

Progression to Examination Decision Document



Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Wyeside Group Neighbourhood Area
Parish Council	Wyeside Group Parish Council
Draft Consultation period (Reg14)	16 May to 26 June 2016
Submission consultation period (Reg16)	6 February to 20 March 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"> • 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 development 	1990 61K / Schedule 1	No

<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
<p>Is this a repeat proposal?</p> <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. 	Schedule 4B para 5	No

Summary of comments received during submission consultation

Natural England	No specific comments to make on this neighbourhood plan.
Historic England	Previous comments remain relevant that 'HE is supportive of both the content of the document and the vision and objectives. The emphasis on conservation of local distinctiveness and the protection of locally significant buildings and landscape character including archaeological remains and important view is to be applauded'
Coal Authority	No specific comments to make
Welsh Water	Pleased to note the Wyeside Group have taken on board our comments from the regulation 14 consultation stage
Environmental Agency	<p>Important that plans offer robust confirmation that development is not impacted by flooding and that there is sufficient waste water infrastructure to accommodate growth.</p> <p>Note and welcome consideration of the River Wye (SAC) within the plan and specifically the Nutrient Management Plan. Foul Drainage Infrastructure has also been assessed within the plan along with the impact on flooding.</p> <p>However the flood map provided an indication of 'fluvial' flood risk only,</p>

CRPE	<p>Wyeside plan addresses many of the issues and contains thoroughly thought through policies.</p> <p>Heritage Assets – would be useful have a list or map of ‘buildings of non-statutory heritage value’ as mentioned in Policy WE02.</p> <p>View and landmarks – would be useful to identify and list/map any other views and landmarks which are valued</p> <p>Large scale economic activities – plan identifies tourism and have policies covering renewable energy but do not have a policy addressing large scale economic activities such as farming development (intensive poultry/cattle rearing units and large scale polytunnels)</p>
Herefordshire Council – Strategic Planning	<p>General conformity with the Core Strategy confirmed however concern about delivery given a criteria based approach.</p> <p>See Appendix 1 for full details</p>
Herefordshire Council – Development Management	<p>See Appendix 2 for full details</p>
Herefordshire Council - Environmental Health (contamination)	<p>No specific comments to make as no sites identified.</p>
Herefordshire Council - Environmental Health (pollution)	<p>Comments with reference to the potential impact on amenity. Suggest amendment to Policy 4.10 objective 7 to include ‘ensure that any new residents amenity is not impacted by existing commercial or agricultural activity’</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 10 comments have been received during the submission consultation. 6 comments from the statutory consultees, many of which had not further comment to add. The Strategic Planning team have confirmed conformity with the adopted Core Strategy however have raised a concern regarding the certainty of delivery of housing with a criteria based policy. 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.

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.

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

Richard Gabb

Programme Director – Growth

Date: 06/04/17

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Wyese Group- Regulation 16 version

Date: 28/02/17

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
<i>WB01- New Business Opportunities</i>	RA6, E1, E2, E4	Y	
<i>WB02- Retail Development</i>	RA6, E6	Y	
<i>WH01- New Housing Development</i>	RA2	N	<p>Are there assurances that deliverable sites contiguous to the village centre will be available to come forward for development in the plan period?</p> <p>Suggestion for allowing better flexibility for proposals coming forward: “<i>That there is a preferred maximum of <u>around</u> five dwellings per development site in Moccas...</i>”</p> <p>Neighbourhood Development Plans cannot be used to enforce the use of building codes.</p>
<i>WH02- Ensuring an appropriate Range of Tenures, Types and Size of Houses</i>	H3	Y	
<i>WH03- Affordable Housing</i>	H1	Y	
<i>WH04- Re-use of Rural Buildings</i>	RA5	Y	These issues are arguably covered as comprehensively by the equivalent policies in the Core Strategy, with largely the same criteria. The inclusion of these policies could therefore
<i>WH05- Housing in Open Countryside</i>	RA3	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			perhaps be viewed as superfluous.
<i>WHD01- New Building Design</i>	LD1, SD1	Y	SuDS should be incorporated to manage surface water runoff appropriate to the site's hydrological setting.
<i>WHD02- Change of Use</i>	RA5, LD4	Y	
<i>WE01- Environmental Restrictions on Development</i>	LD2, SD3	Y/N	What is the basis for specifying an exclusion zone of 100m for development from the River Wye SAC?
<i>WE02- Landscape Design Principles</i>	LD1	Y	
<i>WE03- Protecting Local Green Spaces and Important Views</i>	LD1-LD3	Y	
<i>WE04- Renewable Energy</i>	SD2	Y/N	<p>"Solar panels are not permitted on roofs of historical buildings."</p> <p>The criteria of policy SD2 relating to this states that renewable energy proposals will be supported where they do not "...adversely impact upon international or national designated natural and heritage assets" or where they result in "any <u>significant detrimental impact upon</u> the character of the landscape and the built or historic environment."</p> <p>This would not therefore suggest that any given proposal for solar panels on a historic building should necessarily be rejected.</p>
<i>WE05- Development that may result in the</i>	SD4	Y	Suggestion: The policy's title is quite long and reads more like

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
<i>capacity of the public sewerage network and/or the wastewater treatment works becoming overloaded will not be permitted</i>			the first criterion. It could be shortened to “Wastewater treatment” or similar.
<i>WF01- Retention of Existing Recreational Facilities</i>	SC1, OS3	Y	
<i>WF02- Picnic Areas, Improving Footpaths, and Access to the River Wye</i>	OS1, OS2, E4	Y	
<i>WF03- Additional Community and Recreational Facilities</i>	SC1, OS1, OS2	Y	

Appendix 2

Development Management comments

Draft Neighbourhood plan policy	Comments
	The 'village centre' points as opposed to black lines around the settlement are unworkable. As a DM officer or developer, there'd be no confidence in where the edge of the settlement is. E.g. a small break in housing may be considered the edge of the settlement, alternatively, the outer extent of the loose cluster may be the edge of the settlement. It needs a black line around the village and then a policy which states within or adjacent to the black line.
WB01	Doesn't state if all or some criteria need to be fulfilled. Needs an 'and' or 'or' function somewhere; The final criteria re design and brownfield land needs to be a part of the main body of text rather than a criterion. I assume that just being brownfield land isn't reason enough to support an application for Economic Development, it must also fulfil one of the other criteria.
WH01	Criterion 1: What does this even mean? Surely an obsolete statement; 4: Preferred sizes? Should state maximums. Also this criterion states minimums. We can't limit development to only those greater than 10. I can see the NDP steering group are attempting to ensure they get some AH in which case, they would need to allocate a site and then specify the minimum number of dwellings thereon.
WH03	Not an exceptions policy if it requires compliance with open market policies.
WH04	Doesn't support residential use of barns as worded. If intentional, not convinced it's reasonable in the context of the Core Strategy and NPPF which allows residential reuse of buildings;
WH05	Too restrictive in the context of RA3 and para 55. Omits reference to barn conversion, para 55 dwellings etc.
WE04	Can't preclude solar panels on historic buildings. Firstly, what qualifies as an historic building? Secondly, this should be a case by case assessment whereby the conservation officer would assess the harm associated with solar panels.