

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Little Birch and Aconbury Neighbourhood Area
Parish Council	Little Birch and Aconbury Parish Council
Draft Consultation period (Reg14)	8 January to 19 February 2018
Submission consultation period (Reg16)	4 October to 15 November 2018

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

<p>Are any 'excluded development' included?</p> <ul style="list-style-type: none"> • County matter • Any operation relating to waste development • National infrastructure project 	1990 61K / Schedule 1	No
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

Herefordshire Council – Strategic Planning	<p>Confirmed general conformity with the Core Strategy</p> <p>Details can be seen in appendix 1</p>
Herefordshire Council – Conservation	No comments to make
Herefordshire Council – Environmental Health	No further comments to make
Herefordshire Council – Environmental Heath (contamination)	No specific comments to make
Highways England	<p>The Strategic Road Network in the area comprises of the A49 Truck road which passes through the west of the neighbourhood area.</p> <p>Policy LBA7 – happy to engage with the community to consider 2 proposals for cycle/footway links. However, the policy wording requires amendment to reflect the fact that evidence is not available regarding the practicability of the delivery of such a facility.</p>

	Suitable feasibility work would need to be undertaken in cooperation with Highways England and would be necessary prior to the inclusion of a policy that specifically promotes these proposals. Recommended wording provided.
Coal Authority	No specific comments to make
Historic England	No adverse comments to make. Feel the plan takes a suitable proportionate approach to the main historic environment issues
Natural England	No specific comments to make
National Grid	No records of apparatus within the neighbourhood area
Welsh Water	No further comments to make

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 10 representations were received during the submission consultation period. 4 from service providers of Herefordshire Council and 6 from statutory consultees. No representations were received from members of the public.

There were no major objections raised to the plan which would prevent the plan being examined.

Existing commitments and plan policies demonstrate that the proportional growth within the plan area can be achieved. The Strategic Planning team have also confirmed that the NDP is in general conformity within the Core Strategy.

The plan has met the requirements to move forward to examination.

Assistant Director's comments

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

Approved

A handwritten signature in blue ink, appearing to read 'Richard Gabb', with a large, sweeping initial 'R'.

Richard Gabb

Programme Director – Housing and Growth

Date: 23/11/18

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Little Birch and Aconbury- Regulation 16 submission draft

Date: 16/10/18

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
LBA1- Sustainable Development	SS1	Y	
LBA2- Development Needs and Requirements	SS2; SS5; RA2; RA3; RA6	Y	
LBA3- Little Birch Village	n/a	Y	<p>There are no particular issues of conformity with the Core Strategy as such.</p> <p>However, this approach to housing delivery, through small dispersed plots, would make some of the specific criteria requirements difficult to achieve.</p>
LBA4- Development in Little Birch	RA2; LD1; SD1	Y	<p>For example, criterion 7 of LBA4 is not likely to be easily obtainable in most cases from the anticipated small development proposals of only single plot sizes. The reason being that there is not enough economies of scale for which such contributions can be sought.</p>
LBA5- Development in Aconbury	RA2; LD1; SD1	Y	
LBA6- Rural Economic Development	SS5; RA5; RA6; E3; E4	Y	
LBA7- Infrastructure	SS1; SC1	Y	
LBA8- Renewable	SD2	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Energy			
LBA9- Community Facilities	SC1	Y	
LBA10- Protecting the Local Environment	SS6; LD1; LD2; LD3; LD4	Y	
LBA11- Building Design	SS6; SD1; SD2	Y	Criteria 4 and 5 regarding the retention/enhancement of biodiversity assets and supporting green infrastructure are, to a degree, covered already in LBA10.