isolation and all policies, of this document, the Island Plan Core Strategy and the NPPF will apply where relevant.</u></b></p>	Amend wording
P17, OL.1	To discuss	<p>The first two bullet points relate to residential development; are to be read together, or could residential proposals only meet one of these requirements? The LPA assumes that the use of the design policies within the Development Plan will then determine the scale, siting, massing, design etc. of development, once the principles (OL.1/2 and other policies) have been established and met.</p> <p>It is suggested that the policy could be framed more positively, whilst maintaining what is understood to be its intention and a suggested form of wording would be:</p> <p><del>Development will be confined to small scale proposals which</del> <u>Small-scale development proposals will be supported in principle, and are defined as follows:</u></p>	<p>The policy makes it clear large development proposals are not supported which is the objective of the community.</p> <p>At the last meeting we did agree to amend this policy and its text to address our threshold of 12 units and small sites which has been done (see latest draft)</p>
P17, OL.1	To discuss	The LPA is mindful that the Examiner, or a 3 <sup>rd</sup> party, may ask questions regarding the definition of small-scale and what impacts intentional or otherwise, this may have on deliverability, bearing in mind that the BNDP should plan positively to support the strategic policies of the Core Strategy (NPPF para 184). There have been discussions on these general issues at other NDP examinations, but as the LPA is not aware of any	Our evidence indicated the community does not support large scale development. Our justification explains how we reached this policy. I have expanded the justification. The policy has been amended as a result of the

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		neighbourhood plans to date that are of a comparable area and that the draft BNDP replicates (i.e. no allocations made) it therefore cannot advise on the risk level associated with this issue for the Parish Council.	informal consultation (see latest draft)
P18, OL.2	To consider	In order for the LPA to be able to implement the policy as the Parish Council intends, it would helpful if further information was added (to the benefit of both the applicants and the officers) over what constitutes sustainable credentials. Is this element of the policy, for example, geared towards energy efficiency or perhaps small-scale renewable generation?	Add definition of sustainable credentials
P21, H.1	To discuss	As OL.1 sets out the local definition of small-scale, it is suggested that H.1 could be amended to make it more streamlined. A suggested form of wording would be:  New housing development will <del>comprise smaller scale schemes only (maximum of 12 units) and will</del> need to demonstrate it meets the local need as identified in the current Bembridge Housing Needs Survey.	Policies OL1 and H1 have been amended as a result of information consultation. I believe this satisfies the LPA's comments.
P22, H.2	To discuss	It is not clear how the HNS covers the detail of older persons accommodation (it is understood that the precise wording of the HNS question didn't specifically relate to older persons accommodation and the provision could in fact cover other supported facilities such as disabilities) so there is a concern that the current policy isn't supported by evidence, which could be a risk to the Parish Council.	Delete 'older persons' within the policy and amend the justification.
P22, H.2 reasoned justification	To discuss	It is unclear to the LPA whether the intention of the policy, as seemingly set out in the reasoned justification text, is to '...prevent inward migration of older persons from outside the area', or whether the intention is to articulate that the Parish Council wishes to plan for the needs of its community. If it is the latter, then it is suggested that the wording be amended to more explicitly reflect this. A suggested form of wording would be:  <i>It is important <u>to the community</u> that future development proposals match the specified needs of parish residents in order to <u>ensure the population grows in a sustainable manner over the plan period, particularly as <del>prevent inward migration of older persons from outside the area and thus increase the resident population of the over 60s which the 2011 Census indicates stands at 48% for Bembridge compared to the Island average of 31% and the national average of 31%.</del></u></i>  If a 63 year old bought an existing house in Bembridge and then became old enough and their need was identified in a HNS...	Justification amended accordingly.

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P22, H.3	To consider	The LPA considers that an outcome of the policy as drafted may (inadvertently) be to restrict funding streams to developers and buyers alike and therefore potentially restrict development from coming forward.	Whole point of policy is to direct development to identified need. Yes it will restrict unjustified development but that was the whole point. The community does not want to see uncontrolled growth of the parish.  I would suggest we retain this policy and see what the examiner makes of it.
Housing delivery	To discuss	It is considered that the policies as currently worded, when considered collectively, may result in constraining land supply and therefore making development highly unlikely as the value of the land would not be able to sustain a reasonable return on the levels of development envisaged through the BNDP.	See above
P28, WS.1	To discuss	It is understood that the policy is directed at the loss of existing units and not what the replacement use would be. For the policy to be applied in the way it was intended, the LPA would welcome clarification on this point.	Policy has been amended as a result of public consultation. I believe this addressed the IWC's comments.
P29, WS.2	To discuss	The policy seeks to confine employment development to pdl within the identified Employment Zones. Would it be the intention of the Parish Council not support the expansion of existing businesses onto greenfield land, if no pdl was readily available to the company wishing to expand? If is it, a suggested form of wording to make the policy read more positively, would be:  <del>Development proposals outside the remit of the Town and Country Planning (General Permitted) Development Order (as amended) permitted development will be supported on previously developed land within the Embankment Road Industrial Zones where this preserves, enhances and complements the existing uses of the area and will be confined to previously developed land. Where previously developed land is not available, this must be demonstrated by the applicant and a justification provided as to why a greenfield site is required.</del>  The reference to the GPDO could be footnoted or in the supporting text.	Amend wording
P30, WS.4	To consider	A bit of a technical one, but the last paragraph of the policy refers to the Control of Advertisements (England) (Regulations) 2007, with specific reference to illuminated signage. It is considered that elements of paragraphs 1, 3 and 4 would also fall under	Amend wording to include para 1, 3 and 4

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		those Regulations. Did the Parish Council want to specifically mention these as well?	
P34, T.2	To consider	<p>Whilst the intention of the policy is understood and accepted, the LPA isn't sure whether the proposed condition would meet the tests governing conditions as set out in Circular 11/95. A suggested form of wording would be to include the current condition with the two standard conditions used by the LPA. They are:</p> <p>None of the accommodation hereby approved shall be used other than as holiday accommodation.</p> <p><b>Reason:</b> To ensure that the development remains for holiday purposes and to comply with Policies SP4 (Tourism), DM2 (Design Quality for New Development) of the Island Plan Core Strategy.</p> <p>The applicant, or their successor(s) in title, shall maintain a comprehensive up-to-date register listing occupiers of the holiday accommodation hereby approved, their main home addresses and the dates of occupation at the site. The said register shall be made available for inspection by the Local Planning Authority at reasonable notice.</p> <p><b>Reason:</b> To ensure that the accommodation hereby approved is retained for holiday use and to comply with Policies SP4 (Tourism) and DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the Good Practice Guidance for Tourism.</p>	<p>It is envisaged that our policy (which "adds value") would be used instead of the LPA's standard holiday condition but in addition to the LPA's register list condition.</p> <p>Suggest we leave the policy as drafted and see whether the examiner supports it or not.</p>
P37, GA.1	To discuss	To enable the LPA to justify its position when making a decision or potentially at an appeal, and also to inform the preparation of an Island-wide Parking Standards SPD it would be helpful to understand the justification/evidence for the standards (as it is considered to be unclear from the submitted information).	<p>The whole point of this policy is (in the absence of any Island Plan policy) to set out own appropriate standards and our formula is based on what the community feels is reasonable and practical.</p> <p>The justification clearly explains this.</p>
P40, para 4	To consider	The Island Plan Core Strategy Policies could be strengthened by adding in a reference to policy DM13 Green Infrastructure.	Add reference to DM13
P40, LW.1	To discuss	<p>The LPA welcomes the community-led identification of Local Green Spaces within the draft BNDP. The LPA suggests that to give greater clarity to applicants and officers, the boundaries of the Local Green Spaces are shown on a BNDP Policies Map (please see separate comments regarding mapping).</p> <p>Paragraphs 77/8 of the NPPF gives some criteria that proposed Local Green Spaces should meet, and it would be helpful if information showing how this has been done is included.</p>	<p>Policies map created and moved forward within the plan.</p> <p>Local Green Spaces map created and contained within the audit document.</p>
P43, para 3	To consider	To strengthen this section and to emphasise the importance of protected trees within the parish, it is suggested that description given is amended to reflect the fact that within the parish's 54 TPOs, they actually cover 235 individual trees, 10 areas, 9 groups and 14	Amend wording

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		woodlands.	
P44, EH.1	To discuss	The LPA would welcome the opportunity to discuss with the Parish Council the intention of the policy to explore whether this policy and the design policies could be a rationalised – see comments on design policies.	Yes – keep it
P44, EH.2	To discuss	<p>The LPA welcomes the intention of the policy, although it considers that it does duplicate existing policies within the development plan and national legislation, and that it would be a decision of the Parish Council as to whether the policy is truly required and retained.</p> <p>For your information Heritage Statements are a requirement of national legislation, with the detail of what is required in Heritage Statement set out in our <a href="#">Local 1APP list</a>. The nature and detail of a Heritage Statement should be proportionate to the level of development proposed. We receive quite a number of Heritage Statements, but do not as a matter of course invalidate applications if the level of information provide is deemed to be deficient. Instead the deficiency is identified and addressed within the determination period.</p>	<p>Yes – keep it</p> <p>In respect of Heritage Statements, the community wants proper statements submitted at the outset.</p>
P45, EH.3	To discuss	<p>The LPA notes that the policy refers to ‘rural need’, rather than ‘local need’ as set out in SP1 of the Core Strategy, and is keen to understand whether this difference is intentional or not.</p> <p>Is it the intention of the Parish Council for officers to apply both the tests within the first sentence, as it could current be misleading as the reference is ‘and/or’. Could it be considered that if it demonstrates how it will contribute to the rural economy (test ‘b’) it will therefore also demonstrate how it meets a rural need (test ‘a’)?</p> <p>To aid understanding it would be helpful if the justification for the need for such an approach towards stabling and animal shelters or agricultural buildings, particularly when it could be suggested that these issues are covered in policy D.1.</p>	<p>Delete “or” – done.</p> <p>Justification augmented to support.</p>
P45, EH.3 reasoned justification	To consider	This section talks about distinct character areas, open sweeping vistas and far reaching views, which can all be relevant in determining planning applications. If these could be identified on a map it is suggested it would be beneficial to both the applicant and the DC officer to ensure that the Parish Council’s intentions are understood and being delivered.	<p>A map is already in the Design Appraisal document.</p> <p>Justification has been amended to cross reference with that document.</p>
P45, EH.4	To consider	To improve clarity, the following wording amendments are suggested by the council’s Tree Officer:	Changed the whichs to thats. However, the reference to method statement is taken from

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		<p><del>A n</del>New development <del>which that</del> will involve the loss of or damage to trees, woodland or hedgerows (including hedgerows of importance) <del>which that</del> contribute positively to the character and amenity of the area, must demonstrate there is an overriding need for development proposed and must provide for appropriate replacement for planting on the site together with a <del>method statement</del> <u>an establishment and management plan</u> for the ongoing care and maintenance of that planting.</p> <p>New development within the proximity of existing mature trees will be expected to have a <del>tree and root protection plan</del> <u>an arboricultural method statement to BS5837 standards or equivalent</u> in place before any development commences. <u>This will detail tree protection strategies to be employed during construction.</u></p>	<p>LPA's standard conditions so for consistency should be left in.</p> <p>Amendments to second part of policy done as suggested.</p>
P45, EH.4	To discuss	<p>The policy covers the loss of or damage to trees, woodland or hedgerows that contribute positively to the character and amenity of the area. The way that the policy is currently worded places the onus on the applicant to justify the loss of the affected feature by demonstrating that it doesn't have a positive contribution to the area, which presumably their evidence will do. In the absence of counter evidence/information the case officer is unlikely to be able to argue against submitted evidence, unless it is fundamentally flawed. Does the Parish Council envisage that they will identify the positive contribution, perhaps through the Design Character Appraisal document to perhaps within the justification for the identification of local green spaces, and would this be upfront or on a case by case basis?</p>	Amend Design Character Appraisal to include trees of a certain girth/age
P48, D.1	To discuss	<p>The LPA very much welcomes the introduction of the Bembridge Design Character Appraisal document into policy, as it is considered to be a positive and proactive approach to planning at the local level. Is there any opportunity to rationalise the criteria in D.1 when considered alongside those in DM2, with a view to making the application and determination process as simple as possible?</p>	Our policy is to "add value" to DM2 and addresses what we believe is the shortfall in Core Strategy policies concerning design.
P49, D.4	To discuss	<p>The Parish Council may already be aware that there have been three recent appeal decisions where development including balconies has been permitted in Bembridge. It might be of benefit to review to these decisions (ref P/00587/13, P/01476/12 and P/1316/12, which have all been made since April this year, so with the Core Strategy in place) set against the draft policy.</p> <p>If the Parish Council wishes to retain the policy, Officers suggest that for ease of use the wording could be:</p> <p>Balconies will <del>only</del> be permitted where it can be demonstrated that no overlooking of</p>	Our policy is Bembridge specific and has been deliberately constructed to address what many neighbouring occupiers perceive are the problems associated with balconies in terms of overlooking and perception of overlooking. Keep policy as it is.

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		<del>neighbouring buildings or private garden space will occur from the balcony and where it can be demonstrated that there is no direct line of sight of users of the balcony from neighbouring windows or gardens there would be no adverse impact on the amenities of the neighbouring properties through overlooking or invasion of privacy.</del>	
D1-4	To discuss	There is a risk that the policies as drafted may considered, by 3 <sup>rd</sup> parties and the Examiner, to be too prescriptive and therefore not accord with section 7 of the NPPF and particularly paragraph 60.	<p>The policies are designed to “add value”. NPPF 60 states:</p> <p><i>“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”</i></p> <p>I believe policies D1 to 4 (as now amended) do not conflict with the first part of 60 above but seek to achieve the 2<sup>nd</sup> part. Suggest we leave policies as they are.</p>
<b>Monitoring</b>	To discuss	<p>There is no reference to monitoring within the draft BNDP, although it is acknowledged that there is reference to undertaking monitoring in the Delivery Strategy &amp; Action Plan. It is considered without a clear monitoring regime it will be difficult to establish whether the policies of the neighbourhood plan are achieving their intended aims. Therefore, it is suggested that a dedicated monitoring section be included within the neighbourhood plan and that it sets out specifically what will be monitored.</p> <p>The LPA would welcome discussions with the Parish Council on what should be monitored in relation to the BNDP and who will be responsible.</p>	Added as a header and cross referencing to our Deliver Strategy Action Plan as there is a monitoring section in that document.
<b>Policies Map</b>	To discuss	The inclusion of a Proposals Map is welcomed, although it is suggested it could be more prominently located within the Plan and referenced in the relevant policies (such as those identifying the Retail and Business Centres, Industrial Zones and Local Green Space). Latest national guidance calls them a Policies Map, rather than a Proposals Map.	Combined the neighbourhood plan boundary map with that of the proposals map in annex A and renamed it.
<b>Editorial review</b>	To consider	Speaking from (bitter) experience, officers recognise the difficulty in bringing together a plan with contributions from a number of different people, and would recommend an	I believe we have carried out our own editorial review.

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		editorial review to ensure consistency in approach (for example to policy wording and framing, cross-referencing and consistency within in the plan – especially with the flowchart on page 10).	
<b>SA</b>	To consider	The IW SFRA (June 2010) particularly Appendix L Bembridge may be helpful, as utilising such a Bembridge-specific resource would improve the local detail on flood risk related issues. It is suggested that the SA would benefit from greater clarity and precision in the explanations provided, including the assessment of impacts and how the SA has informed the evolution of the plan. The SA might want to consider further what contributions the plan makes to SA objectives such as culture and distinctiveness.	
<b>HRA</b>	To consider	It is suggested that the HRA document is updated to refer to the adopted Core Strategy policies, and any assessment work is also updated where necessary.	
<b>Bembridge Design Character Appraisal document</b>	To consider	<p>It is considered that generally the Bembridge Design Character Appraisal is clear and well written, and the LPA agrees with the four main character areas. However, it does not mention the Conservation areas and the existing character appraisals in the Introduction which it would seem sensible to draw from and add reference to these. It is suggested that the inclusion of maps (showing what is named in the text, such as houses and character areas, and the labelling of photos would also help the reader.</p> <p><b>Future Development</b> paragraph at the end of the document does not really do what is required by paragraph 58 of the NPPF, as it implies that new development must copy its neighbours.</p> <p><b><u>The Design Character Appraisal areas.</u></b></p> <p>The different periods of development and the characteristics of each period are described, but they are not shown on a map. Therefore an attempt has been made to map these areas based on the descriptions, as an aid to understanding (and these are attached). It is suggested that the document (and even the BNDP) would benefit from the inclusion of such maps.</p> <p>The 3 broad character area maps are:</p> <ol style="list-style-type: none"> <li>1. <b>Historic Village</b> predominately 18<sup>th</sup> and early 19<sup>th</sup> century tight grain and narrow deep plots buildings and boundary walls provide a sense of enclosure with a busy commercial centre.</li> <li>2. <b>“Gentleman Residences”</b> Victorian / Edwardian large houses set in large plots dense vegetation and green leafy feel, attics and dormers steep pitched roofs.</li> <li>3. <b>Suburban housing</b> post war two storey and bungalow detached and semi-detached on wider shallow plots layout dictated by cars cul-de-sac and closes</li> </ol>	Review the Design Character Appraisal Document with Robin and Peter.