



## Progression to Examination Decision Document

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

Name of neighbourhood area	Ashperton Neighbourhood Area
Parish Council	Ashperton Parish Council
Draft Consultation period (Reg14)	1 May to 26 June 2018
Submission consultation period (Reg16)	13 May to 24 June 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"> <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> <li>• National infrastructure project</li> </ul>	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
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**

**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.**

<b>Herefordshire Council</b>	
Strategic Planning	Confirm conformity with the adopted Core Strategy.  Details within appendix 1
Environmental Heath	No further comments to make
Environmental Health – Contamination	Site 1 – Land between Peascroft and Hopton House  Site used for clay brick and tile manufacture immediately adjacent to the site – some contamination could have occurred  There is also an area of 'unknown filled

	<p>ground' which could be associated with contaminative material.</p> <p>Site 2 – Land opposite Peascroft</p> <p>Historic orchard and could be subject to agricultural spraying with a legacy of contamination.</p>
Conservation – historic environment team	No comments to make
<b>External</b>	
Welsh Water	Nothing further to add from our reg14 comments
Coal Authority	No specific comments to make
Historic England	<p>Our previous consultation response at Reg14 applies:</p> <p>Plans evidence base is generally well informed and largely supportive of the content of the document.</p> <p>However, register significant concern in relation to the allocation of housing sites S1 to S4 around two listed buildings 'The Farm' and 'Peascroft'. The setting of the building have not been taken in account. Consider that the allocations are contrary to the NPPF. The plan needs to address the heritage assets and a clear assessment needs to take place before the suitability of these sites proceeds.</p>
Highways England	Unlikely to have an impact on the safe operation and function of the strategic network
National Grid	No record of apparatus within the neighbourhood area
Green Planning Studio  On behalf of landowner	<p>Land to the rear of the Old Bakehouse</p> <p>Promotion of the site for 9 dwellings to be allocated within the plan. Site is within the settlement boundary and currently grazing land</p>

## Officer appraisal

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

However during the regulation 16 consultation it has become apparent that some of the representations refer to comments made at regulation 14 which are not reflected within the Consultation Statement submitted. Therefore it cannot be determined whether these representations were considered in the redrafting of the plan.

A total of 10 representations were received during the submission (reg16) consultation period. Of particular note are the comments from Historic England highlighting significant concerns which were made during the reg14 consultation but are not referenced within the Consultation Statement.

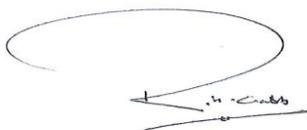
Due to issues regarding the completeness of the Consultation Statement and the robustness of the analysis process between draft and submission, it is recommended that the parish council review the plan. This should be done in light of all the representations received during submission and those which refer to regulation 14 comments. Particular attention should be paid to the representation from Historic England regarding site allocations.

A repeat regulation 16 submission consultation will be required to ensure the process is robust and free from challenge. A comprehensive Consultation Statement must accompany the resubmitted NDP.

## Assistant Director's comments

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

It is recommended that the Ashperton Neighbourhood Plan **does not** progress to examination at this stage and that an additional consultation (under Regulation 16) is undertaken following the parish council's consideration of the issues outlined above. At this stage there is no certainty that all representations made during Regulation 14 have been duly noted and assessed within the review of the NDP prior to submission.



**Richard Gabb**

**Programme Director – Growth**

Date: 19 July 2019

## Appendix 1

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

From Herefordshire Council Strategic Planning Team

Name of NDP: Ashperton Regulation 16 submission version

Date: 22/05/19

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
H1- Number of New Houses	SS2; RA1; RA2	Y	
H2- Settlement Boundary	SS1; SS2; RA1; RA2	Y	
H3- Housing Mix and Tenancy	SS1; SS2; RA1, RA2, H1, H3	Y	Given that policy D2 has placed a cap on individual developments at 3 dwellings, it would not appear likely that such a scheme would come forward?
H4- Type of Housing	SS1; SS2; H3	Y	The policy could perhaps be worded to clarify that the types of houses listed in particular are to be <i>encouraged</i> . The types of housing listed would be approved if they comply with other policies in any case- with or without this policy as currently worded.
H5- Rural Exception Sites	SS1; SS2; H1; H2	Y	Though the policy conforms to its equivalents in the Core Strategy, it could be questioned whether its inclusion is strictly necessary when it does little to supplement what is already covered by the existing CS policy.
D1- Design Appearance	SS6; LD1; LD2; LD3; LD4; SD1	Y	
D2- Scale and Phasing	SS6; LD1	Y/N	Criterion a): Without a clear basis for capping the size of

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
of Development			<p>individual developments to be permitted at 3 dwellings, this appears unnecessarily prescriptive.</p> <p>It could serve as a hindrance to similar but appropriately sized schemes from coming forward.</p> <p>Criterion b): What is the basis for it being more than two dwellings? Surely incorporating design features could be applied to all new development?</p> <p>It is also not clear what is meant exactly by “detail design features”. Care should be taken to ensure that any more detailed criteria for such features do not stifle any new or innovative features that can fit sympathetically with their surroundings.</p>
D3- Technical Design	SS1; SS6; MT1; SD1; SD2; SD3	Y	
ST1- Accommodating Traffic within the Parish	SS4; MT1	Y	
SB1- Supporting Local Business	SS5; RA6	Y	
SB2- Work Space Development	SS5; RA6; E3	Y	
SB3- Change of Use	SS1; RA5	Y	
SB4- Provision of Broadband and Mobile Telephone Services	SS1; E3	Y	
E1- Landscape	SS6; LD1	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>
E2- Tranquillity	SS6	Y	
E3- Cultural Heritage	SS6; LD4	Y	
E4- Wildlife and the Natural Environment	SS6; LD2	Y	
E5- Flooding and Water Management	SS6; SD3; SD4	Y	
RE1: Small-scale Renewable Energy	SS6; SS7; SD2	Y	
RE2: Commercial Renewable Energy	SS6; SS7; SD2	Y	

