

BNDP Reg 16 Representations and Comments

Ref	Organisation/Individual	Policy	Do you wish to:	Comments	NPWG Comments/Actions
BNDP1	Woodland Trust	BNDP EH4	Support with modifications	Woodland, Trees and Hedgerows sets out that replacement planting should be carried out where trees, woodland or hedges are damaged by development. The Woodland Trust welcomes this policy but believes it could be more aspirational and the plan should take the opportunity to set out a specified replacement ratio required for example 3:1 or a higher. This could be significantly increased for ancient, veteran or notable trees. It would also be desirable for the policy to request that any proposal for development that could impact upon woods and trees should be accompanied by a tree survey.	Where development will impact on trees there is already a requirement for a tree survey (1APP requirement) for planning applications. It would be too onerous to require a 1:3 ratio. No action required.
BNDP2	Natural England		n/a	Having looked at the policies in the plan, Natural England does not consider that this plan poses any likely significant risk to internationally or nationally designated nature conservation or landscape sites and so does not wish to make specific comments on the plan. In addition we have reviewed the Habitats Regulation Assessment dated January 2014. The conclusion states “The screening assessment for all BNDP policies indicates that there is not likely to be any significant effects upon the European and Ramsar sites of Bembridge...” Strictly speaking the scope of the Assessment is not just the European and Ramsar sites of Bembridge, but all European and Ramsar sites. However, the reasoning which rules out the Bembridge sites would seem equally applicable to all European and Ramsar sites, and so we concur that no further assessment is required.	Amend wording in the Habitats Regulation Assessment to make it clear that the assessment is for all European and Ramsar site not just Bembridge sites. No further action required to BNDP policies.
BNDP3	Bembridge Harbour Authority	BNDP WS2	Support	At present there is no focal employment business area within Bembridge – especially for marine related skills and uses. We would like to promote employment opportunities on land within the Zones as identified. The Harbour Authority are probably one of the largest if not the largest land owner (including sea) within the area and we do want to bring forward proposals for such development.	Welcome feedback supporting the employment zones. No action required.
BNDP4	Environment Agency		n/a	We note that there are no site specific allocations for residential development within the Bembridge	Note the requirement for sequential testing is already policy in the Island Plan

				Neighbourhood Plan and therefore we have no specific comments to make on the Plan. We would highlight the requirement for the Sequential Test to be undertaken to the satisfaction of the Local Planning Authority when any residential development is proposed within Flood Zone 2 or 3. This means that before proceeding to a determination, the Isle of Wight Council must apply the Sequential Test; that is, it must consider whether the applicant has demonstrated and sufficiently justified that no alternative sites are available in a lower flood risk zone. This is in line with the National Planning Policy Framework. Should the Neighbourhood Plan change and propose to allocate new development in areas at risk of flooding then we would like to be re-consulted on the Plan	Core Strategy. No further action required to BNDP policies.
BNDP5	Mr D Groom	BNDP WS1	Oppose	<p>Needs much rewriting. As it stands at the moment it is impossible to even interpret the likely meaning of much of what is written, and as such the whole policy is wide open to abuse.</p> <ol style="list-style-type: none"> 1. It is difficult to understand the reason point (c) exists at all, though if the comments below were addressed it might become clear. 2. Point (c) starts “is”, with no clear indication as to what “is” refers to. 3. Point (b) “the existing use is no longer needed within the village or is not viable for an alternative retail or business use”. Strictly speaking the later part of the sentence reads as “the existing use is not viable for an alternative retail or business use” which is clearly nonsense. It needs something, presumably “the premises”, between “or” and “is” to clarify what the “is” refers to. 4. With the use of “and” at the end of point (a), and “or” at the end of point (b) it is unclear if what is meant is “A and (B or C)” or “(A and B) or C”. 5. Furthermore in instances where the retail premise also has an employment use there is a possible conflict between the current wording of this policy and the last paragraph of policy BNDP WS5. As things stand there could well be cases where BDP WS1 would be against the loss of premises, whilst BNDP WS5 would support the loss. <p>Suggested improved wording:</p>	<p>WS1 relates to the Village Core and Lane End retail whereas WS5 relates to all of Bembridge.</p> <p>Combine (b) and (c) of policy to a single point.</p> <p>In respect of point 5, policy WS1 deals with retail and other businesses in the two retail centres whereas WS5 deals with non-retail elsewhere.</p> <p>Amend the justification text to WS1 and WS5 to clearly indicate this with a cross reference between the two policies.</p>

				<p>(a) The premises/site has been actively marketed for at least 12 months at an appropriate market price with a view to securing a new operator; and</p> <p>(b) The existing use is no longer needed within the village and the premises/site is not viable for an alternative retail or business use.</p>	
BNDP6	Mr D Groom	BNDP T1	Support with modifications	The reasoned justification uses the term “small” even though this is term not used in the policy. I suggest the term “small” be inserted into the policy.	Amend the reasoned justification from small to sustainable for consistency.
BNDP7	Mr D Groom	BNDP T2	Support with modifications	The “definition of a second home is one that is not the primary residence of the occupier and is not made available to the wider holiday market” is so loose, that making the home available to the wider market for day the second Wednesday in November, would seem to be enough to class the accommodation as “holiday accommodation” and not a second home.	<p>The policy and condition was devised in response to the community’s wish to not only prevent permanent residential use (which the standard holiday condition would do) but to also prevent holiday homes houses being bought up as 2nd homes and only occupied for a few weeks of the year by the owners and claiming it is for their own “holiday” use.</p> <p>A review has taken place of policy T2 condition against the recent PPG in respect of conditions and it could be argued that it meets the six tests criteria.</p> <p>Keep the policy as worded but amend the definition to make its purpose even clearer.</p>
BNDP8	Mr D Groom	BNDP D2	Support with modifications	It would appear the word “to” is missing on the first line between “alterations” and “dwellings”.	Add the word to between alterations and dwellings.
BNDP9	Bourne Leisure	BNDP OL1	Oppose	Bourne Leisure objects to the terms of draft Policy OL.1(b), in relation to the proposed size limitation on new floorspace in non-residential development of 1,000 sq.m. This objection is made on the basis that there is no evidence base, nor reasoned justification to support this proposed ceiling. The Company considers that part (b) of the proposed policy should be redrafted, to allow each proposed non-residential development to be considered on its own merits and in relation to a series of criteria, including any potential impact of scale on the character of the area in which the scheme is located. An example of another criterion that should be added to the revised policy would relate to design and	<p>The Neighbourhood Plan does encourage expansion of development and limits the size to small scale.</p> <p>There is an evidence base for our definition of “small scale”. This is derived from the principal planning Act and is explained in the justification text. Further evidence is the Island Plan Core Strategy (5.15) which clearly limits development in Rural Service Centres to “small scale”.</p>

			<p>external appearance, as larger scale development of higher quality may well be acceptable.</p> <p>In considering proposals for new, non-residential floorspace in the Neighbourhood Area, account also should also be taken of the economic benefits of encouraging and expanding developments <i>inter alia</i> for tourism use within the Coastal Fringe. This is necessary, in order to be consistent with draft Policy T.1 and also, to accord with adopted Core Strategy Strategic Policy SP4: Tourism, which supports, '<i>...sustainable growth in high quality tourism and proposals that increase the quality of tourism destinations and accommodation across the Island</i>'. The supporting text for Policy SP4 at paragraph 5.16 of the Core Strategy recognises the economic importance of tourism.</p> <p>Bourne Leisure strongly considers that existing tourism businesses outside the village settlement, such as its Bembridge Coast Hotel, should not only be protected by planning policies but also be allowed to expand with an appropriate scale of sustainable development.</p> <p>Bourne Leisure considers that the wording of Policy OL.1 should be amended to state:</p> <p>BNDP.OL.1 – Scale of Development</p> <p><i>Support will be given to new development will be given confined to small scale proposals which fall within any of the following categories and will be supported in principle:</i></p> <p><i>(a) Housing development schemes of 1 to 12 units and site area not exceeding 0.5 hectares in size;</i></p> <p><i>(b) Non residential development not exceeding 1000m floorspace and site area not exceeding 1 hectare;</i></p> <p><i>(c) All new development proposals will be considered on their own merits and in relation to a series of criteria, including any potential impact on the character of the area in which the scheme is located, and design and external appearance.</i></p> <p>In addition, Bourne Leisure considers that the reasoned justification to the policy should specifically state:</p> <p><u><i>Sustainable growth in the form of high quality tourism proposals that increase the quality of Bembridge as a visitor destination and enhance the quality of tourist accommodation throughout the Neighbourhood Area will be supported in principle, due to the economic importance of</i></u></p>	<p>The community's vision statement clearly indicates support for small scale sustainable growth as the appropriate way forward for the village. Therefore, if a large development scheme came forward it would not meet with the community's aspirations.</p>
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				<u>tourism to the Neighbourhood Area.</u>	
BNDP10	Bourne Leisure	BNDP WS5	Support with modifications	<p>Bourne Leisure supports the first sentence of Policy WS.5 which states: <i>‘Proposals which will promote employment opportunities in the Parish will be supported where it can be demonstrated that the use will benefit the local economy...’</i></p> <p>However, the Company considers that Policy W5.5 should also specifically refer to the benefits of tourism employment; paragraph 5.169 of the Core Strategy notes that tourism is worth over half a billion pounds per annum to the Island economy and that the industry currently generates over £360 million of direct tourism expenditure and supports over 20% of jobs on the Island. This invaluable contribution of the visitor economy locally should be recognised by being fully acknowledged in Policy W5.5.</p> <p>This proposed change would also be consistent with Policy SP3: Economic of the Island Plan, which strongly supports locally sustainable employment opportunities with economic growth focusing on – amongst other things – high quality tourism.</p> <p>Policy WS.5 should therefore be amended to read as follows:</p> <p>BNDP.WS.5 – Employment Opportunities <i>Proposals, <u>including the development of new, or the enhancement of existing tourism facilities and uses</u>, which will promote employment opportunities in the Parish will be supported where it can be demonstrated that the use will benefit the local economy and that the development will not adversely impact on the existing employment or service uses or on the character and appearance of the locality.</i></p> <p>In addition, the reasoned justification for the policy should specifically state: <u><i>The promotion of tourism through Policy WS.5 reflects the economic benefits that tourism brings to the Island economy, and the tourism industry’s invaluable contribution to employment on the Island.</i></u></p>	<p>The policy as it currently reads covers all employment opportunities within Bembridge including Tourism. Tourism facilities and uses are covered by policies T1 and T2 specifically.</p> <p>The benefits of tourism to the Island economy are well documented in more appropriate documents (e.g. the Island Plan Core Strategy and the Isle of Wight Tourism Plan). The BNDP acknowledges the contribution tourism makes to the local economy (10.14.3). The amendment suggested does not “add value” to the policy.</p> <p>It is also important to note that the policy does not solely relate to tourism.</p> <p>No action required.</p>
BNDP11	Bourne Leisure	BNDP T1	Support with modifications	<p>Bourne Leisure supports the wording of Policy T.1, but not its reasoned justification, which refers to ‘small scale tourism development’. The policy is well-drafted to reflect the role and value of tourism development to Bembridge and the Island economy – and is consistent with Bourne Leisure’s suggested revised wording for Policy OL.1. The reasoned</p>	<p>Amend the reasoned justification from small to sustainable for consistency.</p>

justification therefore requires revision, so that both it and the policy it supports give in-principle support to ‘sustainable tourism development’.

Such an approach would fully recognise the significance of tourism to the Neighbourhood Area; paragraph 10.14.1 recognises that Bembridge is a popular holiday resort, whilst paragraph 10.14.2 notes the wide range of visitor accommodation in Bembridge and paragraph 10.14.3 goes on to state:

‘The community recognises the contribution tourism makes to the local economy and is keen to promote an increase in visitor numbers primarily outside the main holiday season...’

We note also that the Evidence Base Document prepared by BNP Paribas sets out the communities support to encourage tourism at pages 4 and 7 of the document.

The term ‘sustainable tourism development’ should be explained in the supporting text as not being a question simply of scale of development; sustainable development requires *inter alia* a balancing of social, economic and environmental factors. The policy’s explanatory text should also refer to the forms such development can take. It should be made clear, for example, that sustainable tourism development would include the enhancement and extension of existing tourism accommodation, where this would result in improved facilities and help to support the overall objectives of the Core Strategy to improve the economic prosperity of the Island, by increasing the overall quality of the tourism offer (paragraph 5.158 of the Core Strategy). Bourne Leisure therefore considers that Policy T.1 should remain unchanged but its reasoned justification should be amended as follows:

BNDP.T.1 – New Tourism Uses

Sustainable tourism development proposals and/or extensions to or expansion of existing tourism uses will be supported throughout the Neighbourhood Plan Area.

Proposals relating to land outside the settlement boundary will need to demonstrate that the use proposed will not have an adverse impact on the rural landscape but will promote the unique characteristics of the area.

Proposals providing all year round uses and attractions will be supported but schemes within the Wider Rural Area will need

				<p><i>to demonstrate that such uses will not adversely impact on the rural landscape.</i></p> <p><i>In all cases appropriate levels of parking facilities must be provided.</i></p> <p>Reasoned justification</p> <p><i><u>Small-scale Sustainable tourism</u> development which is appropriate to the overall character of Bembridge, which takes into account social, economic and environmental factors and which will benefit the local economy will be supported, including the enhancement and extension of existing tourism accommodation, where this results in improved facilities and helps to support the overall objectives of the Core Strategy to improve the economic prosperity of the Island, by increasing the overall quality of the tourism offer. Proposals which help to lengthen the tourism season will also be encouraged.</i></p>	
BNDP12	Savills	BNDP OL1	Oppose	<p>Please see attached Statement, which demonstrates that the Bembridge Neighbourhood Development Plan and in particular Policy OL1 does not meet the following Basic Conditions Tests being:</p> <ul style="list-style-type: none"> - The requirement to have regard to national policy and advice; - The requirement to have regard to and be consistent with the strategic policies in the adopted Development Plan; and - The requirement to deliver sustainable development. <p>We do not believe that the plan can be modified to bring it into line with the Basic Conditions as the requirements to do so would totally undermine the plan's approach to the amount of development required to meet local housing need and accordingly the Examiner, by virtue of para 10(4) of Schedule 10 of the Localism Act, cannot recommend that the Plan goes forward to referendum.</p> <p>Please refer to our full expanded Statement.</p> <p>This representation is explicitly requesting that an oral hearing should be held.</p>	Small scale development is encouraged as a gradual way of increasing the amount of properties in the village. It is argued that any large scale development would place undue stress on the services available in the village, such as school (currently classed as full), roads (only 2 roads in or out of the village), medical facility (community have indicated that the current facility needs improving), drains etc. Large scale development is not sustainable.
BNDP13	Savills	BNDP H1	Oppose	<p>Please see attached Statement, which demonstrates that the Bembridge Neighbourhood Development Plan and in particular Policy H1 does not meet the following Basic Conditions Tests being:</p> <ul style="list-style-type: none"> - The requirement to have regard to national policy and 	Policies OL1 and H1 restrict the size of the development to small scale not the amount of developments to come forward.

				<p>advice; and</p> <ul style="list-style-type: none"> - The requirement to have regard to and be consistent with the strategic policies in the adopted Development Plan. <p>We do not believe that the plan can be modified to bring it into line with the Basic Conditions as the requirements to do so would totally undermine the plan's approach to the amount of development required to meet local housing need and accordingly the Examiner, by virtue of para 10(4) of Scheduled 10 of the Localism Act, cannot recommend that the Plan goes forward to referendum.</p> <p>Please refer to our full expanded Statement.</p> <p>This representation is explicitly requesting that an oral hearing should be held.</p>	
BNDP14	Savills	BNDP H3	Oppose	<p>Please see attached Statement, which demonstrates that the Bembridge Neighbourhood Development Plan and in particular Policy H3 does not meet the following Basic Conditions Tests being:</p> <ul style="list-style-type: none"> - The requirement to have regard to national policy and advice; - The requirement to have regard to and be consistent with the strategic policies in the adopted Development Plan; - The requirement not to breach EU or Human Rights obligations; and - The requirement to deliver sustainable development. <p>We do not believe that the plan can be modified to bring it into line with the Basic Conditions as the requirements to do so would totally undermine the plan's approach to the amount of development required to meet local housing need and accordingly the Examiner, by virtue of para 10(4) of Scheduled 10 of the Localism Act, cannot recommend that the Plan goes forward to referendum.</p> <p>Please refer to our full expanded Statement.</p> <p>This representation is explicitly requesting that an oral hearing should be held.</p>	<p>The Neighbourhood plan is intended to reflect the wishes and needs of the local community, and therefore the policy reflects the result of the Housing needs survey. Discussions with all four estate agents with offices in the village show that there are, on average, circa 100 properties for sale at any time which satisfies the market need/demand. A timescale for the local occupancy condition will ensure the market for new dwellings does not stagnate but give the first offer to locals. We feel the introduction of the timescale would satisfy the EU legislation concerns raised.</p>
BNDP15	Savills	Housing Needs Survey	Oppose	<p>Please see attached Statement, which demonstrates that the Bembridge Housing Needs Survey, which is used as the evidence base for the Bembridge Neighbourhood Development Plan does not meet the following Basic Conditions Tests being:</p> <ul style="list-style-type: none"> - The requirement to have regard to national policy and advice. <p>We do not believe that the plan can be modified to bring it</p>	<p>The Housing Needs survey was conducted to ascertain the communities' wishes and local housing needs. Due process has been followed and the report adopted by the Local Planning Authority for use. The Parish Council has made a commitment to produce a new housing needs survey every 5 years and the Neighbourhood Plan will</p>

				<p>into line with the Basic Conditions as the requirements to do so would totally undermine the plan's approach to the amount of development required to meet local housing need and accordingly the Examiner, by virtue of para 10(4) of Scheduled 10 of the Localism Act, cannot recommend that the Plan goes forward to referendum.</p> <p>Please refer to our full expanded Statement.</p> <p>This representation is explicitly requesting that an oral hearing should be held.</p>	<p>be reviewed in light of the outcome for future years of housing provision. The BNDP does not allocate housing figures to be delivered it makes reference to the housing needs survey.</p>
BNDP16	English Heritage	Vision	n/a	<p>Turning to specific comments, we would have liked to have seen a specific reference to the historic environment in the "vision statement".</p>	<p>The historic environment is referred to in a community objective. The vision statement is more strategic and the overarching aim of the plan.</p> <p>No amendments to BNDP</p>
BNDP17	English Heritage		n/a	<p>We welcome the references to the Conservation Area and listed buildings in paragraphs 4.3 and 4.4 respectively, and to the Conservation Area, the historic environment and heritage assets and designated and non-designated heritage assets in paragraphs 10.26.6, 10.26.7 and 10.26.8 respectively.</p> <p>However, we would welcome an indication the condition of the historic environment and heritage assets in the village: for example, are any heritage assets at risk through decay or neglect or is the special architectural and historic interest of the Conservation Area threatened by inappropriate development.</p>	<p>The heritage assets and Conservation Area are detailed in the Sustainability appraisal.</p> <p>An action arising from the Neighbourhood Plan is for the Parish Council to continue its rolling maintenance programme for community assets via the Neighbourhood Action Plan. Any priorities will be listed here for action over the plan period.</p> <p>No amendments to BNDP</p>
BNDP18	English Heritage	BNDP OL1	n/a	<p>Scale of Development does not contain any locational or local needs criteria. As drafted, therefore, it implies that new small-scale development will be supported in principle whether in or immediately adjacent to the RSC Settlement Boundary or in the Wider Rural Area, even if not to meet an identified specific local need. This may be the Working Group's intention but if not, then these criteria need to be introduced into the policy; or the policy reworded as "For the purposes of Policies BNDP.H.1 and BNDP.WS.7, "small scale" will be defined as....."; or the Policy deleted and its criteria incorporated into Policies BNMDP.H.1 and BNDP.WS.7.</p>	<p>OL1 supports the principle of small scale development in or adjacent to the settlement boundary but not in the wider rural area which is consistent with the Island Plan Core Strategy.</p> <p>The Island Plan and Neighbourhood Plan should be read in conjunction with each other. One policy does not need to be repeated in another.</p> <p>No amendments to BNDP</p>
BNDP19	English Heritage	BNDP OL2	Support	<p>We welcome and support categories (d) and (e) of Policy BNDP.OL.2 – Rural Exception Development, but suggest that</p>	<p>The design appraisal document covers the points raised for implementation.</p>

				(d) should say “.....the conservation and enhancement of the building, particularly any historical or architectural features, and an enhancement of the immediate setting” (or just “.....which would accord with Policy BNDP.WS.7)	No action required. No amendments to BNDP
BNDP20	English Heritage	BNDP WS4	Support	We welcome and support the requirement in Policy BNDP.WS.4 for new shop fronts within the historic core of the village centre as defined in the Conservation Area Plan to preserve a traditional appearance. Is this “traditional appearance” explained in the Conservation Area Appraisal?	Traditional appearance is a term brought forward from the Village Design Statement. The CAA states (in respect of the shops) there are “few overbearing or urbanising commercial elements to detract from the village character”. Both these factors combine to justify the term in the BNDP. Traditional definition inserted into justification.
BNDP21	English Heritage	BNDP WS7	Support	We also welcome and support criteria (c) and (d) of Policy BNDP.WS.7, the reference to historic buildings in paragraph 10.14.1, the Community Objective “To protect the existing character of the built environment, heritage assets.....” and Policies BNDP.EH.1, BNDP.EH.2, BNDP.D.1 and BNDP.D.2.	Welcome feedback. No action required.
BNDP22	English Heritage	BNDP D1	Support	We particularly welcome and support the reference in Policy BNDP.D.1 to the Bembridge Design Character Appraisal, which gives force to that document in the planning process, and are particularly pleased that it has been prepared to accompany the Neighbourhood Development Plan, as we encourage the identification of the characteristics of different areas – what makes one area different from another, what makes it special, what should be maintained/reinforced and what is out of keeping	Welcome feedback. No action required.
BNDP23	Mrs B Clough		Support	<ol style="list-style-type: none"> 1. Pages 1-66 whole Plan 2. Strongly support Make general comments 3. I congratulate the BNDP Working Group on the production of this comprehensive, evidence based document. <p>The Vision Statement p.6 encompasses succinctly the needs and wishes of the Community of Bembridge. I strongly support this. Bembridge Parish Council has undertaken innumerable consultations with residents over 20 years and many of these documents have been quoted and submitted in evidence. The Housing section is very important and if implemented</p>	Welcome feedback. No action required.

				will provide protection against inappropriate development which is contrary to the Bembridge Housing Needs Survey undertaken by the Bembridge Parish Council. I strongly support BNDP in all aspects.	
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