

## Progression to Examination Decision Document



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

Name of neighbourhood area	Shobdon Neighbourhood Area
Parish Council	Shobdon Parish Council
Draft Consultation period (Reg14)	8 February to 21 March 2016
Submission consultation period (Reg16)	9 January to 20 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 development</li> </ul>	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> <li>National infrastructure project</li> </ul>		
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? <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>	Schedule 4B para 5	No

#### Summary of comments received during submission consultation

Historic England	Our substantive reg14 comments remain entirely relevant. 'Support of the vision and objectives and the content of the document, emphasis on local distinctiveness including undersigned heritage assets and maintaining historic rural character. Commend the importance of archaeological remains and significance of Shobdon Airfield' No further substantive comments to make.
Natural England	No further comment to make on this draft plan
Coal Authority	No specific comments to make on this plan
Welsh Water	<p>Concern over the inaccuracy of some of the content of the Neighbourhood Plan.</p> <p>Policy S4: there is <b>no</b> hydraulic capacity issues on the length of the public sewer running from the field to the south of The Grove to the wastewater treatment works (WwTW)</p> <p>Para 5.6: There is <b>no</b> constraints in terms of the sewerage capacity in Shobdon. As outlined in our Reg14 consultation response we recommended amended to the text to Policy S10</p> <p>Para 5.8: As previously stated there are <b>no</b> hydraulic capacity issues with this sewer</p> <p>Para 7.2: As outlined in our Reg14 consultation</p>

	<p>response, whilst there have been historical incidents of sewer flooding, these were not due to hydraulic overload. Growth is monitored and if potential of hydrological overload the Council would be advised accordingly. At the current time there are no issues.</p> <p>Policy S10: whilst aspects of the policy were amended to take on board recommendations in Reg14 comments, it is not wholly accurate. Suggested new wording. As aforementioned, there is no hydraulic capacity issue with the sewer leading to the WwTw.</p> <p>Para 7.4: not aware of any issues with regards to leakage from the sewerage system but as outlined in our reg14 consultation response our recommend amendments to Policy S10 would future proof against any hydraulic capacity concerns.</p>
Herefordshire Council – Strategic Planning	Confirmation that the plan is in general conformity with the Core Strategy. See appendix 1 for details.
Herefordshire Council – Development Management	<p>Focussed on Policy S4 and the five sites which have been allocated for housing development.</p> <p>Land to the north of Moor Meadow – current planning application for 7, allocated for 12. Current objection on highways grounds.</p> <p>Land to the south of Bar Meadow – narrow parcel dominated by embankment. Would require significant engineering works and the tree may also be lost. Bar Meadow is a private drive and not constructed to adoptable standard, insufficient for additional dwellings. Question the deliverability of the site.</p> <p>Land at north west of end of The Grove – access to site is narrow and site is a children’s play area. Loss of this could be contrary to Policy OS3 of the Core Strategy. Potential third party ownership issues.</p> <p>Land to the rear of the Calvi – has planning permission so potentially double counted in figures Land west of the Paddocks – site capable of delivering 10 dwellings</p> <p>Question whether the proportionate growth target of 44 will be met by the site allocations</p>

	<p>particularly the sites at Bar Meadows and the Grove.</p> <p>It appears that there are opportunities to allocate sites that have not been fully investigated.</p> <p>Full details contained within appendix 2</p>
Herefordshire Council - Environmental Health (contamination)	<p>The five proposed housing sites have all been historically used as orchards. Orchards can be subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination and any development should consider this.</p> <p>Useful if site references were included on the maps.</p>
Herefordshire Council - Environmental Health (pollution)	<p>From a noise and nuisance perspective our department has no comments to make with regards to this plan.</p>
John Green Border Oak	<p>Support main essence of the policies and objectives within the NDP.</p> <p>Do not have any specific comments to make regarding the detail of the policies or the allocated development area but needs of those wishing to build or commission their own home could be explicitly supported within the main policies and text.</p> <p>Self-build would be a good match for the other aspirations within the Shobdon. Much emphasis has been placed in affordable social home delivery but there is already an excellent proportion of smaller and social properties in Shobdon. Self-build could provide some balance.</p>
CR Planning Solutions On behalf of Messers GH, AJ, EF, KJ Roberts Land south of New Cottages	<p>Concern regarding the deliverability /capacity of some of the allocated sites.</p> <p>Land to the north of Moor Meadow (12 dwellings): currently subject to an outline application for 7 dwellings. This is five less than within the NDP and there is an objection from the highway authority recommending refusal based on site access. Therefore concern that the site is not deliverable.</p> <p>Land to South of Bar Meadow (10 dwellings): Site is sensitive to development due to the topography and overhead cabling. No details of how the site</p>

	<p>will be accessed. New junction may be needed at Bar Meadow or via the community car park. Therefore concern regarding the deliverability of this site.</p> <p>Land at northwest end of The Grove (4 dwellings); No clarity on how the land will be accessed. Bateman Close is not possible and would need to utilise a 3m wide cycleway. Access from The Grove would require third party land and track which provides access to the play area and utility cabinet. Concern over deliverability.</p> <p>Land to rear of CALVI (4 dwellings): Has planning permission which needs to have started by March 2017</p> <p>Land west of the Paddocks (10 dwellings): land promoted during reg14 as providing elderly persons bungalows. Therefore not available to accommodate family housing.</p> <p>Para 7.4 / Policy S4 /Policy S10: Welsh Water have confirmed that there are no issues within regards to the public sewers or the hydraulic capacity issues in Shobdon. They have also confirmed headroom in the treatment works to accommodate foul only flow. Therefore concern regarding the wording of Policy S4 and S10.</p> <p>Concern that sites will not come forward with the pre-commencement condition that are included within Policy S4.</p> <p>Inclusion of Land south of New Cottages as residential allocation within the defined settlement boundary. Site is sustainable and deliverable. Will not require connection to the public sewer dealing with foul on site and including sustainable drainage.</p>
<p>Pegasus Group</p> <p>On behalf of MF Freeman Ltd</p> <p>Land south of Bateman Close</p>	<p>Support parish council bringing forward a neighbourhood plan and encourage the proactive nature.</p> <p>Broadly support the proposed vision but should not refer to the rate of development being limited.</p> <p>Broadly support the objectives but object to the objective 2 which requires that new homes will be provided in small numbers. This limits growth and is too prescriptive.</p> <p>Policy S1: Object to the phasing of development</p>

	<p>in criteria b</p> <p>Policy S2: object to the policy on the grounds of phased approach to development</p> <p>Criteria ii) supports limited infilling at Ledcot, Easthampton and Uphampton. These are RA3 settlements and the Core Strategy does not permit infilling in these settlements. This will have implications on the windfall allowance</p> <p>Policy S3: may not always be possible to provide off-street parking. Rewording suggested for criteria c. Criteria e should be deleted or reworded.</p> <p>Policy S4: Ability to deliver windfalls for 12 dwellings is questioned. Additional site allocation should be made to ensure delivery.</p> <p>Land to the North of Moor Meadow has an application for 7 which is subject to a highway objection. Therefore unlikely to be deliverable for 12 dwellings</p> <p>Land south of bar Meadow is topography is significant and constrained. Unlikely the site will accommodate 10 dwellings</p> <p>Land at the north west of Grove Road does not appear large enough or suitable to serve the development.</p> <p>Not aware that alternative sites have been assessed or any comparative analysis undertaken.</p> <p>Policy seeks to restrict any development until sewer capacity is increase, this is a restrictive statement and should be delete. Welsh Water have confirmed there is no problem concerning the sewerage capacity.</p> <p>Para 5.5 – sites chosen will not deliver affordable housing due to their small size.</p> <p>Policy S5 –object and agree with the previous comments of the council that this is to restrict development.</p> <p>Policy S10 – policy should be rewritten because Welsh Water have confirmed that the capacity of the sewer pipe is not a constraint to development</p>
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	<p>Land south of Bateman Close</p> <p>Consideration should be given to the allocation of this site for residential development. Consider it an appropriate site to deliver housing and affordable housing. Could provide significant landscaping and public open space. Site form logical extension of the village and access could be achieved from Bateman Close.</p>
<p>Pegasus Group</p> <p>On behalf of MF Freeman Ltd</p> <p>Land north of Presteigne Road</p>	<p>Support parish council bringing forward a neighbourhood plan and encourage the proactive nature.</p> <p>Broadly support the proposed vision but should not refer to the rate of development being limited.</p> <p>Broadly support the objectives but object to the objective 2 which requires that new homes will be provided in small numbers. This limits growth and is too prescriptive.</p> <p>Policy S1: Object to the phasing of development in criteria b</p> <p>Policy S2: object to the policy on the grounds of phased approach to development</p> <p>Criteria ii) supports limited infilling at Ledcot, Easthampton and Uphampton. These are RA3 settlements and the Core Strategy does not permit infilling in these settlements. This will have implications on the windfall allowance</p> <p>Policy S3: may not always be possible to provide off-street parking. Rewording suggested for criteria c. Criteria e should be deleted or reworded.</p> <p>Policy S4: Ability to deliver windfalls for 12 dwellings is questioned. Additional site allocation should be made to ensure delivery.</p> <p>Land to the North of Moor Meadow has an application for 7 which is subject to a highway objection. Therefore unlikely to be deliverable for 12 dwellings</p> <p>Land south of bar Meadow is topography is significant and constrained. Unlikely the site will accommodate 10 dwellings</p> <p>Land at the north west of Grove Road does not appear large enough or suitable to serve the</p>

	<p>development.</p> <p>Not aware that alternative sites have been assessed or any comparative analysis undertaken.</p> <p>Policy seeks to restrict any development until sewer capacity is increase, this is a restrictive statement and should be delete. Welsh Water have confirmed there is no problem concerning the sewerage capacity.</p> <p>Para 5.5 – sites chosen will not deliver affordable housing due to their small size.</p> <p>Policy S5 –object and agree with the previous comments of the council that this is to restrict development.</p> <p>Policy S10 – policy should be rewritten because Welsh Water have confirmed that the capacity of the sewer pipe is not a constraint to development</p> <p>Land north of Presteigne Road</p> <p>Request the consideration is given to the allocation of this site for residential development. Appropriate site for housing and affordable housing, can provide significant landscaping and public open space. This is adjacent to the village and forms a logical extension to the village. Access from the Prestiegne Road.</p>
Gladman Development Ltd	<p>Policy S2: oppose the use of the settlement boundary if this would preclude sustainable development coming forward.</p> <p>Policy S4: development should not be delayed due to something beyond the control of the developer</p> <p>Policy S5: wording of the policy considered in conflict with the presumption in favour of development and there is no clear mechanism to implement the phased aspect of the policy.</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**

This plan has met the requirements of the regulations as set out in the table above. All the requirements of regulation 14 were undertaken by the parish council and all the required documentation was submitted under regulation 15.

A total of 13 representations were received during the submission consultation period.

Welsh Water have raised concerns that information within the plan regarding the hydrologic capacity of the sewers in the area is inaccurate and this information has been used to inform Policy S4 and S10.

Despite the allocation of sites within the plan meeting the proportional growth requirements, internal consultations have raised issues regarding the potential deliverability of the site allocations themselves.

Four comments were received from members of the public (3 planning consultants) which question the site allocation process and suggest alternative sites.

There is no available site assessment document to support the Shobdon NDP to highlight how sites were chosen or evaluated and if alternatives were considered. The Strategic Housing Land Available Assessment 2012 also highlights that many sites assessed as part of the SHLAA have potential access issues associated with them.

Given the potential loss of 5 dwellings at Moor Meadow (current planning application for 7 not 12), concerns at 10 dwellings at Bar Meadow, 4 at the Grove and potential double counting of 4 at Calvi, this could bring into question the allocation of 23 dwellings which is over half of the allocated sites.

Due to these concerns regarding the supporting evidence particularly those relating to deliverability of housing and hydrologic capacity, it is recommended that additional background and supporting evidence is made available to ensure that the plan allocations and policies will have the ability to meet the proportional growth requirements of the Core Strategy.

## **Assistant Director's comments**

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

It is recommended that the Shobdon Neighbourhood Plan does not progress to examination at this stage and that site assessment and selection work is obtained to ensure site allocations have the potential to be brought forward and an additional consultation (under Regulation 16) is undertaken following the parish council's consideration of the issues outlined above.

A handwritten signature in blue ink, appearing to read 'Richard Gabb', with a horizontal line underneath.

**Richard Gabb**

**Programme Director – Growth**

Date: 9 March 2017

## Appendix 1

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

From Herefordshire Council Strategic Planning Team

Name of NDP: Shobdon- Regulation 16 submission version

Date: 16/01/17

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
S1- Promoting a Sustainable Community	SS1	Y	
S2- Development Strategy	SS2, RA2	Y	
S3- Highways and Transport Infrastructure	SS4, MT1	Y	
S4- Meeting Housing Needs within Shobdon Village	RA2, H3	Y	
S5- Phasing of Development	SS3	Y	
S6- Provision of Affordable Housing	H1, H2	Y	
S7- Design Criteria for Residential Development	LD1-LD3, SD1-SD3	Y	
S8- Supporting Local Business	E1, E4, RA5, RA6	Y	
S9- Renewable and Low Carbon Energy	SD2	Y	
S10- Surface and Foul Water Drainage	SD3	Y	
S11- Accessibility to Community Facilities	SC1	Y	Its also important to protect or where necessary enhance existing community facilities.  Are there any identified valued community facilities that should

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
			be afforded such protection?
S12- Broadband Infrastructure	N/A	Y	
S13- Protection and Provision of Open Space	OS1- OS3	Y	
S14- Retaining the Natural Environment and Landscape	LD1- LD4	Y	
S15- Protecting Local Heritage	LD4	Y	

## Appendix 2

Comments on Shobdon NDP – Regulation 16

Andrew Banks – Development Management

The following comments focus specifically on Policy S4 and the five sites that have been allocated for housing development.

### Land to the north of Moor Meadow

The site amounts to approximately 0.7 hectares, currently agricultural pasture land. Narrow point of access onto the B4362. The NDP allocates the site for 12 dwellings. The Council is currently considering an application on a slightly smaller parcel (0.57 ha) for 7 dwellings (162764). There are currently objections to the application on highway safety grounds.

I do not intend to comment on the merits of the application currently being considered. Assuming that the concerns raised about access are resolved and the scheme is acceptable in all other respects, the outcome will be the delivery of 5 less dwellings than the NDP envisages.

Nevertheless, an allocation of 12 dwellings on 0.7 hectares of land represents very low density (approximately 17 per hectare) and does not necessarily represent the best use of the land.

I would question whether the site selection process has considered a combined site which includes this and part of the field immediately to the west which has a much larger frontage onto the B4362. This would seem to offer the opportunity to provide a more satisfactory means of access, provide a site for 25-30 dwellings which would be subject to Section 106 contributions; including contributions towards schemes for highway improvements and traffic calming, to mitigate the impacts of development on highway safety issues around the B4362.

### Land to the south of Bar Meadow

A narrow parcel of land dominated by an embankment that runs east/west across it. Bank at its highest at eastern end with a difference of 2 – 2.5 metres in height from Bar Meadow. Also a substantial tree on the embankment at this end of the site. (see photo below)



The development of this site would require significant engineering works to grade the land and provide developable plots. The tree would also be lost as a consequence of development. I have doubts about the viability of developing this site due to the engineering works that are likely to be required.

Furthermore, Bar Meadow is a private drive and is not constructed to an adoptable standard. It raises the immediate question as to whether vehicles associated with any new development would have a right to pass along Bar Meadow if it is private. Notwithstanding this there would appear to be insufficient width within the carriageway for two vehicles to pass and an existing passing bay is used for parking (see below) and an intensification in its use to provide vehicular access for an additional 10 dwellings may prove to be problematic.

Would question whether the site is deliverable given the significant constraints that have been identified.



#### Land at north-west end of The Grove

Access to this site is via a narrow track of approximately 2.5 metres in width onto The Grove. A site visit reveals that this is actually identified as a children's play area, and the track is simply of sufficient width to allow servicing.

The site would appear to provide an informal area of play for local children and is well maintained, suggesting that it is in regular use. The loss of such an area would be regrettable and unjustified when there would appear to be other options. This is contrary to Policy OS3 of the Core Strategy.

There may also be an issue of third party ownership as the track emerges onto The Grove. The track is closely bounded on both sides by dwellings, with one having vehicular access (see below)



### Land to the rear of Calvi

The site has an extant planning permission for the erection of 4 dwellings (153588). A site visit reveals that work has commenced on site. This is an existing commitment and would therefore appear to have been double counted in Table 2 of the NDP (page 18)

### Land west of The Paddocks

The site has something of a woodland setting and it would be desirable for this to be retained if it were to be developed. It has a straight road frontage and the provision of access should be achievable. The site should be capable of delivering the 10 dwellings envisaged by the NDP.

### Conclusions

On the basis of the site assessment that I have undertaken I would question whether the minimum proportionate growth target of 44 dwellings will be met by the site allocations. I would question the delivery of 10 dwellings on the site at Bar Meadow, and the 4 dwellings on land at The Grove. The four dwellings on land to the rear of Calvi seem to have been double counted as they have an extant planning permission and are a commitment. This leaves the plan short of at least 18 dwellings. An allowance for windfalls of 12 dwellings is made based on previous trends but this is by no means certain and on the basis of the shortfall identified on the allocated sites, it does not seem appropriate to rely upon this to meet a minimum growth target.

Shobdon is one of the larger villages in the northern part of the county. It appears that there are opportunities to allocate sites for housing delivery that have not been fully investigated.