

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Yarpole Neighbourhood Plan
Parish Council	Yarpole Parish Council
Draft Consultation period (Reg14)	6 June to 17 July 2016
Submission consultation period (Reg16)	6 April to 25 May 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 	1990 61K / Schedule 1	No

development <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

Natural England	No specific comments to make
Historic England	Supportive of both the content of the document and the vision and objectives set out within it. Emphasis on the conservation of local distinctiveness and variations in local character through good design and protection of locally significant buildings and landscape character is applauded. Excellent Design Guidance Statement at Appendix 1. Exemplary approach to the historic environment, exemplifies 'constructive conservation'
Welsh Water	Comments provided at Reg14 were taken on board as such have not further comments to make.
Network Rail	Plan includes Network Rail land within the proposal map. Draw attention to development Management Orders 2015
Coal Authority	No specific comments to make
National Grid	No records of apparatus within the neighbourhood area

Environment Agency	<p>No further comments to offer but would re-iterate comments to Reg14 submission.</p> <p><i>Reg 14 comments - Important that these 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.</i></p>
Herefordshire Council – Strategic Planning	<p>Confirm general conformity with the Core Strategy</p> <p>Detailed comments within Appendix 1</p>
Herefordshire Council – Development Management	<p>Concern regarding the identification of Cockgate with a settlement boundary which is not mentioned within Policy RA2. Not a sustainable location. Poor visibility and contrary to highway safety.</p> <p>Further comments to each policy are contained within Appendix 2</p>
Herefordshire Council - Environmental Health (contamination)	<p>Three proposed housing development sites (YG4, YG9 and YG10) appear from a review as historically orchards. Orchards can be subject to agricultural spraying practices which may in some circumstances lead to a legacy of contamination and any development should consider this.</p>
Herefordshire Council – Environmental Health (pollution)	<p>No further comments to make</p>
CPRE	<p>Forwarded to volunteer but no response received</p>
<p>CR Solutions</p> <p>On behalf of A&M Garden Machinery Ltd</p>	<p>YGNDP fails to identify sufficient deliverable sites and fails to robustly demonstrate that it is able to meet its housing requirements.</p> <p>High dependency on windfalls.</p> <p>Land at Brook House Farm (Policy YG10) – planning application has an in principle objection from the Historic Building Officer and therefore not considered a suitable housing site.</p> <p>Land to rear of Village Hall, Cockgate – highways issues would prevent the site from coming forward</p>

	<p>Further concern over the restrict approach to development in Lucton as Lucton is identified within the Core Strategy. No facilities within Bircher has not prevented development from being identified.</p> <p>Land South of Farm Close should be included as a residential allocation within the settlement boundary of Lucton. Site provided a highly sustainable and deliverable development opportunity within Lucton Village. Site was submitted during the call for sites but not supported by the Steering Group. Sites with similar characteristics have been allocated.</p>
David Chester Resident	Inevitable that the plan will be overtaken by events - How will permissions be reflected in the overall target numbers of dwellings? Clarity is required regarding on land at Maunds House.
Colin Mason Resident	<p>Object to the inclusion of land alongside the main road at Cockgate. Access onto busy main road subject only to the national speed limit. Would extend the village into open countryside.</p> <p>Cockgate should be extended opposite the village hall where is cannot visually impact on through traffic and would access a minor road.</p> <p>Site I am proposing has historically had a building on it.</p>
Trina Nicholls	Wish to object to the inclusion of the land alongside the main road and village in Cockgate.

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 plan has met all the legal requirements as outlined above.

16 comments were received in total; 8 for statutory consultees, 4 from service providers for Herefordshire Council and 4 comments were received from local residents.

Many of these are comments are positive regarding the content of the neighbourhood plan.

There are some concerns regarding the inclusion of Cockgate which is not within specifically named within the Core Strategy policy RA2 but the parish have made a case for this to be included as part of Yarpole.

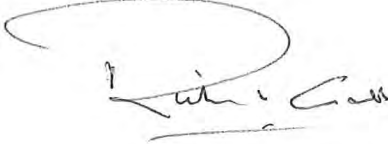
The other issue raised was regarding the delivery of the proposed housing sites. The proportional growth target for Yarpole Group is 48, as at April 2017 2 built with 17 commitments leaving a residual of 29.

The concerns regarding the deliverability of policy YG10 has now been addressed by comments from the Conservation team.

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.

A handwritten signature in black ink, appearing to read 'Richard Gabb', is written over a large, light-colored oval scribble.

Richard Gabb

Programme Director – Housing and Growth

Date: 19.06.2017

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Yarpole Group- Regulation 16 submission version

Date: 20/04/17

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
YG1- Promoting Sustainable Development	SS1	Y	
YG2- Development Strategy	RA2, RA3	Y	
YG3- Housing Development in Bircher	RA2	Y	
YG4- Proposed Land for Housing Development in Bircher	RA2	Y	
YG5- Local Green Space in Bircher	LD1-LD3	Y	
YG6- Housing Development in Lucton	RA2	Y	
YG7- Local Green Space in Lucton	LD1-LD3	Y	
YG8- Housing Development in Yarpole	RA2	Y	
YG9- Land off Croft Crescent	RA2, LD3	Y	
YG10- Land at Brook House Farm and to the South West of Lower House Farm	RA2, LD1-LD4	Y	
YG11- Highway Measures at Yarpole	MT1	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
YG12- Local Green Space in Yarpole	LD1-LD3, OS3	Y	
YG13- Treatment of Foul Water in Yarpole	SD4	Y	If new development cannot be connected to the mains sewer network, sufficient evidence should be produced by the applicant to demonstrate why this is not practical, in line with the requirements of policy SD4.
YG14- Development within Conservation Areas	LD1	Y	
YG15- Sustainable Design	SD1-SD3	Y	
YG16- Use of the Community Infrastructure Levy	N/A	Y	Minor suggestion- Although the policy covers the requirement for developer contributions, the title of it refers exclusively to the Community Infrastructure Levy (CIL). Perhaps the policy would benefit from a more generic title to do with developer contributions?

Other comments/conformity issues:

The plan is able to demonstrate that it can meet its housing growth targets, and provides a degree of assurance that it will be delivered by allocating available sites for development. Policies are in general conformity with those in the Local Plan Core Strategy.

Appendix 2 - Development Management Comments on Yarpole Neighbourhood Development Plan – Regulation 16 submission

19th April 2017

Policy	Comment
YG1	<p>A well worded policy, with the exception of the last paragraph. Too limiting to say that proposals 'must' comply with NDP policies. Also ill-advised to suggest that there may be proposals that might not be covered by the proposal.</p> <p>Further comment – Improved by saying development should comply with NDP policies. Still includes a sentence about proposals not covered by the NDP. I think that this should be deleted. Otherwise ok.</p>
YG2	<p>A well worded policy. Clear, concise and provides a positive framework for developers. Also acknowledges that there will be exceptional circumstances where development may be allowed beyond settlement boundaries</p> <p>No further comment</p>
YG3	<p>Again, very well worded and give clear and positive direction for the assessment of development proposals</p> <p>No further comment</p>
YG4	<p>Paragraph (j) should simply read 'Development shall preserve and enhance...'</p> <p>Only slight concern is that if the hedgerow on Leys Lane is considered to be important, how would access then be achieved?</p> <p>The supporting text suggests that the site is capable of accommodating 5 dwellings, but this is not reflected in the actual policy. Should the policy specify a number, or has this been left to allow some flexibility? I would suggest an additional paragraph suggesting 5 but allowing the possibility of variance to this if a scheme is submitted that is acceptable in all other respects.</p> <p>No further comment</p>
YG5	<p>Does this designation meet all of the tests in paragraph 77 of the NPPF? Is there a requirement for public access with such designations?</p> <p>No further comment</p>
MAP	<p>The policy references are incorrect.</p>
YG6	<p>Ok</p> <p>No further comment</p>

YG7	<p>Ok, provided that it meets the tests of paragraph 77 of the NPPF.</p> <p>No further comment</p>
YG8	<p>(b) Re-word to simply say that development proposals should preserve and enhance the character and appearance of the conservation area. Otherwise ok.</p> <p>No further comment</p>
YG9	<p>Use of the term 'parkland area' rather overstates the significance of the area to be left between Croft Crescent and new development. An alternative term such as a 'green corridor' might be better. There is again an absence of reference to specific housing numbers, but the supporting text does suggest flexibility about this. I would suggest that this is incorporated into the policy.</p> <p>Ok. No further comment</p>
YG10	<p>(a) Not sure what is meant by the term 'inter-relationship between developable compartments'</p> <p>(b) I think that it simply needs to say that 0.4 hectares of land shall continue to be made available for appropriate community use in association with the development of this site. The reference to an existing S106 Agreement seem unnecessary and the suggestion about its revision lacks clarity.</p> <p>(e) The reference to protected views is very helpful. It identifies a particular characteristic of settlement pattern and historic significance that is to be protected and gives a clear indication to prospective developers.</p> <p>(f) This is an unduly onerous requirement. The site isn't in Flood Zone 2 & 3 and is not of a size where the completion of a flood risk assessment would be a pre-requisite.</p> <p>There is still a requirement for a flood risk assessment. This would only be required if the site exceeds 1 hectare. The presence of Flood Zones 2 and 3 nearby is not justification for one to be submitted and the requirement for one would fail to meet the criteria set out by the Environment Agency. The view that this should be deleted is maintained.</p>
YG11	<p>Ok</p> <p>No further comment</p>
YG12	<p>iii) Given that part of this area forms part of a site identified as being suitable for development, is it appropriate to include it as a local green space?</p> <p>This point has been removed so no further comment</p>
YG13	<p>Whilst it is understood that the capacity of the sewage treatment works is a major issue in Yarpole, this has not been reflected in the advice given by Welsh Water in respect of recent planning applications.</p> <p>No further comment but have Welsh Water commented on the plan?</p>

YG14	<p>'All development should conserve and enhance....' – no need for the words 'where appropriate'. The word 'the' to be added before 'particular'</p> <p>We should be looking for enhancement as a matter of course. The words 'where possible' should be deleted. Point 4 is much clearer about this as it says that new development should contribute positively to the conservation area.</p>
YG15	<p>The whole policy is too wordy. Whilst it is acknowledged that sustainability covers a wide range of issues, the policy tries to cover too much. Policy YG1 seeks to promote sustainable development and is an over-arching policy in this regard. It would be much clearer to have a series of much shorter policies to deal separately with matters including energy efficiency, drainage, flooding, highway and pedestrian connectivity and biodiversity.</p> <p>There doesn't appear to be a significant change to this policy. The views expressed above are maintained. A series of shorter policies would be clearer.</p>
YG16	<p>There needs to be a reference to Policy H1 of the Core Strategy here. The majority of new development is unlikely to be of a scale that will attract S106 contributions and the policy should acknowledge this if there is not to be a conflict.</p> <p>The views expressed above are maintained.</p>

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.
- The plan does not contain a policy to deal with affordable housing.
- Whilst Policy YG2 does make a general reference to employment in terms of an overall strategy, there is no specific employment policy.

It is very disappointing that the points raised as other comments have not been addressed in the revised version of the plan. The omission of a policy to deal with household extensions is a particular omission. Having read the plan again it is also noted that it fails to include a policy about agricultural development. Again, this is a considerable omission in a predominantly rural area. I really do think that, at the very least, these two matters need to be addressed and covered by additional policies.