

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Yarkhill Neighbourhood Area
Parish Council	Yarkhill Parish Council
Draft Consultation period (Reg14)	21 July to 22 September 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"> • 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 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

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 full conformity with the Core Strategy. See appendix 1 for details.
Herefordshire Council Environmental Health	No further observations to make regarding this plan
Herefordshire Council Environmental Health	<p><u>Policy Y1 :Site Allocations for New Housing</u></p> <p>The site identified as 'Site 1' allocated for new housing 'outlined in blue on Maps 6a appears from a review of Ordnance survey historical plans to have' historically been used as orchards.</p> <p>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> <p><u>Policy Y4 Conversion of Former Agricultural Buildings for Residential Use</u></p> <p>Some farm buildings may be used for the storage of potentially contaminative substances (oils, herbicides, pesticides) or for the maintenance and repair of vehicles and machinery. As such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development.</p>
Herefordshire Council	<p>P9 - 2.5 and 2.15 add shire to Hereford and Gloucester.</p> <p>P12 -Increase traffic volumes section, 3rd column add walking and public transport.</p>

Transport Planning	<p>P19 - add pedestrian into this, after cycle routes.</p> <p>Policy Y8 - Last policy-Proposals that support and enhance the provision of walking and cycling measures along the Herefordshire & Gloucestershire canal and that facilitate its connections to the transport network.</p>
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Coal Authority	No specific comments to make on it.
Welsh Water	<p>No further comments to make.</p> <p>Reg 14- Stated that Monkhide was covered by Waste Treatment sites so any new development would require private treatment.</p>
Environment Agency	We would not, in the absence of specific sites allocated within areas of fluvial flooding, offer a bespoke comment at this time. However, it should be noted that the Flood Map provides an indication of 'fluvial' flood risk only.
Highways England	Given the significant distance of Yarkhill from our network, we have no comments to make.
Historic England	<p>Our 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. The emphasis on the conservation of local distinctiveness and the protection of built and rural character is commendable. 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> <p>Overall the plan reads as a well-considered fit for purpose document which we consider takes a suitably proportionate approach to the historic environment of the Parish.</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.
Network Rail	There is a single level crossing in the plan area (Yarkhill 4A), any development of land which would result in a material increase or significant change in the character of traffic using a rail crossings should be refused unless, in consultation with Network Rail, it can either be demonstrated that the safety will not be compromised, or where safety is compromised serious mitigation measures would be incorporated to prevent any increased safety risk as a requirement of any permission.
Woodland Trust	General comments see full comments in Appendix 2.
Mr and Mrs Treutens Resident	<p><i>Objection.</i> Concerned as settlement boundaries were changed last year. One area where the settlement boundary was proposed to be changed, was at Newtown crossroads.</p> <p>This land which had a planning application refused in May 2017, the reasons being because of significant highway safety issues that cannot be resolved. There were also drainage issues that cannot be solved either. We agree with the NDP which maintains the village feel in this rural area. Full comments can be found in the documents reg 16 responses.</p>

<p>Debbie Brookes Resident</p>	<p><i>Objection.</i> Seek clarification concerning the settlement of Monkhide.</p> <p>Map 8 identifying the settlement boundary for Monkhide shows lines drawn around properties and gardens only. No allowance has been made for land that can accommodate windfall site or future growth. Is it possible that the housing need for Monkhide can be provided solely in residents back gardens??</p> <p>I have read a number of other Parish Neighbourhood Development Plans and I note with these that housing delivery is part of the vision to be achieved and land has been provided within boundaries to achieve this housing growth.</p> <p>Boundary lines in other NDP's appear to extend beyond the curtilage of resident's properties allowing for the development proposed within the plan to be delivered I cannot see within the boundary identified for Monkhide that new housing can be delivered over the length of the plan and note that no capacity has been left within the boundary drawn to deliver windfall sites.</p>
<p>Julie Taylor Resident</p>	<p><i>Objection.</i> Many residents recently attended a steering group meeting where there was a unanimous decision not to incorporate the proposed changes to the boundaries, especially with regards to the land opposite the petrol garage following a recent refusal of planning citing unsuitable drainage and failure to address the road safety issues, the lack of public transport and connectivity problems, especially for vulnerable or disabled persons.</p> <p>The steering group clearly indicated that the residents around Newtown had no desire to see development on this site. Any development of this land would be challenged legally as some residents have existing soakaways, drainage and covenants in place to protect their rights to maintain their drainage systems.</p> <p>With regards to the density of any developments I agree with the limits proposed. The facilities within Newton are limited to a petrol garage and shop with now no longer a public house or post office available to the residents.</p>
<p>Neil Taylor Resident</p>	<p><i>Support.</i> The neighbourhood plan reflects the desire of the Yarkhill community to support sustainable and sympathetic development which exceeds the requirements of the County Council to 2031.</p> <p>The settlement boundaries have been subject to much debate, especially around the Newtown area. A recent steering group meeting to debate some proposed changes to the boundary was attended by a significant number of Newtown residents, the proposals were unanimously rejected especially with regards to the land opposite the petrol garage.</p> <p>This land was subject to a planning application in late 2015. After 18 months of deliberation it was finally refused around May 2017. The applicant was unable to show a suitable drainage strategy or addresses the substantial number of road safety issues and connectivity problems.</p> <p>The steering group meeting clearly indicated that the residents around Newtown had no desire to see development on this site, citing drainage, flooding and road safety issues. The development of this land also raises legal issues with regards to residents existing soakaways which run onto the land in question and covenants in place to protect their rights to maintain their drainage systems.</p> <p>With regards to the density of any developments I agree with the limits proposed, this will maintain the rural feel of the village, and prevent the over-stretching of the very limited infrastructure. Socially is unfortunate that the facilities of the illegally developed Newtown Inn continue to be denied to the community; this had also provided much needed employment in the area. Full comments can be found in the documents Reg 16 responses.</p>

<p>Paul Smith on behalf of resident Justine Williams</p> <p>Resident</p>	<p><i>Objection</i> . I support Draft Policy Y3 which permits new residential development within new settlement boundaries.</p> <p>However, I object to the Regulation 16 Yarkhill NDP on the grounds that it excludes much of my client's property at 'Northcroft' at Newtown Cross the draft NDP settlement boundary as shown on the Newtown Village Proposals Map.</p> <p>Under paragraphs 6.16 and 6.17 of the draft NDP, large gardens, orchards and other areas can be excluded from the settlement boundary in order to conserve the character of the area and to limit village expansion. Neither of these circumstances apply to my client's 'excluded' land. States that the scale, location of the land is in keeping with the settlement and requests for the settlement boundary to be redrawn to include clients land and allocated as a housing site. Therefore, my client's proposal compares favourably against to the larger of the two proposed housing allocations in the village which is further from the village core and extends significantly into the open countryside at the likely cost of the local landscape. Full comments can be found in the documents reg 16 responses.</p>
<p>Tom Jauques Planning Consultant on behalf of Mr Fry</p>	<p>Request that the Inspection is undertaken as a hearing so that the matters referred to may be fully considered by the Independent Inspector.</p> <p>Consider that the Old Brickworks site should be allocated for development within the NDP.</p> <p>We submitted this to the draft Neighbourhood Plan (Regulation 14 consultation), but key issues were not adequately considered. The original representation is attached to enable the points to be properly considered by the Inspector. Do not consider the NDP to be Compliant with the Basic Conditions. The call for sites did not comply with the stated methodology in the Communications Strategy, in particular items 8,9 and 10, or the "Call for Sites Assessment Report"</p> <p>Mr Fry only received a late notice of the Reg 12 consultation. Despite our submission to that process, and correspondence with the NDP Steering Committee, neither Mr Fry, nor us as his Agents were notified of the Reg 16 consultation.</p> <p>Since this consultation response, further progress has been made in resolving the reasons for refusal of the Old Brickworks site promoted by Mr Fry, and we are moving towards submission of a new application.</p> <p>Mr Fry wishes to avoid the situation that this site, which would contribute to meeting the Herefordshire Housing and Affordable Housing targets, is prevented from being brought forward by a poorly considered Settlement Boundary, policies and site allocations through this NDP.</p> <p>It remains that the vision and objectives on the NDP include contradictions and incompatibilities, and are not supported by the site allocations. In particular Objective 1, for more affordable housing, is not compatible with limiting the size of developments to 6 in Objective 3, nor with the creation of public open space, community facilities and improved transport links.</p> <p>The draft NDP is little changed from the Reg 14 consultation as far as the Old Brickworks site is concerned, and our response to that consultation still stands as enclosed.</p> <p>Reg 14 Consultation</p> <p>Following the Reg 14 consultation, we were invited to the NDP Steering Group Meeting on 12th Oct 2017. Para 6.10 states that 'The Steering Group concluded that, in response to strong local opposition, and considering the fact that the NDP could meet the minimum housing requirement in the Core Strategy without the inclusion of further sites, there was no need to amend the settlement boundary and include either of the 2 proposed new sites in the submission NDP.'</p>

	<p>These two sites were reasonable alternative sites which should have been considered properly through a site assessments process and subject to sustainability appraisal on the same terms as the promoted sites. The “strong local opposition” referred to was a small number of neighbouring residents.</p> <p>As indicated in the notes, there was some discussion at the meeting about the lack of contact with Mr Fry over the NDP process, and the call for sites, and whether the Old Brickworks site should be assessed alongside the allocated sites, a location plan marked with a site up to 6 houses was sent to the Steering Group. This was not taken forward by the Steering Group.</p>
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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 Yarkhill. These boundaries have taken into account existing commitments and proportional growth requirements. The proportionate growth target for Yarkhill is 18 dwellings, the parish already has 4 commitments and 5 completions; this leaves a residual figure of 9. With this in mind, there are site allocations proposed Newtown and Monkhide to accommodate up to 12 dwellings. The plan also allows for windfalls and some capacity within the settlement boundary of Yarkhill.

Overall, 14 responses have been received; 4 internal service providers and 4 from statutory and external consultees. There have been 6 comments from residents or consultants on behalf of residents, 5 of these have been objections and 1 have been of support. The raised objections from residents are: the ndp excludes much of property at ‘Northcroft’ at Newtown Cross, the call for sites did not comply with the stated methodology in the Communications Strategy, Old Brickworks is not included within the settlement boundary and the proposed site at Newtown. Strategic Planning raised no objections and confirm that the policies within the plan are in general conformity with the Core Strategy.

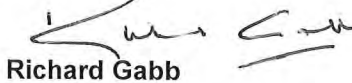
External responses from technical bodies such as Historic England, Natural England, National Grid and have raised no objection to the regulation 16 draft plan. It is considered that there are no fundamental issues relating to this plan which would prevents its progress to examination.

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


Richard Gabb

Programme Director – Housing and Growth

Date: 23rd February 2018

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Yarkhill- Regulation 16 submission version

Date: 9/1/18

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Y1- Site Allocations for New Housing	RA2	Y	The removal of sites 9 and 10 addresses the concerns raised at Regulation 14 stage. The remaining 2 sites allocated are suitably located, adjacent to a Core Strategy identified settlement.
Y2- Settlement Boundaries	RA2	Y	
Y3- Housing Development within the Settlement Boundaries of Newtown and Monkhide	RA2, SD1-SD4	Y	A degree of flexibility should be given to ensure that new or innovative designs are not unduly restricted from coming forward where they are appropriate and integrate well with their surroundings.
Y4- Conversion of Former Agricultural Buildings for Residential Use	RA5	Y	
Y5- Protecting Existing Areas of Employment and Encouraging Investment in Business Opportunities	RA6, E2	Y	Suggestion: <i>"...will be required to make provision for high speed broadband and other relevant communication networks <u>where appropriate.</u>"</i>
Y6- Supporting Rural Diversification	RA5, RA6	Y	
Y7- Tourism	RA6, E4	Y	
Y8- Traffic and Transport	MT1	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Y9- Water Supply and Drainage	SD3, SD4	Y	
Y10- Reducing Flood Risk and Supporting Sustainability	SD1-SD4	Y	The issues this policy sets out to address are covered just as comprehensively, if not more so, by those in the Core Strategy that relate to it.
Y11- Community Facilities	SC1	Y	
Y12- Protecting Landscape Character	LD1	Y	
Y13- Large Agricultural Buildings	N/A	Y	
Y14- Local Energy Schemes	SD2	Y	