

## Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Wellington Heath Neighbourhood Area
Parish Council	Wellington Heath Parish Council
Draft Consultation period (Reg14)	12 May to 30 June 2017
Submission consultation period (Reg16)	5 January to 16 February 2018

### 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 (1and 2)	Yes
Are any 'excluded development' included? <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.  Policy WH4 needed refining to be in conformity with the CS. Achieving the desired mix that the policy requires through all new residential development may not always be possible. For instance, it would be particularly difficult to enforce in the case of smaller proposals such as single dwellings. WH8/WH9 had a borderline conformity, where a little work to the policy could make it improve its conformity to the Core Strategy. Policy WH11, needed a caveat :
Herefordshire Council Environmental Health	Slight amendment to policy WH5. Recommend that a further criterion be applied to a suitable paragraph which is that the amenity of any occupants arising out of any new dwellings should not be compromised by odour, dust, nuisance etc arising from existing agricultural or commercial activity. This would be to safeguard the amenity of future occupants.  The recommendation above we recommend be incorporated into the alternative proposed settlements and also any policies relating to windfall housing.
Herefordshire Council Environmental Health Air, Water and Waste	A review indicate a quarry was situated adjacent the allocated site: '19a South-Land off Ledbury Twinkelow'.  It is possible that unforeseen contamination may be present at the above mentioned site. Consideration should be given to the possibility of encountering contamination as a result of its former use and specialist advice be sought should any be encountered during the development.  The following three sites have historically been used as orchards. By way of general advice I would mention that 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.

	<ul style="list-style-type: none"> <li>• 19a North – Land off Ledbury Road at Callow pitch</li> <li>• 21- Land off pub lane</li> <li>• 23 - Land off the common opposite Orchre Hill</li> </ul>
Herefordshire Council  Transport Planning	<p>Page 16-Transport point 12- remove brackets from the sentence.</p> <p>Policy WH10- Change from "people" to "all modes".</p> <p>Para 1190 A working paper exploring potential safe routes to Ledbury - Should this be included as an appendix?</p> <p>Policy-WH16 PARA 3, no need for sentence 'the opportunity arise during the plan period.'</p> <p>Policy WH17-PARA2 first line include cyclists after pedestrians.</p>

Malvern Hills AONB	<p>Commends time and effect that has gone into the NDP. Small number of minor comments/suggestions to make, as follows.</p> <p>Glossary-Suggest a change to: Malvern Hills AONB Objective 8. Para 6, 3.20: Para 9, 4.50:</p> <p>Policy WH6 Para 15: Suggest a change to: Proposals for new polytunnels must be accompanied by a Landscape and Visual Impact Assessment. Reason for change: to more accurately reflect terminology.</p> <p>Policy WH13: the AONB unit is pleased to see that orchards are specifically mentioned within this biodiversity policy.</p>
Welsh Water	<p>At regulation 14- WW generally was supportive of the NDP and have commented:</p> <p><i>We do however provide a supply of clean water to the Parish Council area and I can advise that for the number of units proposed to be delivered over the Plan Period (including those with extant planning consent) there are no issues, although dependant on the location there may be the requirement for off-site water mains.</i></p>
National Grid	<p>National Grid has identified that it has no record of apparatus within the Neighbourhood Plan area.</p>
Historic England	<p>Previous comments remain entirely relevant, that is:</p> <p><i>"Historic England is supportive of both the content of the document and the vision and objectives set out in it.</i></p> <p><i>The emphasis on the conservation of local distinctiveness and the protection of locally significant buildings and rural landscape character including important views is to be applauded. We also commend the approaches taken in the Plan to ensuring that the design of new development takes cues from the local vernacular and thus contributes to the conservation and enhancement of the historic environment".</i></p>
Coal Authority	<p>No specific comments to make on it.</p>
Natural England	<p>No further comment to make on this plan at this stage.</p>
Severn Trent	<p>No specific comments to make</p>
Woodland Trust	<p>A generally a constructive response to the vision and objectives of the plan. A few comments to tweak the wording of some parts of the plan these include Objective 9.</p>

	The Woodland Trust suggest that your Neighbourhood Plan is more specific about ancient woodland protection and could strengthen environmental policies when referring to woodland protection.
Rachel Lovering member of Coddington Parish Council	Well done on all the work you have put into your Neighbourhood Plan. It's a very clear document and you've managed to make it easy and attractive to read. Good luck with the administrative procedure ahead of you, and thanks again for all the time you've given to this project and to your Parish generally.
Bosbury and Coddington Parish Council	Wellington Heath have a large population of EU and overseas workers - it was felt this could have carried more weight in policy application.  New properties should be built with a traditional design sympathetic with the existing properties.  The maps were easily referenced and the photographic evidence throughout was well presented.  Good consultation appears to have taken place

### 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 settlement of Wellington Heath. These boundaries have taken into account existing commitments and proportional growth requirements of 29 dwellings. The parish already has 14 commitments and 2 completions (April 2017). The plan has allocated 4 housing sites to accommodate up to 18 dwellings. The plan also allows for windfalls and some capacity within the settlement boundary of Wellington Heath, therefore it is likely that Wellington Heath will meet their proportionate growth target.

Overall, 14 responses have been received; 4 internal service providers and 10 from statutory and external consultees. No objections have been received by residents and overall the comments received are mostly positive and adversarial. Strategic Planning confirmed that the majority of the policies within the plan are in general conformity with the Core Strategy. Policy WH11 needed an additional caveat added to the policy to make it compliant with the Core Strategy. Three policies WH4, WH8 and WH9 have concluded with a Y/N conformity, therefore requires minor refinement however this can be addressed at the Examination Stage.

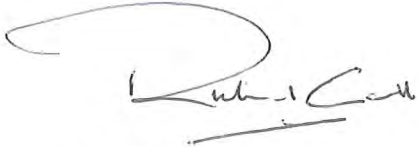
External responses from technical bodies such as Historic England, Natural England, National Grid and Environment Agency have raised no objection to the regulation 16 draft plan. It is considered that there are no fundamental issues relating to this plan which would prevent its progress to examination.

### 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 black ink, appearing to read 'Richard Gabb', with a horizontal line underneath the name.

**Richard Gabb**

**Programme Director – Housing and Growth**

Date: 23/2/2018

## Appendix 1

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

From Herefordshire Council Strategic Planning Team

Name of NDP: Wellington Heath- Regulation 16 submission version

Date: 12/02/18

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
WH1- Settlement Boundary	RA2	Y	
WH2- Protected Local Green Spaces	LD3	Y	
WH3- Strategic Gap	N/A	Y	
WH4- Mix of New Housing and Design for Changing Needs	H3	Y/N	Achieving the desired mix that the policy requires through all new residential development may not always be possible. For instance, it would be particularly difficult to enforce in the case of smaller proposals such as single dwellings.
WH5- Development in Wellington Heath Village within the Settlement Boundary	RA2, LD1, LD4, SD1, SD4	Y	
WH6- Development Outside the Settlement Boundary	RA3, RA4, RA5, RA6	Y	
WH7- Development of Allocated Sites 19a South and 19a North	N/A	Y	
WH8- Development of Allocated Site 21	N/A	Y/N	Deliverability of these sites is questionable, given the major constraints present, which were highlighted in the 2015 SHLAA.
WH9- Development of Allocated Site 23	N/A	Y/N	
WH10- Employment	RA6, E1, E3	Y	
WH11- Improvement of Community Facilities	SC1	N	There needs to be a caveat here:  The listed community facilities should be retained, <i>unless</i> it can be demonstrated that it is no longer required, viable, and has been marketed for community use without success.

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
WH12- Pollution, Water, Waste and Light Management	SD1	Y	<p><i>“External lighting must not be designed to be lit for many hours at a time.”</i></p> <p>This may prove to be a difficult criteria to effectively enforce.</p>
WH13- Biodiversity	LD2	Y	
WH14- Viewpoints and Ridgelines	LD1	Y	
WH15- Energy Conservation and Renewable Energy Schemes	SD2	Y	
WH16- Footpaths	SS4, MT1	Y	
WH17- Vehicle Parking and Access Arrangements	SS4, MT1	Y	
WH18- Communications	N/A	Y	

