



# Progression to Examination Decision Document

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

Name of neighbourhood area –Dormington and Mordiford Group Neighbourhood Area

Parish Council – Dormington and Mordiford Group Parish Council

Draft Consultation period (Reg14) – 29 January to 11 March 2024

Submission consultation period (Reg16) – 06 February to 20 March 2025

## 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> </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	Localism Act 38A (2)	Yes

<i>Legal requirement question</i>	<i>Reference to section of the legislation</i>	<i>Did the NDP meet the requirement as state out?</i>
neighbourhood area specified in the plan'		
Does the plan specify the period for which it is to have effect?	2004 Act 38B (1and 2)	Yes
<p>The plan contains no 'excluded development'?</p> <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
<p>Is this a first time proposal and not a repeat?</p> <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	Yes

# 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	Policy DM11 Sustainable and Active Travel : Does requirement to provide 'mobile telephone infrastructure apply all residential development? Is this deliverable for small-scale development. Suggest 'access to a good signal' instead?
Environmental Health (contamination)	<p>The proposed development plan includes two sites under Policy DM8 for Market Housing and under Policy DM9 for Rural Exception Housing. Historical maps indicate that both DM8 sites (DM8/1 Sufton Cottage and DM8/2 Fort House) were previously used as orchards, which may have been subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination.</p> <p>For Site DM9/1 (The Lime Kiln), identified for Rural Exception Housing, historical records show that site was used for quarrying and cement, lime, and plaster production. Additionally, it is located about 100 meters from a former landfill site.</p> <p>recommend any application that is submitted should include, as a minimum, a 'desk top study' considering risk from contamination in accordance with BS10175:2011. With adequate information it is likely a condition would be recommended such as that included below:</p> <ol style="list-style-type: none"> <li>1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority: <ol style="list-style-type: none"> <li>a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible</li> </ol> </li> </ol>

Herefordshire Council	Comment made
	<p>sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice</p> <p>b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors</p> <p>c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.</p> <p>2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.</p> <p>3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for, an</p>

Herefordshire Council	Comment made
	<p>amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p> <p>Technical notes about the condition</p> <ol style="list-style-type: none"> <li>1. Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019.</li> <li>2. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.</li> <li>3. Where ground gas protection measures are required, they shall be validated in accordance with current best practice guidance.</li> </ol> <p>General comments:</p> <p>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.</p> <p>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</p>

<b>Herefordshire Council</b>	<b>Comment made</b>
	<p>parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development.</p> <p>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.</p> <p>These comments are provided on the basis that any other developments would be subject to application through the normal planning process.</p>
Transportation	No further comment
Development Management	No further comment

Table 2 – comments made by statutory consultees

<b>Statutory Consultee</b>	<b>Comment made</b>
Coal Authority	No specific comments to make
Historic England	No further substantive comments to make
Natural Resources Wales	No comments to make

Statutory Consultee	Comment made
Natural England	No Specific comments (Natural England advises that all future site-specific proposals including those in neighbourhood plans will need to provide sufficient evidence that proposals are reasonable and deliverable and that their potential impact on the natural environment has been appropriately assessed)
Environment Agency	As no further changes in submission version of the plan, no negative impact on the River Wye alongside no sites in Flood Zone 2 or 3 we would have no further comments to offer at this time.
NHS CCG	On the basis that the current submission proposes significant changes, it poses no negative impact on the River Wye alongside no sites in Flood Zone 2 or 3 we would have no further comments to offer at this time.
Network Rail	No specific comments
Welsh Waters	<p>The following are the representation on the proposed housing allocation:</p> <p><b>DM8/1 Sufton Cottage, Sufton Lane, Mordiford (10 dwellings):</b></p> <ul style="list-style-type: none"> <li>• Water supply: There are no issues in providing a supply of clean water to this proposed allocation. A point of connection to the water network would need to be agreed and may require the laying of off-site water mains.</li> <li>• Sewerage: There are no issues in the public sewerage network accommodating the foul-only flows from this proposed allocation. A point of connection to the sewerage network would need to be agreed and may require the laying of off-site foul sewers.</li> <li>• Wastewater treatment: The site is within the catchment of Mordiford (Sufton Rise) Wastewater Treatment Works (WwTW) which has sufficient capacity to accommodate foul flows from the proposed development.</li> </ul> <p><b>DM8/2 Fort House, Upper Dormington (1 dwelling):</b></p> <ul style="list-style-type: none"> <li>• Water supply: There are no issues in providing a supply of clean water to this proposed allocation. A point of connection to the water network would need to be agreed and may require the laying of off-site water mains.</li> </ul>

Statutory Consultee	Comment made
	<ul style="list-style-type: none"> <li>• Sewerage: There are no public sewers close to the site.</li> <li>• Wastewater treatment: There are no Wastewater Treatment Works (WwTWs) close to the site.</li> </ul> <p><b>DM9 The Lime Kiln, Hope Springs (5 dwellings):</b></p> <ul style="list-style-type: none"> <li>• Water supply: There are no issues in providing a supply of clean water to this proposed allocation. A point of connection to the water network would need to be agreed and may require the laying of off-site water mains.</li> <li>• Sewerage: There are no public sewers close to the site.</li> <li>• Wastewater treatment: There are no Wastewater Treatment Works (WwTWs) close to the site.</li> </ul>

Table 3 – comments made by members of the public

Members of the public	Comment made
Landowners of Site DM9 – The Lime Kiln	<p>We are pleased to see that the Lime Kilns, Mordiford is included in the draft NDP as a potential site, but we wish to confirm that this is not a financially viable project for us to demolish the existing building and replace with five affordable dwellings, whatever their affordable tenure. As we are sure you are aware, the cost of building and then sale price of affordable units, are such that we would be out of pocket.</p> <p>We are however happy to work with the NDP Steering Group to bring some development forward to enhance the site within the AONB, but it will be necessary to have some market housing in cross-subsidy or alternatively smaller scale market housing exclusively.</p>



## 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 above. This is the first Neighbourhood Development Plan for Dormington and Mordiford Group.

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 a minimum proportional growth requirement of 57, and has 5 commitments, 31 completions (as of April 2024) and has site allocations for 11 dwellings and an expected windfall allowance of 10 within the NDP. A further 5 affordable dwellings has allocated on a Rural Exception Site.

The plan includes three settlement boundaries for the identified settlement of Dormington, Mordiford and Prior's Frome. Not all of the commitments are contained within the defined settlement boundaries.

12 representations were received during the submission (Reg16) consultation period. 8 external, 4 from internal service providers at Herefordshire Council, one comment was submitted by members of the public.

The external and Statutory Consultees had no objections to the plan and mostly provided general and supportive comments to the plan. One objection has been raised by the landowner of The Lime Kiln to the allocation of solely affordable housing for the site on grounds of financial viability.

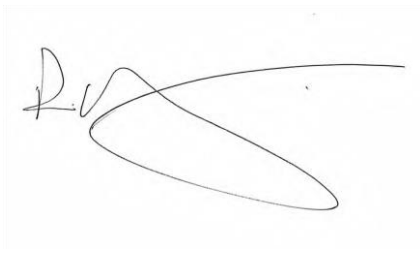
Strategic Planning find all the policies contained in the plan are in conformity with the Core Strategy. A suggestion has been to amend wording to Policy DM11.

Overall, it is considered that there are no fundamental issues relating to this plan which would prevent its progress to examination.

## Service Director's comments

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

It is recommended that the Dormington and Mordiford Group Neighbourhood Plan **does** progress to examination at this stage.

A handwritten signature in black ink, appearing to be 'R. Allonby', with a large, sweeping loop at the end.

**Roger Allonby**

**Service Director Economy and Growth**

Date: 30 April 2025



## Appendix 1

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

From Herefordshire Council Strategic and Neighbourhood Planning Team

Name of NDP: Dormington and Mordiford Group Neighbourhood Development Plan 2023 – 2041  
– Regulation 16 Draft Plan

Date: 02/04/25

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
Policy DM1 Conserving and Enhancing Local Landscape Character	SS1; SS6; LD1-LD3	Y	
Policy DM2 Local Green Spaces	N/A	Y	
Policy DM3 Biodiversity	SS6; LD1; LD2; LD3; SD3; SD4	Y	
Policy DM4 River Wye Special Area of Conservation (SAC)	SD3; SD4; LD1; LD2; LD3	Y	
Policy DM5 Responding to Local Character	SS6; LD1; LD4	Y	
Policy DM6 Sustainable Design	SS6; SD1	Y	
Policy DM7 Housing	SS2; H1; H3	Y	
Policy DM8 Site Allocations for Market Housing	SS1; LD1; LD2; LD3; LD4; SD1;	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>
	SD2; SD3; SD4		
Policy DM9 Site Allocation for Rural Exception Housing	H2	Y	
Policy DM10 New Community Hall, Mordiford School	SC1	Y	
Policy DM11 Sustainable and Active Travel	SS4; MT1	Y	Would you want <i>all</i> residential development to include mobile telephone infrastructure? I don't think a small-scale development would. Maybe access to a good signal instead?
Policy DM12 Local Infrastructure and Developer Contributions	SS4; SC1; OS1; OS2; MT1; ID1.	Y	
Policy DM13 Flooding, Wastewater and Sewerage	SD3; SD4	Y	
Policy DM14 Rural Enterprise	RA6; E4	Y	
Policy DM15 Community Energy Schemes	SS1; SS7; SD2	Y	