

## Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Kimbolton Neighbourhood Area
Parish Council	Kimbolton Parish Council
Draft Consultation period (Reg14)	7 April to 20 May 2017
Submission consultation period (Reg16)	11 October to 22 November 2017

### Determination

Is the organisation making the area application the relevant body under section 61G (2) of the 1990 Act		Yes
<p>Are all the relevant documentation included within the submission</p> <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 (1and 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
Is this a repeat proposal? <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

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	Confirmed conformity with the Core Strategy. See appendix 1 for details.
Herefordshire Council - Environmental Health	Reiterate earlier response which does not seem to have been addressed.  With regard to any proposed rural dwellings outside these boundaries, the draft plan recommends criteria in policy K5 Housing in the Countryside. Would like to recommend that a further criterion be applied which is that the amenity of any occupants arising out of a new dwellings should not be compromised by existing agricultural or commercial activity. This would be to safeguard the amenity of future occupants.
Herefordshire Council – Transport Planning	Policy K 15 – Traffic management and road safety improvements  Regard should be given to improving access through walking and cycling along with safety enhancements at or near the primary school.

Coal Authority	No specific comments to make.
CPRE	Thank you for your email, which I shall forward to the relevant volunteer
Welsh Water	We have no further comment to make over and above our Regulation 14 consultation, which is attached for your information.  <i>'We are particularly pleased to note the key policy – Policy K1 Promoting a Sustainable Community – which specifies that "...development should be accommodated within infrastructure limits in particular for sewage treatment..."</i> , though we would wish to point out that the Parish Council area is not served by public sewerage.  <i>We understand that a large proportion of the new dwellings required to meet the demonstrated local housing need have already been delivered. With regard to the remainder of the requirement, which we understand will be delivered on windfall/infill sites there are no</i>

	<i>issues in a water supply being provided, though some level of offsite mains may be required dependant on location.'</i>
Environment Agency	<p>As part of the adopted Herefordshire Council Core Strategy updates were made to both the Strategic Flood Risk Assessment (SFRA) and Water Cycle Strategy (WCS).</p> <p>This evidence base ensured that the proposed development in Hereford City, and other strategic sites (Market Towns), was viable and achievable. The updated evidence base did not extend to Rural Parishes at the NP 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. We would not, in the absence of specific sites allocated within areas of fluvial flooding, offer a bespoke comment at this time.</p> <p>We note that the Parish have utilised our Environment Agency guidance and pro-forma to inform the current submission. However, it should be noted that the Flood Map provides an indication of 'fluvial' flood risk only. You are advised to discuss matters relating to surface water (pluvial) flooding with your drainage team as the Lead Local Flood Authority (LLFA).</p>
Highways England	No comments to make on this consultation.
Historic England	<p>Extremely supportive of both the content of the document and the vision and objectives set out in it, particularly the emphasis placed upon local distinctiveness and the maintenance of the historic landscape and rural character including significant views.</p> <p>The identification of traditional buildings for particular recognition through inclusion on a "Local Heritage List" is also strongly supported. We particularly commend the use of historic characterisation to provide a context and a sound evidence base for well thought out Plan policies.</p> <p>In this and other respects Historic England considers that the Plan takes an exemplary approach to the historic environment". Overall and in conclusion Historic England considers that the Kimbolton Draft Neighbourhood Plan exemplifies "constructive conservation" and constitutes a very good example of community led planning.</p>
National Grid	National Grid has identified that it has no record of apparatus within the Neighbourhood Plan area.
Natural England	No further comment to make on this plan at this stage.
Severn Trent	No specific comments to make.
Sport England	Generic comment – nothing specific to the neighbourhood plan.

### 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 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 identified RA2 settlement of Kimbolton. These boundaries have taken into account existing commitments and proportional growth requirements. The parish already has 30 commitments and 7 completions which exceeds the proportional growth minimum of 30. With this in mind, there are no site allocations proposed, however the plan allows for windfalls and some capacity within the settlement boundary of Kimbolton.



Overall, 10 responses have been received; 3 internal service providers and 10 from statutory and external consultees. Strategic Planning raised no objections and confirm that the policies within the plan are in general conformity with the Core Strategy.

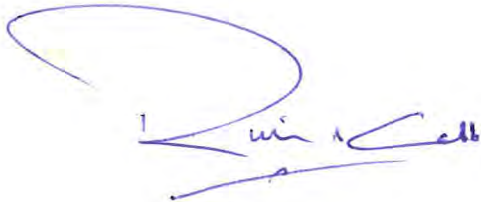
External responses from technical bodies such as Historic England, Natural England, Severn Trent, National Grid and Environment Agency have raised no objection to the regulation 16 draft plan. It is considered that there are no fundamental issues relating to this plan which would prevent its progress 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 blue ink, appearing to read 'Richard Gabb', with a large, stylized flourish above the name.

**Richard Gabb**

**Programme Director – Housing and Growth**

Date: 12 December 2017

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

From Herefordshire Council Strategic Planning Team

Name of NDP: Kimbolton- Regulation 16 submission draft

Date: 18/10/17

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
K1- Promoting a Sustainable Community	SS1	Y	
K2- Development Strategy	RA2	Y	
K3- The Scale of New Housing	RA2	Y	Para 4.2.7- Rural exception sites should be in accordance with principally policy H2, as well as policy RA3.
K4- Housing Development within the Kimbolton Settlement Boundary	RA2, LD1, SD1	Y	
K5- Housing in the Countryside	RA3, RA4, RA5	Y/N	<p>It is noted that this policy covers some of the same criteria as its Core Strategy equivalent, RA3. It should also be noted, however, that the apparent absence of an exception criteria for proposals of exceptionally high quality and innovative design, that satisfy the criteria in paragraph 55 of the NPPF, does not mean that these can be resisted in the NDP area. Proposals deemed to be of this type will still be permitted in accordance with the Core Strategy and national policy.</p> <p>With regard to the potential removal of Permitted Development Rights, it needs to be made clear in which circumstances that this would be necessary to apply.</p>

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
K6- Extensions to Dwellings	SD1	Y	
K7- Design of New Homes	LD1, SD1-SD4	Y	
K8- Ensuring an Appropriate Range of Tenures, Types and Sizes of Houses	H3	Y/N	This is not an issue of conformity with the Core Strategy. However, the issue of minimum internal space standards in new dwellings is covered already by building regulations. Local planning authorities may use nationally recognised optional technical standards where there is evidence to show these are required. However Neighbourhood Plans may not be used to apply these. <a href="https://www.gov.uk/guidance/housing-optional-technical-standards">https://www.gov.uk/guidance/housing-optional-technical-standards</a>
K9- Affordable Housing	H1	Y	
K10- Protecting and Enhancing Local Character	LD1	Y	
K11- Heritage Assets	LD4	Y	
K12- Light Pollution	N/A	Y	
K13- Broadband	N/A	Y	
K14- Renewable Energy	SD2	Y	
K15- Traffic Management and Road Safety Improvements	MT1	Y	
K16- Transport and Connectivity	SS4, MT1	Y	Parking standards should be in accordance with those set out in the Local Transport Plan.
K17- Business Development	RA6, E4, E6	Y	This is covered to the same extent by the equivalent Core Strategy policy, RA6.
K18- Protection of Existing Commercial Business Premises	E2	Y	
K19- Agriculture and Forestry Enterprises	RA6	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
K20- Enhanced Services and Facilities for the Community	SC1	Y	
K21- Protection and Enhancement of Community Facilities	SC1	Y	
K22- Open Spaces	OS1-OS3	Y	