

**Latham, James**

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**From:** Turner, Andrew  
**Sent:** 23 July 2018 16:38  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Pixley & District Regulation 16 neighbourhood development plan consultation

**RE: Pixley & District Group Regulation 16 draft Neighbourhood Development Plan**

Dear Neighbourhood Planning Team,

I refer to the above and would make the following comments with regard to the above proposed development plan.

It is my understanding that you do not require comment on Core Strategy proposals as part of this consultation or comment on sites which are awaiting or have already been granted planning approval.

- Given that no specific sites have been identified in the plan I am unable to provide comment with regard to potential contamination.

General comments:

Developments such as hospitals, homes and schools may be considered 'sensitive' and as such consideration should be given to risk from contamination notwithstanding any comments. Please note that the above does not constitute a detailed investigation or desk study to consider risk from contamination. Should any information about the former uses of the proposed development areas be available I would recommend they be submitted for consideration as they may change the comments provided.

It should be recognised that contamination is a material planning consideration and is referred to within the NPPF. I would recommend applicants and those involved in the parish plan refer to the pertinent parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development.

Finally it is also worth bearing in mind that the NPPF makes clear that the developer and/or landowner is responsible for securing safe development where a site is affected by contamination.

These comments are provided on the basis that any other developments would be subject to application through the normal planning process.

Kind regards

Andrew

**Herefordshire.gov.uk**

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Andrew Turner  
Technical Officer (Air, Land & Water Protection)  
Economy, Communities & Corporate Directorate,  
Herefordshire Council  
8 St Owens Street,  
Hereford.  
HR1 2PJ



The Coal  
Authority



INVESTOR IN PEOPLE



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Learning Partner

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Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Neighbourhood Planning and Strategic Planning  
Herefordshire Council

**[By Email: [neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk) ]**

27 July 2018

Dear Neighbourhood Planning and Strategic Planning teams

**Pixley and District Neighbourhood Development Plan -**

Thank you for consulting The Coal Authority on the above.

Having reviewed your document, I confirm that we have no specific comments to make on it.

Should you have any future enquiries please contact a member of Planning and Local Authority Liaison at The Coal Authority using the contact details above.

Yours sincerely

**Christopher Telford BSc(Hons) DipTP MRTPI**  
**Principal Development Manager**

**Latham, James**

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**From:** Norman Ryan <Ryan.Norman@dwrcymru.com>  
**Sent:** 16 August 2018 14:25  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Pixley & District Regulation 16 neighbourhood development plan consultation

Dear Sir/Madam,

I refer to the below consultation and would like to thank you for allowing Welsh Water the opportunity to respond.

As you may be aware we were consulted by the Group Parish Council as part of the Regulation 14 stage of Neighbourhood Plan process, and as such have no further comment to make at this stage.

Should you require any further information, then please do not hesitate to contact me.

Kind regards,



**Ryan Norman**  
**Forward Plans Officer | Developer Services | Dwr Cymru Welsh Water**  
Linea | Cardiff | CF3 0LT | T: 0800 917 2652 | [www.dwrcymru.com](http://www.dwrcymru.com)

*We will respond to your email as soon as possible but you should allow up to 10 working days to receive a response. For most of the services we offer we set out the timescales that we work to on our Developer Services section of our website. Just follow this link <http://www.dwrcymru.com/en/Developer-Services.aspx> and select the service you require where you will find more information and guidance notes which should assist you. If you cannot find the information you are looking for then please call us on 0800 917 2652 as we can normally deal with any questions you have during the call.*

*If we've gone the extra mile to provide you with excellent service, let us know. You can nominate an individual or team for a Diolch award through our [website](#).*

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**From:** Neighbourhood Planning Team [mailto:neighbourhoodplanning@herefordshire.gov.uk]  
**Sent:** 28 June 2018 10:06  
**Subject:** Pixley & District Regulation 16 neighbourhood development plan consultation

\*\*\*\*\* External Mail \*\*\*\*\*

Dear Consultee,

Pixley & District Group Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link:

[https://www.herefordshire.gov.uk/directory\\_record/3098/pixley\\_and\\_district\\_group\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3098/pixley_and_district_group_neighbourhood_development_plan)

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 28 June 2018 to 23 August 2018.

If you wish to make any comments on this Plan, please do so by e-mailing:

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk), or sending representations to the address below.

Herefordshire Council  
Neighbourhood Planning  
Plough Lane  
Hereford  
HR4 0LE

**Our ref:** SV/2018/109876/OR-  
14/PO1-L01

**Your ref:**

**Date:** 22 August 2018

**F.A.O: Mr. James Latham**

Dear Sir

### **PIXLEY & DISTRICT REGULATION 16 NEIGHBOURHOOD PLAN**

I refer to your email of the 28 June 2018 in relation to the above Neighbourhood Plan (NP) consultation. We have reviewed the submitted document and would offer the following comments at this time.

As part of the adopted Herefordshire Council Core Strategy updates were made to both the Strategic Flood Risk Assessment (SFRA) and Water Cycle Strategy (WCS). This evidence base ensured that the proposed development in Hereford City, and other strategic sites (Market Towns), was viable and achievable. The updated evidence base did not extend to Rural Parishes at the NP level so it is important that these subsequent plans offer robust confirmation that development is not impacted by flooding and that there is sufficient waste water infrastructure in place to accommodate growth for the duration of the plan period.

We would not, in the absence of specific sites allocated within areas of fluvial flooding, offer a bespoke comment at this time.

However, it should be noted that the Flood Map provides an indication of 'fluvial' flood risk only. You are advised to discuss matters relating to surface water (pluvial) flooding with your drainage team as the Lead Local Flood Authority (LLFA). I trust the above is of assistance at this time.

Yours faithfully

**Mr. Graeme Irwin**  
**Senior Planning Advisor**

Environment Agency  
Hafren House, Welshpool Road, Shelton, Shropshire, Shrewsbury, SY3 8BB.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

Direct dial: 02030 251624

Direct e-mail: [graeme.irwin@environment-agency.gov.uk](mailto:graeme.irwin@environment-agency.gov.uk)

Neighbourhood Planning Team  
Planning Services  
PO Box 4  
Hereford  
NR27

By email only to: [neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)

23rd August 2018

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Pixely and District Neighbourhood Plan (PDNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman requests to be added to the Council's consultation database and to be kept informed on the progress of the emerging neighbourhood plan. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.

### **Legal Requirements**

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the PDNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*

### **Revised National Planning Policy Framework**

On the 24<sup>th</sup> July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper.

Paragraph 214<sup>1</sup> of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24<sup>th</sup> January 2019. Given the date of this consultation, the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2012.

### **National Planning Policy Framework and Planning Practice Guidance**

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

### **Planning Practice Guidance**

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The

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<sup>1</sup> National Planning Policy Framework, paragraph 214

requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the PDNP's ability to meet basic condition (a) and (e) and this will be discussed in greater detail throughout this response.

### **Relationship to Local Plan**

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

The adopted development plan relevant to the preparation of the Pixley and District Neighbourhood Plan area, and the development plan which the PDNP will be tested against is the Herefordshire Core Strategy (HCS). This document was adopted in October 2015 and sets out the visions, objectives, spatial strategy and overarching policies to guide development in the Herefordshire from 2011 – 2031.

Policy SS2 sets out a minimum requirement of 16,500 homes that will be delivered over the plan period. Pixley and District is designated as open countryside as established in policy RA3 which sets out the criteria in which residential development are expected to arise. Policy SS3 determines that where housing completions fall below the annual requirement this could lead to one of the following mechanisms being introduced; a partial review of the Local Plan, preparation of new Development Plan Documents or utilising evidence from the Strategic Housing Land Availability Assessment to identify additional housing land. With this in mind and given that Herefordshire Council cannot demonstrate a 5-year supply, Gladman suggest sufficient flexibility is provided in the policies of the plan to safeguard the PDNP from conflicting with future development proposals should they be required.

### **Pixley and District Neighbourhood Plan**

#### **Policy PIX3 – Rural exception housing**

Gladman are concerned that in its current form the policy does not fully accord with the local development plan. Policy H2 of the HCS states 'in order to enable the delivery of affordable housing some market housing may be permitted as part of the development to subsidise a significant proportion of affordable housing provision'.

Policy PIX3 of the PDNP however explicitly states that market housing will be excluded. Gladman suggest revisiting the policy to ensure flexibility that would enable some market housing to subsidise the provision of affordable housing, this would ensure the policy fully conforms with the strategic policies of the adopted development plan.

### **Policy PIX7 – Natural environment**

Paragraph 113 of the previous Framework refers to the need for criteria-based policies in relation to proposals affecting protected wildlife or geodiversity sites or landscape areas, and that protection should be commensurate with their status which gives appropriate weight to their importance and contributions to wider networks. As currently drafted, Gladman do not believe this policy fully aligns with the previous Framework. The policy fails to make a distinction and recognise that there are two separate balancing exercises which need to be undertaken for national and local designated sites and their settings. We therefore suggest that the policy is revisited to ensure that it is consistent with the approach set out within the previous Framework.

### **Policy PIX8 – Historic environment**

Policy 8 seeks to protect, conserve and enhance the historic environment and heritage assets of the Parish. Gladman note that the policy does differentiate between designated and non-designated heritage assets however we are concerned the policy does not align with the policy tests required in relation to designated and non-designated heritage assets as set out in national policy.

With reference to designated heritage assets, the Parish Council should refer specifically to paragraphs 133 and 134 of the previous Framework which sets out that Councils should assess the significance of the designated heritage asset and where there is less than substantial harm, this should be weighed in the planning balance against the public benefits of the proposal. Where there is deemed to be substantial harm, then the proposal would need to achieve substantial public benefits to outweigh that harm.

For non-designated heritage assets, the policy must reflect the guidance set out within paragraph 135 of the previous Framework. This states that the policy test that should be applied in these cases is that a balanced judgement should be reached having regard to the scale of any harm and the significance of the heritage asset.

Gladman believe that this policy needs to be redrafted in order to ensure that it conforms with the guidance and requirements set through national policy.

### **Policy PIX9 – Design and Access**

Policy 9 lists eight criteria that all development proposals will be measured against.

Gladman are concerned that some of the criterion in the policy are overly prescriptive and could limit suitable sustainable development coming forwards. Gladman suggest more flexibility is provided in the policy wording to ensure high quality residential developments are not compromised by overly restrictive criteria. We suggest regard should be had to paragraph 60 of the previous Framework which states that;

*“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”*

## **Conclusions**

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the PDNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic conditions (a) and (e). The plan does not conform with national policy and guidance and in its current form does not contribute to the achievement of sustainable development.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours Faithfully,

Andrew Collis

[a.collis@gladman.co.uk](mailto:a.collis@gladman.co.uk)

Gladman Developments Ltd.

## Latham, James

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**From:** Knight, Matthew  
**Sent:** 09 July 2018 13:17  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Pixley & District Regulation 16 neighbourhood development plan consultation

Thank you for consulting the Historic Environment Team.

We have no comments to make on this NDP.

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**From:** Neighbourhood Planning Team  
**Sent:** 28 June 2018 10:06  
**Subject:** Pixley & District Regulation 16 neighbourhood development plan consultation

Dear Consultee,

Pixley & District Group Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link:

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Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 28 June 2018 to 23 August 2018.

If you wish to make any comments on this Plan, please do so by e-mailing:

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk), or sending representations to the address below.

If you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the Neighbourhood Development Plan, please indicate this on your representation.

Kind regards

# Herefordshire.gov.uk

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**James Latham**  
**Technical Support Officer**

Neighbourhood Planning and Strategic Planning teams  
Herefordshire Council  
Plough Lane  
Hereford  
HR4 0LE

Tel: 01432 383617

Email: [jlatham@herefordshire.gov.uk](mailto:jlatham@herefordshire.gov.uk)

[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk) (for Neighbourhood Planning enquiries)

[ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk) (for Strategic Planning enquiries)

Any opinion expressed in this e-mail or any attached files are those of the individual and not necessarily those of Herefordshire Council.

**TO: DEVELOPMENT MANAGEMENT- PLANNING AND  
TRANSPORTATION  
FROM: ENVIRONMENTAL HEALTH AND TRADING  
STANDARDS**



**APPLICATION DETAILS**

259844 /  
Pixley Parish  
Susannah Burrage, Environmental Health Officer

I have received the above application on which I would be grateful for your advice.

The application form and plans for the above development can be viewed on the Internet within 5-7 working days using the following link: <http://www.herefordshire.gov.uk>

I would be grateful for your advice in respect of the following specific matters: -

Air Quality	Minerals and Waste
Contaminated Land	Petroleum/Explosives
Landfill	Gypsies and Travellers
Noise	Lighting
Other nuisances	Anti Social Behaviour
Licensing Issues	Water Supply
Industrial Pollution	Foul Drainage
Refuse	

Please can you respond by ..

**Comments**

From a noise and nuisance perspective our department has no comments to make with regard to this proposed Neighbourhood Plan

Signed: Susannah Burrage  
Date: 22 August 2018

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

From Herefordshire Council Strategic Planning Team

Name of NDP: Pixley- Regulation 16 submission draft

Date: 13/07/18

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
PIX1- Sustainable Development	SS1	Y	
PIX2- Housing in Pixley and District	SS2; RA3; RA4	Y	<p>In the main, (aside from Rural exception sites) housing development in the countryside will be very small scale, i.e. individual plots. These will most likely be designed to individual specifications.</p> <p>It therefore may not be very easy to enforce each proposal to demonstrate how their size/type contributes to the wider local mix of types and tenures.</p>
PIX3- Rural Exception Housing	SS6; RA4	Y/N	<p>To fully accord with the equivalent Core Strategy policy (H2), some flexibility would need to be allowed for the possibility of some market housing being required to subsidise a proportion of the affordable housing provision. This would, however, require evidence to justify.</p>
PIX4- Economic Development in Pixley and District	SS5; RA5; RA6; E3	Y	
PIX5- Polytunnels	N/A	Y	
PIX6- Communications	E3	Y	

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
and Broadband			
PIX7- Natural Environment	SS6; LD1; LD2; LD3	Y	
PIX8- Historic Environment	SS6; LD4	Y	
PIX9- Design and Access	SS1; SS4; SS6; SD1; SD2; SD3; SD4	Y	
PIX10- Renewable Energy	SS7; SD2	Y	
PIX11- Community Facilities	SC1	Y	