

## Progression to Examination Decision Document

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

Name of neighbourhood area	Bishops Frome Neighbourhood Area
Parish Council	Bishops Frome Parish Council
Draft Consultation period (Reg14)	4 July 2016 to 15 August 2016
Submission consultation period (Reg16)	24 May 2017 to 12 July 2017

#### 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> </ul>	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> <li>National infrastructure project</li> </ul>		
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 below are summaries of the response received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.

Herefordshire Council – Strategic Planning	No major conformity issues found. Full details in Appendix 1
Herefordshire Council - Strategic Housing	Only comment to make is typo at Policy BF2. Supply is spelt incorrectly.
Herefordshire Council - Environmental Health	From a noise and nuisance perspective our department has not further comments to make with regards to this plan.

National Grid <b>LATE (19/06/17)</b>	National Grid has identified that it has no record of such apparatus within the Neighbourhood Plan area.  <i>Gas Distribution – Low / Medium Pressure</i> Whilst there is no implications for National Grid Gas Distribution's Intermediate / High Pressure apparatus, there may however be Low Pressure (LP) / Medium Pressure (MP) Gas Distribution pipes present within proposed development sites.
Severn Trent	No specific comments but outlined some generic information
The Coal Authority	No specific comments to make on it.
Welsh Water	Please note that we wish to reiterate our Reg 14 representation at this stage. We advised that our Reg 14 representation had not been considered by the Parish Council

**REGULATION 14 PUBLIC CONSULTATION ON BISHOPS FROME  
NEIGHBOURHOOD DEVELOPMENT PLAN – AUGUST 2016**

Given that the Bishops Frome Neighbourhood Development Plan (NDP) has been prepared in accordance with the Adopted Herefordshire Local Plan Core Strategy (CS), DCWW are supportive of the vision, objectives and policies set out.

We are particularly pleased to note the references throughout to wastewater treatment, sustainable drainage and water supply, in particular Objective 7, Policy BF9 and the preceding text.

Whilst we are welcoming of this objective, policy and preceding text, we feel that the inclusion of a specific policy with regard to the capabilities of the sewerage network/wastewater treatment works (WwTW) would provide the assurance that new development will only be permitted where the capacity of the public sewerage network/WwTW allows:

***New policy:***

***Public sewerage network and wastewater treatment works (WwTW)  
Development that may result in the capacity of the public sewerage network  
and/ or the Bishops Frome wastewater treatment works (WwTW) becoming  
overloaded will not be permitted.***

***In either of these instances, development will need to be phased or delayed  
until later in the plan period when capacity becomes available, either through  
DCWW regulatory investment or, in advance of this through the developer  
funding the improvements themselves via the provisions of the Water Industry  
Act (1991) and/or Section 106 of the Town & Country Planning Act (1990).***

As you may be aware, there are two WwTW and associated public sewerage networks within the Parish Council area. Bishops Frome WwTW is managed and operated by DCWW, whereas the WwTW serving Fromes Hill is managed and operated by Severn Trent Water. Accordingly, Severn Trent Water can provide representation on the capabilities of the public sewerage network and WwTW in Fromes Hill.

With regard to the capabilities of our assets to accommodate the growth proposed within the NDP (not including any sites that we have already commented on as part of the planning application process), we can advise the following:

**Bishops Frome**

***Water supply***

There are no issues in providing a supply of clean water for the development proposed in the NDP, though dependant on the location, some level of off-site mains laying may be required in order to connect to the existing network.

***Public sewerage***

There are no issues with the public sewerage network accommodating the foul-only flows from the development proposed in the NDP, though dependant on the location, some level of off-site sewer laying may be required in order to connect to the existing network.

***Wastewater treatment***

The Bishops Frome WwTW is currently overloaded and there is no capacity to accommodate any further foul flows. No improvements are planned within the current Asset Management Plan (AMP6 – 2015-2020). If a developer wishes to bring forward a site prior to DCWW's future Regulatory Investment, they may request DCWW undertake a feasibility study, and subsequently fund the improvements themselves by entering into the provisions of a Section 106 (of the Town & Country Planning Act, 1990) Agreement.

	<p><b>Fromes Hill</b>  <i>Water supply</i>  There are no issues in providing a supply of clean water for the development proposed in the NDP, though dependant on the location, some level of off-site mains laying may be required in order to connect to the existing network.</p> <p><i>Public sewerage and wastewater treatment</i>  As previously mentioned, the public sewerage network and WwTW within the settlement of Fromes Hill are managed and operated by Severn Trent Water.</p> <p>For any area outside of Bishops Frome or Fromes Hill where there is no public sewerage, alternative foul drainage options will be required in line with the criteria set out under Policy SD4 of the Core Strategy.</p>
Historic England	<p>Pleased to note that our suggestions at Regulation 14 stage have been taken into account.</p> <p>Historic England is supportive of both the content of the document and the vision and objectives set out in it. The emphasis on the conservation of heritage assets, local distinctiveness generally, and the protection of rural landscape character is highly commendable.</p> <p>Overall the plan reads as a well-considered, concise and fit for purpose document which we consider takes a suitably proportionate approach to the historic environment of the Parish.</p> <p>Beyond those observations we have no further substantive comments to make on what Historic England considers is a good example of community led planning.</p>
Natural England	Natural England does not have any specific comments on this neighbourhood plan.
Alma Westwood Clerk to Stoke Lacy	Stoke Lacy Parish Council has no objection to this plan.

### Officer's Appraisal

This plan has met the requirements of the regulations as set out in the table above. No concern has been raised from both 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 plan includes settlement boundaries for the RA2 settlements of Bishops Frome and Frome Hill. These boundaries have taken into account existing commitments and proportional growth requirements. The parish already has 27 commitments and 22 completions which meets the proportional growth minimum of 48. With this in mind, there are no site allocations proposed however the plan allows for windfalls and some capacity within the settlement boundaries of Bishops Frome and Fromes Hill.

Overall, 10 responses have been received; 3 internal service providers and 6 from statutory consultees (1 was sent through late) and 1 from external consultees.

Strategic Planning raised no objections and confirm that the policies within the plan are in general conformity with the Core Strategy.

External responses from technical bodies such as Historic England, Natural England, Severn Trent, National Grid and Environment Agency have raised no objection to the regulation 16 draft plan. However they have provided comments to enhance the policies drafted within the NDP.

Welsh Water has commented that they wish to reiterate our Reg 14 representation, as the Reg 14 representation has not been considered by the Parish Council. Comments provided by Welsh Water at regulation 14 have recommended an inclusion of a specific policy with regard to the capabilities of the sewerage network/wastewater treatment works to provide the assurance that new development will only be permitted where the capacity of the public sewerage network.

Although this current omission is acknowledged and given the waste water capacity issues within the parish a policy would be advantageous. However the strategic countywide SD4 policy of the Core Strategy exists to provide a policy safeguard. In addition, planning permission for 20 units has been granted (Fromes Hill) and 17 units on a second site have now been completed (Bishops Frome) resulting in the majority of the proportional growth requirements for the parish already being met.

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

**Programme Director's comments**

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

The decision to progress to appoint an examiner for the above neighbourhood plan has been

**Approved**



**Geoff J Hughes**

**Director for Economy, Community & Corporate**

Date: 3/2/2017

**Appendix 1**
**Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment**
**Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment**

From Herefordshire Council Strategic Planning Team

Name of NDP: Bishops Frome- Regulation 16 submission version

Date: 01/06/17

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
BF1- Protecting and Enhancing the Character of the Rural Landscape and Built Environment	LD1, LD2, LD4	Y	
BF2- The Scale of New Housing	RA2, RA3	Y	
BF3- New Housing Development in Bishops Frome and Fromes Hill	RA2, H3, SD1	Y	On point E, it should be noted that economies of scale obtained from larger developments than 4 are more likely to be able to deliver a mix of housing.
BF4- Design and Materials	LD1	Y/N	Care should be taken to ensure that the criteria do not necessarily restrict new or innovative designs that integrate with their surroundings, from coming forward.
BF5- Business Enterprises	RA5, RA6, E1-E3	Y	
BF6- Retention and Improvement of Community Facilities	SC1	Y	
BF7- Retention and Improvement of Open Space and Recreation	OS1-OS3	Y	
BF8- Rights of Way	OS1-OS3, MT1	Y	
BF9- Traffic and Transportation	MT1	Y	
BF10- Prevention of Flooding and	SD3, SD4	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Improvement of Water Quality			
BF11- Renewable Energy	SD2	Y	

