

## Progression to Examination Decision Document



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

Name of neighbourhood area	Hope under Dinmore Neighbourhood Area
Parish Council	Hope under Dinmore Parish Council
Draft Consultation period (Reg14)	23 November 2015 to 18 January 2016
Submission consultation period (Reg16)	1 June to 13 July 2016

#### 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

Historic England	No comments to make, other than to welcome the focus in the draft plan on the historic environment
Natural England	Do not have any specific comments on this plan
National Grid	High pressure gas distribution pipeline falls within the neighbourhood area (1449 Luggbridge – Leominster HP Pipeline). The pipeline does not interact with any of the proposed development sites.
Coal Authority	No specific comments to make
Environment Agency	No further comment to make
Network Rail	Should set strategic context for development contributions for existing infrastructure where growth areas are close to existing rail infrastructure.
Herefordshire Council – Strategic Planning	Confirm general conformity with the Core Strategy. Details contained within appendix 1
Herefordshire Council – Development Management	See appendix 2 for details
Herefordshire Council – Transportation	No comments

<p>Herefordshire Council - Environmental Health (contamination)</p>	<p>A review of Ordnance survey historical plans indicate a railway track (a potentially contaminative use) has historically run adjacent to the west of sites; 'HUD 2, HUD 3, and HUD 4</p> <p>It is possible that unforeseen contamination may be present at the above mentioned sites. Consideration should be given to the possibility of encountering contamination as a result of its former use and specialist advice be sought should any be encountered during the development</p>
<p>Herefordshire Council - Environmental Health (pollution)</p>	<p>No further observations to make</p>
<p>Owain Wynne (3 submissions)</p>	<p>Object strongly.</p> <p>Inclusion of a substantial area of private land (Tavern Fields) as Local Green Space without legal or moral foundation.</p> <p>Inappropriate to the needs for the village, local community or Core Strategy. No evidence of how or why proposed, alternatives areas considered or consultation with the landowner.</p> <p>Area subject to a pending planning application for residential development. Contrary to claim within the plan that local landowners have been engaged and no suitable sites found. At odds within the need for at least 26 new dwellings.</p> <p>HUD1 is fundamentally flawed and will not fulfil the Local Plan requirements and within the flood zone 3</p> <p>HUD2 settlement boundary is flawed as it is so limited</p> <p>Tavern Fields is a suitable and potential site for housing development and should be designated within the plan for local need housing and affordable housing.</p> <p>HUD7 no evidence of how or why land was identified as meeting amenity use and not informal recreational as remains in private ownership for agricultural purposes Not appropriate with regards to NPPF.</p> <p>Proposal Map – designated of local green space, settlement boundary and inclusion of land</p>

	<p>between Tavern Fields and the village street identified as HUD1 as 'white land'.</p> <p>Specific comments made to a number of paragraphs within the plan</p>
<p>PDA Planning – on behalf of landowner (R &amp; E Wynne)</p>	<p>Object strongly to the submission draft and the inclusion of substantial area of private land (Tavern Fields) been shown on the proposals maps as being within HUD2 for Local Green Space.</p> <p>Unacceptable without legal or moral foundation, inappropriate for the needs of the village, community and Core Strategy. No evidence of how or why it has been proposed nor any consultation undertaken with the owners.</p> <p>Area subject to a pending planning application for residential development. Contrary to claim within the plan that local landowners have been engaged and no suitable sites found. At odds within the need for at least 26 new dwellings.</p> <p>HUD1 is fundamentally flawed and will not fulfil the Local Plan requirements and within the flood zone 3</p> <p>HUD2 settlement boundary is flawed as it is so limited</p> <p>Tavern Fields is a suitable and potential site for housing development and should be designated within the plan for local need housing and affordable housing.</p> <p>HUD7 no evidence of how or why land was identified as meeting amenity use and not informal recreational as remains in private ownership for agricultural purposes Not appropriate with regards to NPPF.</p> <p>Proposal Map – designated of local green space, settlement boundary and inclusion of land between Tavern Fields and the village street identified as HUD1 as 'white land'.</p> <p>Land is within the main part of the village and policy for proportional deviltment required within or adjacent, the village cannot be fully described as linear in form.</p> <p>Specific comments made to a number of paragraphs within the plan</p>

	<p>NDP is unrepresentative as a whole and a lack of required consultation with landowners.</p> <p>Do not considered the minimum housing land requirement will be met by windfall housing.</p>
Wellington Parish Council	Support these proposals
Peter Mosinki	Strongly believed Tavern Meadow should be considered for development. 12 houses built around it in 1991 and still lends itself to bring this village together.

**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**

The Hope under Dinmore NDP has met the required regulations as highlighted above. The Strategic Planning team have confirmed that the plan is in conformity with the Core Strategy. Development Management have queries some policy wording with regards to implementation.

3 representations have been received regarding the allocation of Local Green Space and potential site allocation. These issues can be addressed during the examination process.

#### **Assistant 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.**



**Richard Gabb**

**Programme Director – Growth**

Date: 14<sup>th</sup> July 2016

## Appendix 1

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

From Herefordshire Council Strategic Planning Team

Name of NDP: Hope-under-Dinmore- Regulation 16 submission version

Date: 02/06/16

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
HUD1- Housing Strategy	RA1, RA2	Y	<p>Previous concerns over the deliverability of housing requirements have been largely addressed by a planning permission granted in March 2016 (P140817) for the conversion of barns at Hampton Court to create 21 dwellings.</p> <p>As an existing planning permission, it can contribute to the target and should be accounted for in Paragraph 4.3 and Table 1.</p>
HUD2- Settlement Boundary	N/A	Y	
HUD3- Criteria for New Housing Development	N/A	Y	
HUD4- Flood Risk	SD3	Y	<p>Development should be located in accordance with the sequential and (where appropriate) exception tests in accordance with national guidance set out in National Policy (NPPF paras. 100-104). It should also have regard to the Strategic Flood Risk Assessment for Herefordshire (SFRA 2009).</p>
HUD5- Community Facilities	SC1	Y	



Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
HUD6- Landscape Character	LD1	Y	
HUD7- Local Green Space	LD3	Y	
HUD8- Biodiversity and Heritage Assets	LD1-LD4	Y	
HUD9- Renewable Energy	SD2	Y	
HUD10- Employment Development	RA5, RA6	Y	
HUD11- Communications Infrastructure	N/A	Y	

## Appendix 2

13<sup>th</sup> June 2106

Development Management Comments on Hope under Dinmore Neighbourhood Development Plan – Regulation 16

Policy	Comment
HUD1 & HUD2	In principle, the policies deal with the delivery of housing within the neighbourhood area perfectly well. However, there is an almost complete reliance on the delivery of the approved barn conversion scheme at Hampton Court to meet the minimum proportionate growth target, yet no actual reference to it by policy. In the absence of the scheme coming forward, how would proportionate growth be delivered? The settlement boundary provides few opportunities for infill development and, in the absence of the scheme at Hampton Court, there would seem to be little opportunity to meet growth targets.
HUD3	The wording and structure of the policy is fine. Main concern relates to the limitations imposed by the third criteria. Limiting development to five dwellings or less will mean that no affordable housing will be delivered. It is not reasonable to require developments of more than 5 to be phased, but in truth the limitations placed by the village settlement boundary would render a development of such a scale highly unlikely. The need to justify larger scale housing development does not accord with the NPPF and its presumption in favour of sustainable development.
HUD4	Ok
HUD5	The concept of protecting and enhancing community facilities is entirely acceptable. However, the housing policies limiting the scale of development to five dwellings or less mean that it would be contrary to Policy H1 of the Core Strategy and National Planning Practice Guidance to ask for financial contributions from such small scale schemes. Some of the matters listed would, in any event fail to meet the NPPG tests for S106 contributions.
HUD6	Following recent appeal decisions regarding the interpretation of what might be considered as a 'valued landscape' in terms of the NPPF, I am a little concerned about the last sentence and I would suggest that it is omitted. Otherwise ok.
HUD7	Does the land to the rear of Tavern Meadow meet the tests laid out in the NPPF for being designated as a Local Green Space. The narrative to the policy suggests that it is used informally as recreational land. It is dissected by a public footpath, but does not otherwise appear to have any formal use. Contrary to the suggestion of the plan, it does not appear that it meets any of the tests to be applied by the second bullet point of paragraph 77 of the NPPF.
HUD8	The component parts of the policy are ok, but it covers elements of the built and natural environment. Would suggest that it is re-worked into two separate policies; one to deal with biodiversity and one for heritage assets.
HUD9	Ok
HUD10	Ok



HUD11	Ok
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Other comments

- The lack of a policy to assess residential extensions and development within residential curtilages is an oversight and needs to be addressed.
- The plan does not contain a policy to deal with tourism. Policy HUD8 makes a reference to Hampton Court in terms of its value as a heritage asset, but not with regard to tourism. Queenswood is also an important leisure resource. It is noted that it falls outside of the designated Neighbourhood Area. It seems to be a missed opportunity not to have included Dinmore as part of an expanded Neighbourhood Area to take account of this.