

## Progression to Examination Decision Document Review of an Existing Made NDP

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

Name of neighbourhood area –Bartestree with Lugwardine Neighbourhood Area

Parish Council – Bartestree with Lugwardine Parish Council

Draft Consultation period (Reg14) –11 April to 30 May 2022

Submission consultation period (Reg16) –18 October to 29 November 2022

#### Determination

<i>Legal requirement question</i>	<i>Reference to section of the legislation</i>	<i>Did the NDP meet the requirement as state out?</i>
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> <li>• Statement outlining the modifications made and reasons</li> <li>• Statement whether changes are considered to be significant</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
The plan contains no 'excluded development'? <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	Yes
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 first time proposal and not a repeat? <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	This is a review of a made NDP formally made on 8 December 2016.
Does the parish council consider the modifications to be significant or substantial	Neighbourhood Planning Act 2017 2004 Act Schedule A2 Reg15 (1) (f)	The Parish Council considers that the material modifications taken as a whole are not so significant or substantial as to change the nature of the plan.

## Summary of comments received during submission consultation

Please note the below are summaries of the responses received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.

Table 1 – comments made by Herefordshire Council departments

Herefordshire Council	Comment made
Strategic Planning	Confirmed conformity with the Core Strategy. Details within appendix 1
Development Management	<p>The revised document addresses the difficulties that have persisted about the interpretation of the settlement strategy in relation to windfall and infill sites beyond the settlement boundary. Provides far greater certainty in terms of decision making.</p> <p>The introduction of site allocations and identification of important open spaces also provides for a more robust plan.</p> <p>Subject to Lugg catchment water quality issues being resolved, aware of the generally suitability of allocation H1 but less certain of H2 and H3 and would urge the PC to be sure of the viability of the access arrangements for these site.</p>
Environmental Health	<p>Policy H1 Land adjacent to Newcourt Farm</p> <p>Proposed site is a former quarry and is classed as unknown filled ground. Would require further investigation</p>

Table 2 – comments made by statutory consultees

Statutory Consultee	Comment made
Historic England	Supportive of the vision and objections and commend the commitment to supporting locally distinctive development. No further comment to add
Welsh Water	Nothing further to add
Coal Authority	No specific comments to make
Natural Resources Wales	No comments to make
National Highways	Do not expect impacts on the operation of the Strategic Road Network. No further comments to add

<b>Statutory Consultee</b>	<b>Comment made</b>
NHS Herefordshire and Worcestershire	No direct comments but welcome the community actions to improve broadband
Environment Agency	Note the continuation of 3 previous housing sites and all within Flood Zone 1  Note Bartestree and Lugwardine is within the River Wye SAC catchment Welcome the inclusion of Policy BL12
Sport England	No specific comments to make

Table 3 – comments made by members of the public

<b>Member of the public</b>	<b>Comment made</b>
CR Planning Solutions on behalf of Ms D Charity	Objection to the designation of Land east of Traherne Close as a Local Green Space. Was assessed as a potential housing site during call for sites in October 2020 No robust or rigorous technical evidence to support LGS designation Does not meet the requirements of para 102 of the NPPF

## **Officer appraisal**

All the consultation requirements of Regulation 14 were undertaken by the parish council and all the required documentation was submitted under Regulation 16.

This plan has met the requirements of the regulations as set out in the table above.

This is a current made plan which is subject to modifications which the parish council consider to be material modifications which are not significant or substantial to change the nature of the plan. Three additional small scale sites have been added to the plan which total 12 dwellings. These would be considered under para 106 of the NPPF as material but not changing the nature.

No concern has been raised from internal consultees with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy. The parish has exceeded its minimum proportional growth requirement of 152 with 22 commitments, 165 completions (as at April 2022) and a site allocation of 12 dwellings within the NDP.

The following modifications have been made are as follows:

- Vision and some objectives have been reworded and additions made to add clarification

- All made policies have some modifications made
- 6 new policies have been added including settlement boundary gap, site allocations, housing mix, community facilities, landscape views and water quality

12 representations were received during the submission (Reg16) consultation period. 9 external and 3 from internal service providers at Herefordshire Council. The external consultees had no objections to the plan, and mostly provided general and supportive comments to the plan.

Statutory Consultees have raised no concerns regarding the site allocations or any modifications to the objectives and policies contained in the neighbourhood plan.

Strategic Planning have confirmed that the modified policies within the plan are in general conformity with the Core Strategy

One local residents objected to the new Local Green Space allocation within the plan.

The Consultation Statement details the community involvement undertaken and how issues raised have been addresses as part of the process.

Overall it is considered that there are no fundamental issues relating to this plan which would prevents its progress to examination and consideration by the examiner regarding the nature of the modifications on the existing made NDP.

### **Consideration whether the modifications are substantial or significant to effect the nature of the plan**

In line with the definitions within Para 106 of the Planning Practice Guidance an assessment has been undertake as to the nature of the modifications proposed to the current made NDP.

Table 4 – Local Planning Authority’s consideration of the modifications made.

<b>Type of Modification</b>	<b>Extent of the modifications</b>	<b>LPA consideration of the modification</b>
Minor (non-material) modifications	Those which would not materially affect the policies in the plan.  These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum	No
Material modifications which do not change the nature of the plan	These would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan	Yes
Material modifications which	These would require examination and a referendum. This might, for example, involve allocating significant new sites for development.	No

Type of Modification	Extent of the modifications	LPA consideration of the modification
do change the nature of the plan		

It is agreed that Bartestree with Lugwardine Parish Council's assessment that the modifications are not so significant or substantial to change the nature of the plan.

### **Service Director's comments**

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

It is recommended that the Bartestree with Lugwardine Neighbourhood Plan **does** progress to examination at this stage.



**Tracey Coleman**

**Interim Service Director – Planning and Regulatory Services**

Date: 7/12/22

## Appendix 1

Name of NDP: Bartestree with Lugwardine Review Reg 16

Date: 05/12/22

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
BL1 - Criteria for the Design of New Housing	SD1 - Sustainable design and energy efficiency  RA2 - Housing in settlements outside Hereford and the market towns.	Y	
BL2 - Extensions to Properties	SD1 - Sustainable design and energy efficiency	Y	
BL3 - Bartestree and Lugwardine Settlement Boundaries	RA2 - Housing in settlements outside Hereford and the market towns.	Y	
BL4- Settlement Gap between Bartestree and Lugwardine	RA2 - Housing in settlements outside Hereford and the market towns.	Y	
BL5 - Housing Site Allocations	N/A	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>
BL6 - Housing Mix	H3 – Ensuring a range and mix of housing types	Y	
BL7 - Affordable Housing	H1 – Affordable Housing	Y	
BL8 - Community Facilities	SC1 – Social and Community	Y	
BL9 - Conserving Historic Character	LD4 – Historic environment and heritage assets	Y	
BL10 - Local Green Spaces, Allotments and Rights of Way	OS2 - ; OS3 - Loss of open space, sports or recreation facilities	Y	
BL11 - Landscape Views	N/A	Y	
BL12 - Water Quality in the River Lugg	SD4 – Wastewater treatment and river water quality	Y	
BL13 - Supporting Local Businesses	E1 – Employment Provision ;E2 - Redevelopment of employment land; RA6 - Rural economy	Y	
BL14 - Redundant Rural Buildings	RA5 - Re-use of rural buildings	Y	
BL15 - Transport and Highways	MT1 - Traffic management, highway safety and promoting active travel	Y	Not clear what 'extends the range of public transport' means in this context. Need to be more specific. How does active travel infrastructure extend the range of public transport?