

## Progression to Examination Decision Document



### Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Vowchurch and District Group Neighbourhood Area
Parish Council	Vowchurch and District Group Parish Council
Draft Consultation period (Reg14)	22 March to 2 May 2016
Submission consultation period (Reg16)	4 January to 15 February 2017

#### Determination

Is the organisation making the area application the relevant body under section 61G (2) of the 1990 Act		Yes
Are all the relevant documentation included within the submission <ul style="list-style-type: none"> <li>• Map showing the area</li> <li>• The Neighbourhood Plan</li> <li>• Consultation Statement</li> <li>• SEA/HRA</li> <li>• Basic Condition statement</li> </ul>	Reg15	Yes
Does the plan meet the definition of a NDP - 'a plan which sets out policies in relation to the development use of land in the whole or any part of a particular neighbourhood area specified in the plan'	Localism Act 38A (2)	Yes
Does the plan specify the period for which it is to have effect?	2004 Act 38B (1and 2)	Yes
Are any 'excluded development' included? <ul style="list-style-type: none"> <li>• County matter</li> <li>• Any operation relating to waste</li> </ul>	1990 61K / Schedule 1	No

development		
• National infrastructure project		
Does it relate to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the parish council undertaken the correct procedures in relation to consultation under Reg14?		Yes
Is this a repeat proposal?	Schedule 4B para 5	No
<ul style="list-style-type: none"> <li>• Has an proposal been refused in the last 2 years or</li> <li>• Has a referendum relating to a similar proposal had been held and</li> <li>• No significant change in national or local strategic policies since the refusal or referendum.</li> </ul>		

#### **Summary of comments received during submission consultation**

Historic England	No further substantive comment to make
Natural England	No further comment to make on this draft plan
National Grid	High pressure gas transmission pipeline falls within the neighbourhood area (FM Three Cocks to Tirley PRI). The pipeline does not interact with any of the proposed development sites.
Coal Authority	No specific comments to make
Welsh Water	<p>No further comment to make over and above our representations at Reg14.</p> <p>Do not envisage any issues in providing a supply of clean water for 28 new housing units. No public sewerage within the group parish area foul drainage options will be required in line with SD4.</p>
CRPE	Forwarded to volunteers for comment – no further comments received
Herefordshire Council – Strategic Planning	Comments from the Strategic Planning team are generally supportive. See appendix 1 for full details.
Herefordshire Council – Development	Comments regarding the deliverability of the

Management	policies  See appendix 2 for full details
Herefordshire Council - Environmental Health (contamination)	No specific sites have been identified therefore unable to provide comment with regard to potential contamination.
Herefordshire Council - Environmental Health (pollution)	From a noise and nuisance perspective our department has no additional comments to add with regards this plan
K Waistell  Vowchurch Resident  Countersigned by 14 Vowchurch residents	<p>Settlement boundary should be amended to omit land (shown in green) as it would adversely affect views from the churchyard and the listed building (namely The Old House). Access is inadequate. No good reason for encouraging development of this land.</p> <p>Settlement boundary should be amended to omit the land (shown in orange). No justification for the hammerhead effect.</p> <p>Development should be on the plot marked 'A' or within the farm buildings marked 'B' and nowhere else. These areas give enough development space.</p> <p>Like to make part of the village a Conservation Area (edged in red). This should be protected.</p> <p>There should be no development before a substantial improvement of the crossroads at 'M'. Crossroad is dangerous with minimal visibility.</p> <p>We represent the totality of the ownership in Vowchurch, naturally feel the views of the actual inhabitants should prevail.</p> <p>See appendix 3 for explanatory map.</p>

**Please note the above are summaries of the response received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.**

#### **Officer appraisal**

The plan has met all the legal requirements as outlined above.

A total of 11 comments have been received during the submission consultation. 6 comments from the statutory consultees have no further comments to add from that made at Reg14. The Strategic Planning team have confirmed conformity with the adopted Core Strategy and Development Management have indicated some practicalities in the wording with regarding the delivery of the

policies. However these issues can form part of the examination process. The residents of the village of Vowchurch have submitted a joint representation regarding the delineation of the settlement boundary for the village and again this can be reviewed as part of the examination process.

**Assistant Director's comments**

**Decision under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.**

**The decision to progress to appoint an examiner for the above neighbourhood plan has been Approved.**



**Richard Gabb**

**Programme Director – Growth**

Date: 22/02/17

## **Appendix 1**

### **Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment**

From Herefordshire Council Strategic Planning Team

Name of NDP: Vowchurch- Regulation 16 submission version

Date: 12/01/17

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
Policy 1	LD1-LD4	Y	
Policy 2	N/A	Y/N	<p>Providing some more information on the amount of existing commitments and completions for the plan period so far would be helpful. As would potentially identifying some buildings that could provide conversion opportunities, and perhaps some small sites that would be appropriate to come forward for development in the plan period.</p> <p>These would provide some additional, clearer assurance that the Core Strategy's minimum target of 28 new homes for the Parishes is going to be delivered.</p>
Policy 3	RA3	Y	<p>As is pointed out in its justification, the policy re-states the criteria of policy RA3 of the Core Strategy. It does not add anything supplementary to it, which calls into question whether its inclusion is strictly necessary.</p>
Policy 4	N/A	Y	
Policy 5	SD1	Y	
Policy 6	H1	Y	Policy criteria concerning the delivery of affordable housing is arguably covered more

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
			comprehensively by the equivalent Core Strategy policy, H1.
Policy 7	SD1	Y	
Policy 8	RA6	Y	
Policy 9	E4	Y	

## Appendix 2

### Development Management comments

Draft Neighbourhood plan policy	Comments
Page 4	The amount of delivery is predicated on historic trajectory which includes replacement dwellings. Replacement dwellings, by their very nature, don't contribute to housing growth. Given the significant number of replacement dwellings in the locality, projected growth by 'windfall' style development is probably vastly overestimated.
Page 6	No certainty to the settlement boundary. Policy must provide clarity and the settlement boundaries are nothing more than an 'indication'. Further, there doesn't appear to be room for 28 dwellings within the boundaries.
Lower Maes Coed	<p>No locational guidance and appropriateness will be shaped by 'other' policies in the plan. No certainty or even guidance from a locational perspective.</p> <p>Problems I see arising:</p> <p>Where is Lower Maes Coed? Without a defined boundary (even a generous one) I can see many a discussion of whether a site is within LMC or say Upper Maes Coed. The character of the area is very sporadic and sparsely settled villages which coalesce with one another. It could be very difficult to define LMC on a case by case basis.</p> <p>Over burdening the village. Essentially, the test for development in LMC appears to be: Development must be next to other buildings, building design must reflect local building styles and developments should be between 1 and 3 dwellings. We could, given the sparsely settled nature of the settlement, end up with a dwelling immediately adjacent to every house in the settlement. Of course, this could be exponential too. Whilst the 28 target for the plan area is indicative and there should not be maximums imposed, there appears to be no way of limiting development in the area at present.</p> <p>Landscape character: By the plans admission, the areas character is its loosely settled pattern of development. Infilling some gaps may be appropriate but the loss of others would significantly erode this character. There is a significant amount of brownfield land within LMC, perhaps this may be a good limiter i.e. only Brownfield Land. It must be remembered that this is a 4.15 village.</p>
Policy 2	In and around the settlement boundary'. Far too lax. Again remembering that 28 is a target and not a limit, could end up with 20 odd in each settlement which I assume isn't the Parish's want.
Policy 3	Just reflects Policy RA3 and is redundant is it not?
	Overall, no certainty over settlement limits which is likely to result in significant over delivery to the detriment of settlement character. Perhaps a solution may be to increase the settlement areas (and define LMC) and state something like "only within the defined settlement boundaries and where the development proposal upholds the settlement patterns and wider landscape character".

Appendix 3 – Map to support representation from K Waistell

