

Progression to Examination Decision Document



Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Luston Group Neighbourhood Area
Parish Council	Luston Group Parish Council
Draft Consultation period (Reg14)	6 March to 18 April 2016
Submission consultation period (Reg16)	9 January to 20 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 • Any operation relating to waste development 	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> 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
Is this a repeat proposal? <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

External Consultation Responses	
Historic England	<p><i>Historic England are supportive of the Vision and objectives set out in the Plan and the content of the document, particularly its' emphasis on local distinctiveness including undesignated heritage assets and the maintenance of historic rural character.</i></p> <p><i>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.</i></p> <p><i>Beyond those observations we have no further substantive comments to make on what Historic England considers is a good example of community led planning".</i></p>
Natural England	NE does not have any further comments to make.
Coal Authority	No specific comments to make
Welsh Water	<p>We are pleased to note that the Parish Council have taken on board a number of our comments from the Regulation 14 consultation.</p> <p>Whilst we previously indicated that there was unlikely to be sufficient capacity to accommodate the foul flows from all of the growth proposed in the Neighbourhood Plan, and that no improvement scheme was planned at the Luston & Yarpole Wastewater Treatment Works (WwTW) for the current Asset Management Plan (AMP6 – 2015-2020), I</p>

	<p>can now confirm that there is a programmed scheme of improvements due for completion by the end of Year 3 of the current AMP (31st March 2018) following which the growth proposed can be accommodated.</p> <p>Accordingly paragraph 5.1.5 can be amended to take reflect of this.</p>
Network Rail	Generic comment made
Herefordshire Council Responses	
Herefordshire Council – Strategic Housing	<p>I refer to the above Neighbourhood Development Plan and would like to comment on the housing policy's LG6 & LG7.</p> <p>The housing policy in the NDP states that applications will be supported if a development is of a small scale i.e. 3-5 units, but that the parish would like a mixed tenure to include affordable housing. Policy H1 of the Core Strategy states that affordable housing will only be sort on schemes over 10 with a combined gross floor space of more than 1000m2. Therefore, policy's LG6 & LG7 could restrict the delivery of affordable housing within the parish.</p>
Herefordshire Council – Strategic Planning	The plan's policies are in general conformity with those equivalent in the Herefordshire Core Strategy. See appendix1 for full details
Herefordshire Council - Environmental Health (contamination)	<p>Given that no specific sites have been identified in the plan, unable to provide comment with regard to potential contamination.</p> <p><u>General comments:</u></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.</p> <p>It should be recognised that contamination is a material planning consideration and is referred to within the NPPF. Recommend applicants and those involved in the plan refer to the pertinent 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>
Herefordshire Council – Environmental Health and Trading Standards	From a noise and nuisance perspective our department has no further comments to add to this proposed neighbourhood plan.

Resident Responses	
Sue Stringer	<p>Objection - I see from the 2017 Luston village map that the Settlement Boundary has been moved from the 2007 map. In 2007 the settlement boundary is clearly shown to run behind the Upper Court Barns. In the 2017 map it has been altered to include an area well behind the barns and which now seems to be included in the proposed housing site. I would like to know when and how this alteration was made. Also I would like to object to the proposed housing site on the corner opposite the barns on the grounds that it is near a very dangerous bend and access from that area would only increase the danger.</p>
Kim (surname unknown)	<p>(Summarised from letter)</p> <p>Have not received policies map. Concerned about proposed developments of houses on specific sites. The area is subject to a restrictive covenant which inhibits building within trust areas. General concerns about the wider conservation area</p>
Alan Moore	<p>(Summarised from letter)</p> <p>Concerns over location for the access road for three of the twelve proposed properties.</p>
Judith Barker	<p>(Summarised)</p> <p>Concerns about the suitability of the agricultural site behind Townsend Park for development.</p> <p>A. Traffic management , Highway safety and promoting active travel.MT 1 B.Sustainable development LD1 3&4 C.Sustainable water management and water and water resources Wastewater treatment SD 3&4</p> <p>A. TRAFFIC MANAGEMENT etc MT1 This is a main source of concern. We are aware that the main road at the entrance to Townsend Park, the B 4361 is becoming progressively busier. Together with that the speed limit is not observed in many cases. The traffic is made up of cars,lorries, farm vehicles, school access etc. At times these are joined by traffic diverted from the A49 when necessary. Townsend Park is a small side street, just wide enough for public vehicles like the dustcart. That, with one or two permanently parked vehicles, and school time overspill parking can make driving hazardous at the entrance to the site. However, the main problem is EXITING TOWNSEND PARK.</p>

	<p>B.Landscape and Townscape. To quote from Page 49 of the Plan:-Appendix 4 NPPF Delivering Sustainable Development. 9...Protecting Green Belt Land.</p> <p>The proposed site 136/214 behind T/P is a historical agricultural field. The farmer has access to further fields from this one but they are low lying and used for intermittent grazing. This field however has the rich soil advocated for retention & preservation. The farmer regularly gets a good crop of mixed cereals and rape on an annual rotation. This also provides employment, a rare work opportunity in the area. I hope the farmer is not pressured to sell until he is ready, and especially up until the site has had all the relevant services agreed and in place. It would be a waste for the land not to be farmed for a lengthy period.</p> <p>C. Environmental factors. Highlighting from the report:- Policy LG h, This refers to capacity of public sewerage network for Luston and Yarpole WwTw and suggests that development "may cause this to be overloaded " in which case development will Not be supported, it would have to be phased or delayed until capacity becomes available. Another factor is that Welsh Water has planned it's future expenditure until 2020. A further objective is to improve the quality of the water, "New development in the area could lead to the water quality failing the phosphate and conservation Objectives. General policy 5.2.2, 5.1.3, 5.1.4. 5.1.5 Last two points:- A the pipeline in the Northern end of the site. How compatible is this for housing? B I believe that the Southern but higher part of the field could be Radon high. On a more positive note there is also a land mark view at the entrance to the field of the South Shropshire hills and Bircher Common. A view that many people enjoy, especially when the field is full of Rape!</p>
Shirley Campbell	<p>(Summarised)</p> <p>Express concern at increase in traffic that will come through Townsend Park from the proposed dwellings to be built.</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 appraisal

This plan has met the requirements of the regulations as set out in the table above. All the requirements of regulation 14 were undertaken by the parish council and all the required documentation was submitted under regulation 15.

No major concerns have been raised from neither internal nor external responses with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy. Therefore the plan is considered to meet the general conformity requirements of the Core Strategy and comments are generally supportive. Comment was made however by Strategic Planning regarding the Parishes desire to have mixed tenure across new development, however policy's LG6 & LG7 look at supported development being of small scale, eg 3-5 units, which is not in line with H1 of the Core Strategy as development over 10 units requires affordable housing measures. These policies could restrict the delivery of affordable housing within the parish.

External responses from technical bodies such as Historic England, Natural England, National Grid, Coal Authority, Environment Agency and Welsh Water have raised no objection to the regulation 16 draft plan. Network Rail has made reference to guidance regarding any development in the proximity of the railway line.

There were five responses from resident, which all raised concern over aspects of proposed developments regarding traffic, conservation and the capacity of the sewerage provision.

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: 22/02/17

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Luston Group- Regulation 16 submission version

Date: 19/01/17

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
LG1- General Development Principles	SS1	Y	
LG2- Design of Development in Luston Group	SD1-SD4, LD3	Y	
LG3- Protecting and Enhancing Local Landscape Character and Views	LD1-LD4	Y	
LG4- Dark Skies	N/A	Y	
LG5- Flood Risk, Water Management and Surface Water Run-off	SD3	Y	All new development proposals should be located in accordance with the Sequential and (where appropriate) Exception Tests set out in National Planning Policy (NPPF paras. 100-104). They should also have regard to the Strategic Flood Risk Assessment (SFRA) 2009 for Herefordshire.
LG6- Scale and Type of New Housing in Luston	RA1, RA2, RA3	Y	Some clarity on the deliverability of the identified sites would be helpful, to provide some assurance that they are available/suitable to come forward for development in the plan period.
LG7- Scale and Type of New Housing in Ashton, Eyton and Moreton	RA1, RA2, H3, SD1-SD4	Y	
LG8- Traffic Management and Transport Improvements	MT1	Y	
LG9- Sustainable	SS4, MT1, LD3	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Transport Measures			
LG10- Supporting and Enhancing Existing Small Scale Local Employment	E1, E2, E3, RA6	Y	
LG11- Protection of Local Green Spaces	OS3	Y	It is not a conformity issue- however it could be argued that the designation of “Lydiatt Crossroads” as a Local Green Space may not be strictly necessary. It is located away from the settlement in open countryside.
LG12- Protection of Open Spaces	OS3	Y	As with the previous comment, there is no reason in policy terms why these cannot be designated, it may not be strictly necessary to. They appear to be located in open countryside, and would therefore be protected from development under Core Strategy policy RA3.
LG13- Protection and Enhancement of Local Community Facilities	SC1	Y	
LG14- Community Facilities and Community Infrastructure Levy	N/A	Y	