

## Progression to Examination Decision Document

### Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Abbey Dore, Ewyas Harold and Kentchurch Neighbourhood Area
Parish Council	Abbey Dore and Bacton Group Parish Council Ewyas Harold Group Parish Council Kentchurch Parish Council
Draft Consultation period (Reg14)	16 February to 30 March 2015
Submission consultation period (Reg16)	27 June to 8 August 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"> <li>• Map showing the area</li> <li>• The Neighbourhood Plan</li> <li>• Consultation Statement</li> <li>• SEA/HRA</li> <li>• Basic Condition statement</li> </ul>	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 (1 and 2)	Yes

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

### Summary of comments received during submission consultation

Natural England	<p>Noted that amendments made to policies following suggestions in our response dated 25 March 2015.</p> <p>Natural England does not have further comments on this neighbourhood plan.</p>
Highway England	<p>The strategic road network in the vicinity of the neighbourhood plan is the A49.</p> <p>Given the significant distance of the plan from our network, we have no comments to make.</p>
Historic England	<p>Pleased to note that suggestions at reg14 stage have been addressed.</p> <p>Supportive of the content of the document, particularly the comprehensive treatment of the wider historic environment and its emphasis on local distinctiveness.</p> <p>Well considered, concise and fit for purpose document that effectively embraces the ethos of constructive conservation.</p>
Coal Authority	No specific comments to make

<p>Welsh Water</p>	<p>Suggest additional policy to give assurance that no development can come forward unless there is capacity at the receiving foul sewerage network and wastewater treatment works:</p> <p><i>New policy: Public sewerage network and wastewater treatment works (WwTW)</i></p> <p><i>Development that may result in the capacity of the public sewerage network and/ or the wastewater treatment works (WwTW) becoming overloaded will not be permitted.</i></p> <p><i>In either of these instances, development will need to be phased or delayed until later in the plan period when capacity becomes available, either through DCWW regulatory investment or, in advance of this through the developer funding the improvements themselves via the provisions of the Water Industry Act (1991) and/or Section 106 of the Town &amp; Country Planning Act (1990).</i></p>
<p>Network Rail</p>	<p>Strongly urge that when undertaking its viability testing for any proposals allocated sites it considers the impact the proposal may have on the railway infrastructure.</p> <p>Policy G4 – Part G could be amended to include ‘rail’ as well as road. ie “g. Access and highway safety, including the provision of new and improved pedestrian footpaths and footways, permissive pedestrian rights of way and cycle paths, and provide safe pedestrian road <b>and rail</b> crossings where required.”</p>
<p>Herefordshire Council – Strategic Planning</p>	<p>No major conformity issues found. Full details within Appendix 1</p>
<p>Herefordshire Council – Development Management</p>	<p>Main points are:</p> <ul style="list-style-type: none"> <li>(a) A concern that the Plan as a whole will not deliver on the growth targets based upon the smaller settlements of Abbeydore and Bacton making sufficient contribution - would it be worth considering another allocation at Ewyas Harold and/or Pontrilas in this context?</li> <li>(b) There are a number of references to meeting local housing need which isn’t defined and infers some form of long terms occupancy restriction.</li> <li>(c) There are definitive statements about the use of materials in EH3 which I fear the LPA will not be able to deliver in its decision-making</li> </ul> <p><b>Policy G5</b> - there is an I missing from INFRASTRUCTURE</p> <p><b>Policy G6(b)</b> - this needs to make reference to “where appropriate” as not all proposals will require speed reduction measures</p> <p><b>Policy G7(b)</b> – caution needed here as NIA won’t always be</p>

	<p>something that the LPA can insist on – eg would this be required for 1 or 2 shepherds huts close to an existing farm complex as part of a tourism diversification?</p> <p><b>Policy AB1</b> – is local needs housing defined. Does it need to be as this policy infers some level of restriction upon occupancy which is not defined. Not sure that a definitive limit of 1-2 dwellings is appropriate as there may be opportunities for slightly larger schemes</p> <p><b>Para 5.2.1</b> – is the reference to policy BA1 correct. Think it should be AB1?</p> <p><b>Policy EH1</b> – some reservation about the lack of a further allocation in Ewyas Harold – it is the main settlement in the Plan and I am not entirely convinced that the smaller settlements identified will deliver the overall growth required. Would it be better to focus some of this on another allocation in Ewyas Harold?</p> <p><b>Policy EH2</b> - Not sure that a definitive limit of 1-2 dwellings is appropriate as there may be opportunities for slightly larger schemes</p> <p><b>Policy EH3 (c) and (e)</b> – these should refer to use of local materials, stone tiles being encourage/welcomed as LPA will not be able to insist on the use of specific materials in new builds</p>
Herefordshire Council - Environmental Health (pollution)	No specific observations to make with regards to this neighbourhood plan.
Herefordshire Council (Environmental Health –Air, land and water protection)	Given that no specific sites have been identified in the plan I am unable to provide comment with regards to potential contamination.
Herefordshire Council Transportation	<p>Para 4.2 8<sup>th</sup> bullet- Pedestrian and cycling network would have to be reviewed and significant investment provided to help promote this facility</p> <p>School related traffic – on going promotion of sustainable means of transport eg school travel plan. A one way system would require a Traffic Regulation Order and would require enforcement to be effective</p> <p>Education should comment regarding the relocation of the school</p> <p>Policy EH2 – Sustainable highway connections to the wider highways network should be promoted. This should include pedestrian, cycle and public transport facilities</p> <p>Policy EH4 - Sustainable highway connections to the wider highways network should be promoted. This should include pedestrian, cycle and public transport facilities</p> <p>Criteria f) – when stating all highway users should be pedestrian,</p>

	<p>cyclists and public transport</p> <p>Policy EH6 - this should be backed up with the appropriate Transport Assessment statement/ review and any issues to be mitigated against.</p>
CPRE Herefordshire	<p>Forward to relevant volunteer</p> <p>No further comments received</p>
<p>Carter Jonas</p> <p>On behalf of the Hereford Diocese</p>	<p>Proposed site to be considered for housing development in Ewyas Harold on Dark Lane</p> <p>Could accommodate up to 15-20 homes including terrace and small semi-detached starter homes together with detached family homes.</p> <p>Development would take account of the objectives of the NDP and respect the rural character.</p> <p>Site considered under EH1 – the site adjoins the settlement boundary on two sides and can be easily integrated into the wider village and rural environment. The site is in an appropriate location and will provide a range and mix of types and tenure. Site will not result in a loss of community assets, green space or assets of any heritage value. The development would not lead to a loss of employment and not on a site with a significant risk of flooding.</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.

A total of 13 representations were received during the submission consultation period. Many of these are supportive. The Strategic Planning team have confirmed general conformity with the Core Strategy although some concerns are raised regarding the ability of meet the proportional growth requirements within the two rural parish areas of Abbey Dore and Kentchurch.

The proportional growth requirements within the three parishes are as follows:

Ewyas Harold group – 58 of which there are 47 commitments at April 2017. Abbey Dore and Bacton Group – 20 of which there are 3 commitments at April 2017 and Kentchurch – 19 of which there are 11 commitment as at April 2017. Therefore the plan area required 34 dwellings within the remainder of the plan period. However policy EH1 does allow for additional development adjacent to the settlement boundary of Ewyas Harold.

**Assistant Director's comments**

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

Approved for examination

A handwritten signature in black ink, appearing to read 'Richard Gabb', with a large, stylized initial 'R'.

**Richard Gabb**

**Programme Director – Housing and Growth**

Date: 21/8/17

## Appendix 1

### Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Abbeydore & Bacton, Ewyas Harold Group & Kentchurch- Regulation 16 submission version (no Strategic Planning comments provided at Regulation 14 draft stage)

Date: 04/07/17

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
G1- Protecting and Enhancing the Landscape of the Golden Valley	LD1, LD2, LD3, LD4	Y	Point D- Is there a defined list of non-designated assets in the Parishes that could be referred to?  This could give the policy more clarity and certainty in ensuring it protects the assets that are most valued.
G2- Design	MT1, SD1, SD2	Y	
G3- Flooding	SD3	Y	
G4- Tourism	E4	Y	
G5- Golden Valley Green Infrastructure	LD3	Y	Suggested wording amendment to point B-  <i>Providing on site new Green Infrastructure, including <u>priority new habitats</u> where possible;</i>  Priority Habitats generally refers to already existing habitats under threat and requiring protection.
G6- Highways and Transport	SS4, MT1	Y	
G7- Rural Environment and Tranquillity	SD1	Y	
G8- Dark Skies	SD1	Y	

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
G9- Rural Businesses and Homeworking	E3, RA6	Y	
G10- Local Green Spaces	N/A	Y	Check policies map
G11- Community Infrastructure Levy	N/A	Y	At present, there is no adopted CIL charging schedule, and its development is on hold, pending a future Government review. It may be better to use this policy to outline how existing (S106) or future development contribution mechanisms in general will be sought and used.
AB1- New Housing Development in Abbeydore & Bacton Villages	RA2	Y	Point B- The policy should be used to promote development that is proportionate, but not to place an outright cap on the size of development proposals.  Only allowing 1 or 2 could prove unnecessarily restrictive to otherwise suitable schemes coming forward. For example, a small terrace of cottages or conversion of a group of redundant barns.
EH1- New Housing Development in the Village of Ewyas Harold	RA2	Y	
EH2- New Housing Development in Rowlestone Village	RA2	Y	See comments on question AB1.
EH3- Housing Design in Ewyas Harold and Rowlestone	LD1, LD2, LD3, LD4, SD1, SD2	Y	
EH4- Development Affecting Highways and Streetscapes	MT1, LD1	Y	



Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
EH5- Ewyas Harold Primary School	N/A	Y	
EH6- Ewyas Harold Local Centre	SC1	Y	
K1- New Housing Development in the Village of Pontrilas	RA2	Y	