

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Shobdon Neighbourhood Area
Parish Council	Shobdon Parish Council
Draft Consultation period (Reg14)	8 February to 21 March 2016
Submission consultation period (Reg16)	9 January to 20 February 2017
Re-submission consultation period (Reg16)	28 July to 15 September 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

<p>Are any 'excluded development' included?</p> <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 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

Historic England	<p>Supportive of the vision and content of the document, particularly its emphasis on local distinctiveness.</p> <p>Commend the recognition of the important of archaeological remains and share view that the heritage significance of Shobdon Airfield should be carefully considered should development proposals come forward.</p> <p>Well considered, concise and fit for purpose document.</p> <p>No further substantive comments to make.</p>
Natural England	No further comment to make
Welsh Water	Note that the resubmission Reg16 consultation and the Consultation Statement Addendum that the parish council have not amended the inaccuracies or taken on board the recommendations as set out in our original Reg16 consultation response.

	<p>Refuse assertion that the issue is not taken seriously by Welsh Water.</p> <p>Matters of hydraulic capacity of out sewerage network are taken seriously and confirm that at present there are no issues of hydrological overload on the sewerage network in Shobdon.</p> <p>Not envisage there being any issues in the growth proposed in the NDP being accommodated.</p>
Severn Trent	No specific comment to make at this time
Sport England	General advice. No specific comments made
National Grid	No implications for National Grid Gas Distribution's Intermediate /High pressure apparatus, however there may be low pressure gas distribution pipes present within proposed development sites.
Environment Agency	<p>The updated evidence base did not extend to Rural Parishes at the NDP level so it is important that these subsequent plans offer robust confirmation that development is not impacted by flooding and that there is sufficient waste water infrastructure in place to accommodate growth for the duration of the plan period.</p> <p>No specific site allocated within areas of flooding would offer no bespoke comments at this time.</p>
Herefordshire Council – Strategic Planning	<p>Confirm general conformity with the Core Strategy.</p> <p>See appendix 1</p>
Herefordshire Council – Strategic Housing	Typing error in section 5.9
Herefordshire Council – Environmental Health (contamination)	Three of the four sites have historically been orchards and these could have been subject to agricultural spraying practices which could lead to contamination.
<p>John Amos and Co</p> <p>On behalf of The Humber Farm Partnership</p> <p>Land east of the Paddocks</p>	<p>Welcome decision to allocate site as a proposed housing site under policy S4.</p> <p>P18 – request a small alteration to the narrative in para 5.7. Alternative wording suggested regarding the proximity to Shobdon Pools.</p>

	<p>Policy S5 – phasing policy does not help to increase the supply of housing and acts as a hindrance to the delivery of new homes. Too detailed and too inflexible, conflict with presumption in favour of sustainable development.</p> <p>Policy S5 is overly onerous on developers and will hamper development. Two sites allocate 10 unit each are capable of accommodating more than 15. Phasing policy is putting unreasonable cap on development, suggest the policy removed.</p> <p>Welsh Water have stated that there are no constraints in terms of sewerage capacity</p>
<p>Ian Craig Local resident Land at Woodside</p>	<p>Object to the allocation of Local Green Space on our property – land at Woodside</p> <p>Passes over our existing dwelling and gardens, it is not a recreational or public area for the village, it is part of an extensive tract of land and it is not parkland.</p> <p>Settlement boundary has moved from its original plans from 2002</p> <p>No attempt by the parish to contact, consult or advise us for their intentions. Or the previous owners when green space was allocated and imposed 15 years ago.</p>
<p>Heaton Planning Ltd On behalf of Tarmac Trading Ltd</p>	<p>Tarmac have a minerals interest within the NDP area – Shobdon Quarry. Although the quarry has been mothballed for a number of years, there are significant mineral reserves remaining with the potential to be worked within the period.</p> <p>Support principle of growth and maintaining employment and enterprise opportunities.</p> <p>Policy S1 – should include wording to ensure that non-mineral development at the Airfield would not unduly sterilise mineral reserves in close proximity. Policy should reflect the need for planning applications to be accompanied by Environmental Impact assessment which would assess the level of any potential adverse impact and provide mitigation measures if required.</p> <p>Policy S2 – Policy should recognised and consider the potential impact on possible future</p>

	<p>mineral operations as within policy S1</p> <p>Policy S8 - reference should be made to include the former Shobdon Quarry workings and ensure there are no conflicts of land use.</p> <p>Point 6 would benefit from rewording</p> <p>Para 6.5 should be qualified to make them useful planning tools</p> <p>Policy S14 – in accordance with para 118 of the NPPF that item f and g be replaced</p>
<p>Gladmans Developments Ltd</p>	<p>See no evidence of site assessment work being completed. Disappointed our suggestions to improve the plan have not been considered further and evidence base not revisited</p> <p>Still maintain that several plan policies do not meet the requirements of the basic conditions.</p> <p>Policy S1 – object to the phasing of development where this would unnecessarily delay the delivery of development</p> <p>Policy S2 – opposes the use of settlement boundaries. Policy wording to allow development adjacent would be supported</p> <p>Policy S4 – lack of site assessments to support inclusion of site allocations. Lack of consideration for reasonable alternatives</p> <p>Policy S5 – phasing does not accord with the NPPF</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

Previously, it was recommended that the Shobdon Neighbourhood Plan did not progress to examination and that site assessment / selection work was reviewed to ensure site allocations have the potential to be brought forward and an additional consultation (under Regulation 16) is undertaken following the parish council's consideration of the issues. The parish council have undertaken this work and included additional references within the resubmitted plan.

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.

A total of 14 representations were received during the re-submission consultation period. Many of these are supportive with two raising issues regarding the wording of some policies.

Welsh Water have continued to raise concerns expressed previously that information within the plan regarding the hydrologic capacity of the sewers in the area is inaccurate and this information has been used to inform Policy S4 and S10.

One resident has expressed concern regarding the designation of a Local Green Space within the village and the lack of direct consultation.

Existing commitments and site allocations have demonstrated that the proportional growth for the plan area can be achieved. The Strategic Planning team have also confirmed that the NDP is in general conformity with the Core Strategy.

Concerns regarding policy wording meeting the basic conditions can be addressed during the examination process.

The plan has met the requirements to move forward to examination.

Assistant Director's comments

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

Approved



Richard Gabb

Programme Director – Growth

Date: 20.9.2017

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Date: 04/08/17

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
S1- Promoting a Sustainable Community	SS1	Y	
S2- Development Strategy	SS2, RA2	Y	
S3- Highways and Transport Infrastructure	SS4, MT1	Y	
S4- Meeting Housing Needs within Shobdon Village	RA2, H3	Y	
S5- Phasing of Development	SS3	Y	
S6- Provision of Affordable Housing	H1, H2	Y	
S7- Design Criteria for Residential Development	LD1-LD3, SD1-SD3	Y	
S8- Supporting Local Business	E1, E4, RA5, RA6	Y	
S9- Renewable and Low Carbon Energy	SD2	Y	
S10- Surface and Foul Water Drainage	SD3, SD4	Y	
S11- Accessibility to Community Facilities	SC1	Y	It may be helpful to identify and list the existing community facilities that should be afforded protection and maintained.
S12- Broadband Infrastructure	N/A	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
S13- Protection and Provision of Open Space	OS1- OS3	Y	
S14- Retaining the Natural Environment and Landscape	LD1- LD4	Y	
S15- Protecting Local Heritage	LD4	Y	