

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Whitchurch and Ganarew Group Neighbourhood Development Plan
Parish Council	Whitchurch and Ganarew Group Parish Council
Draft Consultation period (Reg14)	9 April to 21 May 2018
Submission consultation period (Reg16)	18 January to 1 March 2019

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"> • Map showing the area • The Neighbourhood Plan • Consultation Statement • SEA/HRA • Basic Condition statement 	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"> • County matter • Any operation relating to waste 	1990 61K / Schedule 1	No

development		
<ul style="list-style-type: none"> National infrastructure project 		
Does it relation 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"> Has an proposal been refused in the last 2 years or Has a referendum relating to a similar proposal had been held and No significant change in national or local strategic policies since the refusal or referendum. 		

Summary of comments received during submission consultation

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

Herefordshire Council - Environmental Health.	<p>Policy 'WG4: Land amounting to approximately 1.0 hectare adjacent to Yew Tree Close which has been allocated for housing development', historical plans indicate the allocated site appears to have had no previous historic potentially contaminative uses.</p> <p>Policy WG11: Use of rural buildings_- Some farm buildings may be used for the storage of potentially contaminative substances (oils, herbicides, pesticides) or for the maintenance and repair of vehicles and machinery. As such it is possible that unforeseen contamination may be present on the site.</p>
Herefordshire Council – Environmental Health (noise)	No further comments with regard to this Neighbourhood Plan.
Strategic Planning	<p>No conformity issues found.</p> <p>Full representation can be found in appendix 1.</p>
External Comments	
Coal Authority	No specific comments to make
Welsh Water	No further comment to make at this time.
Environmental Agency	The submitted Environmental Report (January 2019) makes reference to the SFRA and need for up-to-date flood risk information to ensure that any flood risk

	<p>issues are considered when preparing the Whitchurch and Ganarew Group NDP.</p> <p>Previously raised concerns at the Regulation 14 stage with regards Policy WG9 and requested further clarification and greater consideration of flood matters and the associated evidence base. No such evidence has been provided and therefore raise concerns on this basis in relation to the justification of the NP.</p> <p>Whilst the NP does include a flood risk policy (WG17) this should not be to support an allocation within an area of high flood risk without a robust flood risk evidence base.</p> <p>Development in the area should accord with the Policy but, in the absence of a detailed flood risk assessment, this may not be achievable or deliverable. As previously stated the land adjacent to the River Wye (WG9) is allocated to support, or continue to support, 'tourism and visitor facilities and related intensification and regeneration'.</p> <p>The area of land lies predominantly within Flood Zone 3, the high risk Zone based on our Flood Map for Planning, and likely to be partially 3b functional floodplain where only water compatible development is supported (NPPG Table 3, Paragraph 067 refers).</p> <p>Since the Regulation 14 submission a line has been added to the Policy Justification (Para 7.2.2) stating "some of the area falls within the area at risk of flooding and consequently regard will need to be had to NDP Policy WG17".</p> <p>Whilst welcome the inclusion of the Policy WG17 the function of such is to steer windfall sites to the areas of lowest flood risk and to consider flood risk. It is not to support the intensification and regeneration of an area within Flood Zone 3 and potentially the functional flood plain.</p> <p>The NP is unclear on the scale and nature of tourism and visitor facilities and the related intensification and regeneration. Introducing further users, including more and highly vulnerable, into an area of high risk should not be supported without robust evidence to demonstrate that it will be safe and will not increase risk to third parties.</p> <p>Should the aspiration be to support further development of 'more' and 'highly vulnerable' uses, such as camping and caravan, as part of Policy WG9 we would expect greater consideration of flood risk matters and associated evidence base.</p>
Historic England	<p>Supportive of both the content of the document and the vision and objectives set out in it.</p> <p>Pleased to note that the Plan evidence base is well informed by reference to the Herefordshire Historic Environment Record including the Herefordshire Landscape Character Assessment.</p> <p>The emphasis on the conservation of local distinctiveness through good design and the protection of local and national heritage assets including historic parks and gardens, historic farmsteads, archaeological remains and landscape character is to be applauded".</p> <p>Overall the plan reads as a well-considered, concise and fit for purpose document which we consider takes a highly commendable approach to the historic environment of the Parish.</p>
National Grid	No record of such apparatus within the Neighbourhood Plan area. :
Local Residents	
Paul Smith On behalf of Mr and Mrs E Gee	<p>Generally support the principle of settlement boundaries in the NDP under Policies WG2 and WG3</p> <p>Support Policy WG3 (i) which supports the erection of self-build dwellings on</p>

	<p>the edge of settlement boundaries where initial owners have primary input into the final design and layout of the proposal.</p> <p>Object to the exclusion of some of their land from the draft settlement boundary. My clients' area of land should be included within the settlement boundary. In line with Guidance Note 20.</p> <p>The site meets five of the six criteria of the Council's Guidance Note 20 which the draft NDP advocates should be applied to delineating its settlement boundary.</p> <p>The inclusion of the site within the settlement boundary would ensure that the draft NDP complies fully with Herefordshire Council's settlement boundary criteria which the NDP advocates should be adopted.</p> <p>It would also accord with national planning policy relating to the re-use of brownfield land. It will also help achieve its objective to achieve sustainable development as defined in national planning policy and Policy WG1 of the NDP.</p> <p>For these reasons, my clients ask that the draft settlement boundary as shown on the Whitchurch Village Proposal plan is amended to include their area of brownfield land.</p>
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Officer's Appraisal

This plan has met the requirements of the regulations as set out in the table above. No concern has been raised from internal consultees with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy.

The plan includes settlement boundaries for the identified settlement of Whitchurch and Symonds Yat. These boundaries have taken into account existing commitments and proportional growth requirements of 65 dwellings. The parish already has 25 commitments and 41 completions (April 2018) this exceeds the target by 1. The plan has allocated 1 housing sites to accommodate up to 10 dwellings. It also allows for windfalls and some capacity within the settlements boundary and rural windfall is expected to achieve 8 dwellings. Therefore it is likely that Whitchurch and Ganarew will continue to meet their proportionate growth target.

Overall, 14 responses have been received; 3 internal service providers and 5 from statutory and external consultees. One response has been received by a resident, generally support the NDP including policies WG2 and WG3. However they do object to some of their land being excluded from the settlement boundary.

Strategic Planning confirmed that the all of the policies within the plan are in general conformity with the Core Strategy.

External responses from technical bodies such as Historic England, Natural England and National Grid have raised no objection to the regulation 16 draft plan.

The Environmental Agency has raised an issue regarding the deliverability of development within a high risk zone in response to policy WG9, they have requested further evidence to confirm future proposals would not be significantly impacted by flooding. Further evidence and in depth flood risk assessment can be dealt with at planning application stage. Their comments and clarification of the policy can be addressed further at the examination stage.

Overall it is considered that there are no fundamental issues relating to this plan which would prevent its progress to examination.

Programme 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 – Housing and Growth

Date: 12.3.19.

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Whitchurch and Ganarew- Regulation 16 submission version

Date: 22/1/19

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
WG1- Promoting Sustainable Development	SS1; SS2; SS3; SS4; SS5; SS6; SS7	Y	
WG2- Development Strategy	SS2; RA2; RA3, RA4; RA5; RA6; E4	Y	Use of the word "limited" when referring to new housing/expansion of employment areas- this could be interpreted as adopting a negative approach to planning for growth, which does not completely align with the approach taken by the Core Strategy. Suggested replacement would be "proportionate" or "appropriate".
WG3- Housing Development in Whitchurch	SS1; SS2; RA2	Y/N	Some clarity may be required here to ensure compliance with the Core Strategy. If the final criteria relating to development outside of the settlement boundary is referring to development directly adjacent to the settlement boundary, then this needs to be made clearer. Any other form of development outside and away from the boundary would be classed as countryside, and therefore any development will be restricted to that complying with the criteria of Core Strategy's policies RA3, RA4 and RA5.
WG4- Housing Site in Whitchurch	N/A	Y	Taking into account the concerns raised in the 2012 SHLAA over access to Llangrove Road, the deliverability of this site would appear to be dependent on achieving an access through the existing committed site to the north? Looking at the approved layout for this, this might be challenging.
WG5- Housing Development in Symonds Yat West	SS1; SS2; RA2; RA5	Y	Restoration of existing buildings/premises: The building/premises in question should also be capable of conversion

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			without major or complete reconstruction, in accordance with RA5.
WG6- Affordable and intermediate Homes	H1	Y	
WG7- Housing Design and Appearance	SS6; LA1; SD1; SD2	Y	
WG8- Sustainable Design	SS6; SS7; SD1; SD2	Y	
WG9- Land adjacent to the River Wye to the East of Whitchurch	SS5; RA6; E4	Y	
WG10- Stoney Hills Industrial Estate and the complex of industrial and commercial buildings between the Old Ross Road and The Old Forge	SS5; RA6; E1; LD1; SD1; SD3	Y	
WG11- Use of Rural Buildings	SS2; SS5; RA5; RA6	Y	Point d): To accord with Core Strategy policy RA5, the proposed new use for rural buildings should be capable of being accommodated without the need for ancillary buildings that individually or taken together would adversely affect the character/appearance of the building or setting/surroundings.
WG12- Working from Home	SS5; E3	Y	
WG13- Poly-tunnel Policy	SS6; LD1; LD2; LD4; SD1; SD3	Y	
WG14- Conserving the Landscape and Scenic Beauty, both within and outside of the Wye Valley AONB	SS6; LD1; LD2; LD4	Y	
WG15- Enhancement of the Natural Environment	SS6; LD2; LD3	Y	<p><i>“the loss of any features, where absolutely necessary, shall be offset through full compensatory measures.”</i></p> <p>This would apply more specifically to development that would lead to a reduction in the coherence and effectiveness of the ecological</p>

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			network. LD2 sets out further exception criteria based on the level at which biodiversity and geodiversity assets are designated.
WG16- Protecting Heritage Assets	SS6; RA5; LD4	Y	<p><i>"...in order to comply with Herefordshire Local Plan Core Strategy policy RA3(6)."</i></p> <p>This must also comply with policy RA5.</p>
WG17- Protection from Flood Risk	SS6; SS7; SD3	Y	
WG18- Sewerage Infrastructure	SS6; SD4	Y	
WG19- Renewable and low-carbon Energy	SS6; SS7; SD2	Y	
WG20- Traffic Measures within the Parish	SS4; MT1	Y	These measures can be sought insofar as is within the scope of a land use development plan, and the contributions yielded from new developments.
WG21- Highway Design Requirements	SS4; MT1	Y	
WG22- Protection and Enhancement of Parish Facilities and Services	SS1; SC1	Y	
WG23- Contributions to Parish services, youth provision and recreation facilities	SS1; SC1	Y	
WG24- Broadband Infrastructure	N/A	Y	