

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Wyeside Group Neighbourhood Area
Parish Council	Wyeside Group Parish Council
Draft Consultation period (Reg14)	16 May to 26 June 2016
Submission consultation period (Reg16)	6 February to 20 March 2017
Examination report received	1 September 2017
Resubmission consultation period (Reg16)	24 January to 7 March 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 (1 and 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 relate to only one neighbourhood area?	2004 Act 38B (1 and 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 The NDP has been through an examination in September 2017. The parish council decided to withdraw their plan following the issuing to the examiner's report.

Summary of comments received during submission consultation

Natural England	Welcome addition of Policy WE05 that aim to provide additional policy safeguards to avoid adverse impacts on the River Wye SAC and ensure the delivery of the Nutrient Management Plan is not compromised.
Historic England	Our previous substantive Reg16 comments remain relevant – supportive of both the content of the document and the vision and the objectives set out in it. Emphasis on the conservation of local distinctiveness and the protection of locally significant buildings and landscape character is to be applauded. The plan reads as a well-considered, concise and fit for purpose document. No further substantive comments to make.

Welsh Water	<p>Pleased to note that comments have been taken on board and that a new environmental objective (7) and new policy (WE05) has been included.</p> <p>No further comment to make on this version of the plan.</p>
Sport England	General comments not specific to Wyeside.
National Grid	Identified that there are no records of apparatus within the neighbourhood plan area.
Ministry of Defence	Allocated areas for development fall outside the statutory safeguarding zones, they lie within an area where military low flying activity may take place. Therefore any proposed development exceeding 50m at these locations should be referred to the office.
Woodland Trust	<p>Vision or one of the objectives should be amended to seek to protect and enhance the character of Wyeside: 'To protect and enhance the local environmental, green and open spaces, ancient woodland, veteran trees hedgerow and trees.'</p> <p>Pleased to see the plan does indent the need to conserve and enhance its landscape. Should also seek to ensure development must conserve mature trees and hedgerows. Ancient woodlands would benefit from strengthening protection building: 'Substantial harm to or loss if irreplaceable habitats such as ancient woodlands, should be wholly exceptional.'</p> <p>Policy WE03 does acknowledge the principle importance of retaining trees, hedgerows and woodland, it should also seek to retain and enhance open green spaces, resist the loss of open space.</p>
Highways Agency	No comments to make on this consultation
Herefordshire Council – Strategic Planning	<p>Confirm conformity with the strategic policies of the Core Strategy.</p> <p>See Appendix 1 for details.</p>
Herefordshire Council – Transportation	No comments to make
Herefordshire Council - Environmental Health (contamination)	As no specific sites have been identified, unable to provide further comments with regards to

	<p>potential contamination.</p> <p>With regards to WH04 would add the following:</p> <p>Some farm buildings may be used for the storage of potentially contaminative substances or for the maintenance and repair of vehicle 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 by sough should any be encountered during the development.</p>
Herefordshire Council - Environmental Health (pollution)	Suggest amendment to policy 4.10 objective 7 to read 'Ensure that development is sensitive to residential amenity and the rural environment and ensure that any new residents' amenity is not impacted by existing commercial or agricultural activity'.

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 NDP has previously been subject to an independent examination In September 2017. Unfortunately the parish council were concerned that the suggested recommendations within the examiner's report would not reflect the community aspirations. Rather than completely withdrawing, the parish council reviewed their evidence, addressed the concerns of the examiner and resubmitted.

This plan has met the requirements of the regulations as set out in the table above. The majority of the previous examiner's recommendations have been made to the plan.

Overall, 12 responses have been received; 4 internal service providers and 8 from external consultees.

Strategic Planning raised no objections and confirm that the policies within the plan are in general conformity with the Core Strategy. Although there are some concerns regarding the ability of the criteria based policies to yield the proportional growth requirements for the parish.

External responses from technical bodies such as Historic England, Natural England, Welsh Water and National Grid have raised no objection to the regulation 16 redrafted plan.

It is considered that there are no fundamental issues relating to this plan which would prevents its progress to examination.

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 blue ink, appearing to read 'Richard Gabb', with a horizontal line underneath.

Richard Gabb

Programme Director – Growth

Date: 9th March 2018

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Wyeseide- Regulation 16 2nd submission version

Date: 07/03/18

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
<i>WB01- New Business Opportunities</i>	SS1, SS5, RA6, E1, E2, E4	Y	
<i>WB02- Retail Development</i>	SS1, RA6, E6	Y	
<i>WH01- New Housing Development</i>	SS1, RA2, RA3, RA4	Y/N	<p>The policy appears to require “All new housing development...” to be contiguous with an existing village centre. This does not appear to account for residential development that would not necessarily be located contiguous to an existing village centre. For example, housing in open countryside and Affordable Housing delivered through Rural Exception Sites.</p> <p>It is noted that the plan has its own policies, WH03 and WH05, relating to Affordable Housing and open countryside development respectively. For clarity, the policy could make reference to these?</p> <p>Alternatively, it could be made clearer that this policy relates to new housing development in villages, rather than <i>all</i> new</p>

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			housing development. Additionally, can it be assured that there are deliverable and available sites, contiguous to existing village centres, to come forward for the type of development specified in the plan period?
<i>WH02- Ensuring an appropriate Range of Tenures, Types and Size of Houses</i>	SS1, H3	Y	
<i>WH03- Affordable Housing</i>	SS1, H1, H2	Y	Affordable Housing can also be delivered by larger housing developments in the villages. This policy appears to be referring exclusively to those delivered through Rural Exception Sites.
<i>WH04- Re-use of Rural Buildings</i>	SS1, RA5	Y	
<i>WH05- Housing in Open Countryside</i>	SS1, RA3, RA4, RA5, H2	Y	
<i>WHD01- New Building Design</i>	SS1, LD1, SD1, SD2, SD3	Y	
<i>WHD02- Change of use and Associated Building Alterations and/or Extensions</i>	SS1, RA5, LD1, SD1, SD2, SD3	Y	
<i>WE01- Environmental Restrictions on Development</i>	SS1, SD3, SD4	Y	
<i>WE02- Landscape Design Principles</i>	SS1, LD1, LD2, LD3, LD4	Y	
<i>WE03- Protecting Green Infrastructure, Heritage Assets and</i>	SS1, LD1, LD2, LD3, LD4	Y/N	The Local Green Space designation as shown on the policies map is not considered appropriate against the criteria for

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
<i>Local Green Space</i>			the designation set out in the NPPF. It is considered to be an extensive tract of land.
<i>WE04- Renewable Energy</i>	SS1, SD2	Y	
<i>WE05- Public Sewerage and Wastewater Treatment</i>	SS1, SD4	Y	
<i>WF01- Retention of Existing Recreational Facilities</i>	SS1, SC1, OS3	Y	Minor clarity suggestion: “...which demonstrates that the <u>land or facility</u> is surplus to requirements...”
<i>WF02- Picnic Areas, Improving Footpaths and Access to the River Wye</i>	SS1, OS1, OS2, E4	Y	
<i>WF03- Additional Community and Recreational Facilities</i>	SS1, SC1, OS1, OS2	Y	