

Progression to Examination Decision Document



Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Kings Capse Neighbourhood Area
Parish Council	Kings Capse Parish Council
Draft Consultation period (Reg14)	27 June to 10 August 2016
Submission consultation period (Reg16)	12 December 2016 to 06 February 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"> • Map showing the area • The Neighbourhood Plan • Consultation Statement • SEA/HRA • Basic Condition statement 	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"> • County matter 	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> Any operation relating to waste development National infrastructure project 		
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 repeat proposal?</p> <ul style="list-style-type: none"> Has an proposal been refused in the last 2 years or Has a referendum relating to a similar proposal had been held and No significant change in national or local strategic policies since the refusal or referendum. 	Schedule 4B para 5	No

Summary of comments received during submission consultation

Herefordshire Council – Environmental Health (contamination)	<p>The proposed site ; 'HLAA/222/001 (Land with medium suitability) which 'offers a further opportunity for sympathetic barn conversions' appears from a review of Ordnance survey historical plans to be immediately adjacent (south) of a historic potentially contaminative use; Unknown filled ground (pond, marsh, river stream dock)</p> <ul style="list-style-type: none"> Sites identified as unknown filled ground can be associated with contaminative fill material. In practice, many sites identified through the historical mapping process as unknown filled ground are instances where hollows have been made level with natural material, have remained as unfilled 'hollows' or have filled through natural processes. However, there are some instances where the nature of the fill is not inert and would require further investigation. Without any additional information it is not possible to comment further on this site. Any additional information you may be able to obtain will help in determining the exact nature of the site. <p>Because the proposed development is adjacent to UFG and as such it is possible that unforeseen contamination may be present. Consideration should be given to the possibility of encountering contamination as a result of its former uses and specialist advice be sought should any be encountered during the development.</p> <ul style="list-style-type: none"> Furthermore because the buildings on this site have been identified as opportunity for barn conversions I would also add:
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	<p>Some farm buildings may be used for the storage of potentially contaminative substances (oils, herbicides, pesticides) or for the maintenance and repair of vehicles and machinery. As such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development.</p>
Herefordshire Council – Strategic Planning	Generally supportive comments. Full details within appendix 1
Herefordshire Council – Development Management	<p>E2 - unclear wording and it should be noted that we do have a measure of control over agricultural developments that are subject to prior notification. Also, there is nothing in this policy to allow a decision-maker to balance harm against benefits; as the Inspector clearly did in respect of the Polytunnels at Pennoxstone. Whilst appreciate what the policy is trying to achieve (and support them), don't think the wording is particularly helpful.</p> <p>E3 – This duplicate CS policy (LD3)</p> <p>E4 – This duplicates CS policy (SD3/4)</p> <p>H3 – How is the local housing context/need identified?</p> <p>H4 – Presumably this doesn't apply to housing schemes in the open countryside. Otherwise you run the risk of landowners divorced from the settlement boundary saying "I'll deliver smaller, low-cost market housing for you"</p> <p>BD1 – What is design language? Just say design. Also, don't prioritise public elevations...design only works when considered as a whole</p> <p>BD3 –2-storeys difficult to implement</p> <p>BD4 – need to define what is commensurate</p> <p>EM1 – Is delivery of high-speed broadband within your average developer's gift – particularly when the housing sites will be small?</p> <p>TT1 and TT2 don't add anything to CS MT1.</p> <p>In the light of the recent ministerial statement I'd advise to actually allocate the two preferred housing sites; subject, of course, to those sites actually being available.</p>
Herefordshire Council – Environmental Health	No further comments to make with regards to this plan.
Natural England	No further comment to make on this draft neighbourhood plan
Historic England	The emphasis on the conservation of local distinctiveness and the protection of the rural character of the Wye Valley AONB is highly

	<p>commendable. Well considered, concise and fit for purpose.</p> <p>No further substantive comments to make.</p>
Dwr Cymru/ Welsh Water	<p>Pleased to note that the parish council has taken on board our Reg14 representation and included two new policies on waste water treatment and sustainable drainage. No further comment to make.</p>
CPRE Herefordshire	<p>Forwarded to volunteers. No further comments received.</p>

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.

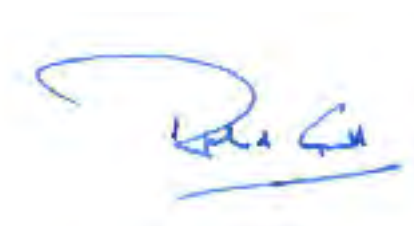
Officer's Appraisal

The plan meets the legal requirements highlighted above. A total of 7 representations were received mainly from statutory consultees, there were no comments received from members of the local community. The representations were on the whole supportive. Any outstanding issues can be reviewed as part of the examination.

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: 09 February 2017

Appendix 1

Herefordshire Council Strategic Planning Team

Name of NDP: Kings Cuple - Regulation 16 submission version

Date: 19/12/16

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
E1	LD1	Y	
E2	LD1	Y	
E3	LD2, LD3	Y	
E4	SD3, SD4	Y	
E5	SD3, SD4	Y	
E6	SD2	Y	
CH1	LD1, LD4	Y	
CH2	LD4	Y	
CH3	LD4	Y	
CH4	LD1, LD4	Y	
SB1	N/A	Y	
SB2	RA3	Y/N	Minor factual correction required for compliance and clarity: <i>...except where it satisfies the criteria identified in Policy RA3 (Agricultural, forestry and rural enterprise dwellingHerefordshire's Countryside) of the Herefordshire Core Strategy.</i>
H1	RA2	Y	
H2	RA2	Y	
H3	RA2	Y	
H4	H3	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
H5	H1, H2	Y	
BD1	LD1, LD4	Y	
BD2	N/A	Y	
BD3	LD1	Y	
BD4	OS1	Y	
BD5	LD1	Y	
BD6	N/A	Y	
BD7	LD1	Y	
EM1	N/A	Y	
T1	E4	Y	
TT1	MT1	Y	
TT2	MT1	Y	

Other comments/conformity issues:

The draft NDP is in general conformity with the policies in the Herefordshire Local Plan Core Strategy. There is one advisory general comment on the plan's format as a whole.

It would be helpful if the policies were perhaps given short titles to accompany the numbering system, as is the case with Core Strategy and policies in other NDPs. This would aid the reader in navigating the plan, and provide clarity on the purpose of each of the policies. For example, "E4- [Renewable Energy](#)"