

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Middleton on the Hill Neighbourhood Area
Parish Council	Middleton on the Hill Parish Council
Draft Consultation period (Reg14)	19 December 2016 to 10 February 2017
Submission consultation period (Reg16)	7 June 2017 to 19 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"> • 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 • National infrastructure project 	1990 61K / Schedule 1	No

Does it relation to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the parish council undertaken the correct procedureds 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

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	<p>Section 4.2.6; the Local Housing Market Assessment does not state that there is a need for over 90% 1 & 2 bed affordable housing in the Rural HMA. The percentage is 55.6%. This information needs correcting.</p> <p>Section 4.2.7; the Core Strategy Policy is H2 Rural Exception Sites and not policy RA3 which refers to open countryside.</p> <p>Policy ML 10 cannot include a local connection to the Worcester Parishes of Tenbury, St. Michaels and Bockleton because they need to have a local connection to Herefordshire to apply to go on the waiting list. Without being on the waiting list they cannot apply for a property.</p>
Herefordshire Council - Environmental Health	<p>Comments are with reference to the potential impact on the amenity – in terms of noise, dust, odours or general nuisance to residential occupants that might arise as a result of any new development and also the impact that existing activities might have on the amenity of any new residential occupiers.</p> <p>No objections in principle to the proposed settlement boundaries for housing at Leysters or Middleton on the Hill.</p> <p>Suggest that policy ML5 be amended such that para 2 reads 'Development... does not impact adversely on the amenity of neighbouring properties <i>and also that the amenity of future residential occupants is not adversely affected by existing agricultural or commercial development</i>' This is protect the amenity of future residents.</p> <p>Policy ML6 should be amended to reflect the above amenity considerations with regard to paragraphs 4 and 5.</p>
Herefordshire Council –	<u>Site 11; The Hills Farm</u>

Environmental Health	<p>Historical maps indicate is located on land that from 1954 has been classed as unknown filled ground (pond, marsh, river, stream dock etc.)</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>The sites historic potentially contaminative use will require consideration prior to any development.</p> <p><u>Site 9-Leysters Garage'</u></p> <p>Historical maps from 1972 indicate that proposed site area; '9-Leysters Garage'; as the name suggests is a former garage site.</p> <ul style="list-style-type: none"> The garage site is a potentially contaminative use and will require consideration prior to any development. Petrol tanks, interceptors, pipe runs, spill areas, oil storage and inspection pits are all areas on a garage site where there is a possibility for contamination to occur. <p>Regarding sites with a historic agricultural use (site 11; The Hills farm), I would mention that agricultural practices such as uncontrolled burial of wastes or excessive pesticide or herbicide application may be thought of as potentially contaminative and any development should consider this.</p>
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CPRE	Forward to volunteers for comment
Natural England	No further comments to make on this Neighbourhood Plan at this stage.
Highways England	No comment to make on this consultation.
Coal Authority	No specific comments to make on it.
Historic England	<p>Pleased to note that our suggestions at Regulation 14 stage have been addressed. Our earlier Regulation 14 comments remain entirely relevant.</p> <p>Extremely supportive of both the content of the document and the vision and objectives. Commend the use of historic characterization to provide a context and a sound evidence base for well thought out Plan policies. Considers that the Plan takes an exemplary approach to the historic environment. It is also clear that full and effective use has been made of the professional advice available through the local authority particularly the Herefordshire Historic Environment Record (HER).</p> <p>The recognition in the Plan of the importance of the local historic environment is highly commendable and Historic England strongly support that view. The emphasis on the conservation of local distinctiveness through good design and the protection of locally significant buildings and landscape character including farm buildings and important views</p>

	<p>is equally to be applauded</p> <p>The Draft Neighbourhood Plan exemplifies “constructive conservation” and constitutes a very good example of community led planning. All of those who have clearly worked extremely hard on drafting the Plan are to be congratulated.</p>
Welsh Water	<p>We have nothing further to add to our Regulation 14 representation.</p> <p>Reg 14 - Welsh Water are supportive of the objectives and policies set out, in particular the provisions of objective 5.</p> <p>Middleton on the Hill and Leysters are outside of Welsh Water’s operational area for public sewerage. Should there be no public sewerage within the Neighbourhood Plan area then alternative foul drainage options will be required in line with Policy SD4 of the Core Strategy.</p> <p>There are no issues in providing a supply of potable (clean) water to the number of units proposed in the Neighbourhood Development Plan, though off-site mains may be required in order to connect to the existing network.</p>
Alison Wesson Comments x3	<p>Casino Farm Middleton on the Hill - The plot is for sale with a derelict turkey shed on site, could be used for 2 dwellings. If this plot is excluded from the settlement plan how easy is it to re instate it with the support of local people?</p> <p>Only want to build something that was in keeping with the area as see that it is beautiful and sensitive spot.</p> <p>Derelict shed takes up a large part of the 3 acres and is very unattractive. The site has tall hedges and some established trees at the lower end and would be easy to landscape 2 houses into the plot</p> <p>In order to do this, this plot would obviously have to be re-instated into the settlement boundary.</p>

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 settlements of Middleton on the Hill and Leysters and includes site allocations. There is also have reliance on windfalls and capacity within the settlement boundaries of Middleton on the Hill and Leysters. The plan proposes sites to accommodate up to 30 dwellings. This has contributed along with commitments within Leysters and Middleton on the Hill, this will exceed proportional growth minimum target of 23.

Overall, 11 Responses have been received from 4 internal service providers and 6 from statutory consultees and 1 individual.

Strategic Planning raised no objections towards the plan and assured that the policies within the plan comply with the Core Strategy. Other Herefordshire Council service providers have suggested amendments or additions to aid clarity but no fundamental objections.

External responses from technical bodies such as Historic England, Natural England, Welsh Water, have raised no objection to the regulation 16 draft plan. However provide comments to enhance the policies drafted within the NDP.

There have been 1 comments received from a member of the public who has raised the possibility of extending the settlement boundary for Middleton on the Hill.

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

A handwritten signature in black ink, appearing to be 'G. Hughes', with a long horizontal line extending to the right.

Geoff J Hughes

Director for Economy, Community & Corporate

Date: 3/8/2017

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Middleton-on-the-Hill and Leysters- Regulation 16 submission draft

Date: 22/06/17

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
ML1- Promoting a Sustainable Community	SS1	Y	
ML2- Development Strategy	SS2, RA1-RA4	Y	
ML3- The Scale of New Housing	RA2	Y	
ML4- Housing Allocations	RA2	Y	<p>Care should be taken that the proposals for the allocated sites are not too prescriptive, to the point where similar schemes with equal merit are unnecessarily prevented from coming forward.</p> <p>A degree of flexibility should be offered to ensure the proposals are deliverable. For instance, the proposed development of three affordable homes on Site 17 may not be viable for developers as currently proposed.</p>
ML5- Housing Development within the Settlement Boundaries	RA2	Y	
ML6- Housing in the Countryside	RA3	Y	The criteria in the policy echo those of the equivalent Core Strategy policy, RA3. This would call into question whether the policy is necessary.
ML7- Extensions to Dwellings	N/A	Y	
ML8- Design of New Housing	SD1-SD4, LD1-LD4	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
ML9- Ensuring an Appropriate Range of Types, Tenures and Sizes of Houses	H3	Y	
ML10- Affordable Housing	H1	Y	See last comment on ML4- viability may be an issue on Site 17 proposal. No allowances appear to have been made in policy for developments that would have the necessary economies of scale to contribute to affordable housing need.
ML11- Protecting and Enhancing Local Character	LD1-LD4	Y	
ML12- Broadband	N/A	Y	
ML13- Renewable Energy	SD2	Y	
ML14- Traffic Management and Road Safety Improvements	MT1	Y	
ML15- Transport and Connectivity	SS4, MT1	Y	
ML16- Business Development	E1, RA6	Y	The first set of criteria (1-5) are covered within the equivalent Core Strategy policy RA6. Its inclusion in this policy is therefore not strictly necessary.
ML17- Protection of Existing Employment Premises	SC1, E2	Y	
ML18- Agriculture and Forestry Dwellings	RA4	Y	
ML19- Enhanced Services and Facilities for the Community	SC1	Y	
ML20- Protection and Enhancement of Community Facilities	SC1	Y	
ML21- Open Space and Play Areas	OS1, OS2	Y	

