

## Progression to Examination Decision Document

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

Name of neighbourhood area	Almeley Neighbourhood Area
Parish Council	Almeley Parish Council
Draft Consultation period (Reg14)	19 February 2018 to 9 April 2018
Submission consultation period (Reg16)	27 June 2018 to 22 August 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 (1 and 2)	Yes
Are any 'excluded development' included?	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> <li>• County matter</li> <li>• Any operation relating to waste development</li> <li>• National infrastructure project</li> </ul>		
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

External Consultation Responses	
Coal Authority	No specific comments to make.
Welsh Water	Parish Council consulted us at the Regulation 14 stage and as such we provided a consultation response at this stage. To summarise, we have no issues with the content of the Neighbourhood Plan and welcome the references to the public sewerage network, in particular the provisions of policy ALM17.
National Grid	No record of apparatus within the Neighbourhood Plan area.
NFU West Midlands	<p>AGRICULTURAL DEVELOPMENT AND MANURE SPREADING</p> <p>The National Farmers Union has been contacted by concerned farmer members regarding the Almeley Neighbourhood Plan. The NFU, one of the largest representative bodies in this area, was not consulted. The NFU, therefore, questions whether the consultation requirements have been properly complied with.</p> <p>Have a number of significant concerns about its content and query whether it is in alignment with local and national planning policy. It has the potential to unduly restrict the growth of farm businesses and curtail their ability to</p>

	<p>comply with legislation through the delivery of infrastructure for environmental management or animal welfare.</p> <p>The document has some very supportive statements about supporting agricultural businesses in the early pages and we welcome the fact that the importance of the industry to the local area is cited within the plan.</p> <p>However we are extremely concerned by policy ALM 9 as in its current form it would create a number of barriers agricultural development. It is a duplication of Environment Agency activity regarding agricultural regulation. We are also concerned that it has included reference to general purpose agricultural buildings.</p> <p>The phrase “disposal of waste manure” is inappropriate language as manure is not classed as a waste when spread to land. Considering manure to be a waste when it’s being used as a fertiliser is an error which undermines this plan.</p> <p>ALM 9 refers to “sites and species of local importance to nature conservation in Almeley parish” This statement is very wide in scope and therefore would be unduly restrictive.</p> <p>Do not believe it is reasonable or propionate to restrict manure spreading on land abutting or within a conservation area. Manure spreading is a fundamental part of agricultural land management and is vital to support crop (including grass) growth by returning sustainable nutrients to the land.</p> <p>Vi) – We are very concerned by this section as it seeks to layer additional constraints upon agricultural manure spreading. It is not clear what sort of evidence would be required and as we have stated above activities would change each year depending on cropping plans. Furthermore manure application is regulated by the Environment Agency. Vii) – Agricultural developments are not likely to be covered by waste management licensing, conditions and therefore clarification is required about what this would mean in practice.</p> <p>7.5 – It is not clear which Defra guidance is referred to here.</p> <p>7.6 – Livestock manure is not a commercial waste product. Therefore this is a significant error and should be amended.</p>
Environment Agency	In the absence of specific sites allocated within areas of fluvial flooding, there is no bespoke comment at this time.
Historic England	<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 variations in local character through good design and</i></p>

	<p><i>the protection of locally significant green space, buildings, historic farmsteads and landscape character including key views and archaeological remains is to be applauded”.</i></p> <p>Overall Historic England considers that the plan reads as a very comprehensive, well written and well-considered document which is eminently fit for purpose. We consider that the Plan takes an exemplary approach to the historic environment of the Parish and that it constitutes a very good example of community led planning.</p> <p>Those involved in the production of the Plan should be congratulated.</p>
<p>Herefordshire Council Responses</p>	
<p>Herefordshire Council - Conservation</p>	<p>When looking at Registered Parks and Gardens, rather than looking at wording such as development which adversely affects a Registered Park and Garden, should this be development which adversely affects the (significance?) of registered parks and gardens? The Landscape Team may be able to provide advice on this aspect of the NDP.</p>
<p>Herefordshire Council – Conservation – Building Conservation</p>	<p>No comments to make</p>
<p>Herefordshire Council – Air, Land &amp; Water Protection</p>	<p><u>‘Policy ALM11: Land to north of West View’</u>, has no previous historic potentially contaminative uses.</p> <p><u>‘Policy ALM13: Redevelopment of Land at Woonton Farm’</u> This proposed ‘housing development’ site appears from a review of Ordnance survey historical plans to have historically been used as orchards. By way of general advice 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 ALM13: Redevelopment of Land at Woonton Farm’ &amp; ‘Policy ALM14: Residential Use Associated with Historic Farmsteads’</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> <p>And regarding sites with a historic agricultural use, I would also mention that agricultural practices such as uncontrolled burial of wastes or excessive pesticide or herbicide application may be thought of as potentially contaminative and any development should consider this.</p>

Herefordshire Council – Strategic Planning	The plan's policies are in general conformity, but question the allocation of 'the Batch' LGS and the farmstead policy, with those equivalent in the Herefordshire Core Strategy. See appendix1 for full details.
Herefordshire Council – Environmental Health and Trading Standards	No observations or comments to make with regard to the Regulation 16 consultation for the Neighbourhood Plan for Almeley.
Resident Responses	
Bernard Eacock Ltd (on behalf of Mr Mokler)	<p>By way of background information, I wrote back in April 2016, proposing other land in Mr Mokler's ownership as a future development site. However, I also drew attention to the fact that Mr Mokler had been pursuing planning permission on land to the east of The Manor in accordance with conclusions reached within the Inspector's Report upon the Herefordshire Unitary Development Plan and suggested that this land needed to be included within the Settlement Boundary in order to adhere to the Inspectors conclusions.</p> <p>The Almeley Village Proposals Map (page 52) still omits this land despite the clear conclusion of the UDP Inspector within Paragraph 5.40.7 of his report, that this land should be included within the Settlement Boundary. This directly contradicting his comment within paragraph 5.40.8, that the Settlement Boundary should be amended "<i>as soon as priorities allow</i>" to include this land.</p> <p>The preparation of the Almeley NDP is, for all intents and purposes, the first opportunity for a revision of the Settlement Boundary to be implemented. Furthermore, and despite publication and recent revision of the National Planning Policy Framework, there have been no material changes or amendment of the fundamental planning policy considerations against which the UDP Inspector made his assessment, which would warrant a different conclusion to now be reached.</p> <p>Wish to formally register an objection to the plan in its current form as it is my assertion that the Settlement Boundary, and any projected housing delivery numbers for Almeley, will require amendment in order to adhere to the UDP Inspector's conclusions.</p>
M R Edwards (McCartneys) on behalf of J Mills	Wish to object to Almeley Parish NDP in relation to the omission within the development boundary of the Land at Woonton, situated to the south west of The Orchards, which has been granted planning permission.

**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.

No major concerns have been raised from neither internal nor external responses with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy. Therefore the plan is considered to meet the general conformity requirements of the Core Strategy and comments are generally supportive.

External responses from technical bodies such as Historic England, Natural England, National Grid, Coal Authority, Environment Agency and Welsh Water have raised no objection to the Regulation 16 draft plan. The NFU have also raised any objection to Policy ALM9.

There was two response from agents on behalf of local residents. One outlined concerns regarding land to the east of The Manor should be included within the settlement boundary as clearly indicated within the UDP examiner's report. The other that land at The Orchard can be included within a settlement boundary.

### **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.**



**Richard Gabb**

**Programme Director – Housing and Growth**

Date: 4/09/2018

## Appendix 1

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

From Herefordshire Council Strategic Planning Team

Name of NDP: Almeley- Regulation 16 submission draft

Date: 09/07/18

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
ALM1- Promoting Sustainable Development	SS1	Y	
ALM2- Development Strategy	SS1; SS2; RA2; RA3; RA4; RA6	Y	
ALM3- Maintaining and Protecting the Landscape and its Features	SS6; LD1; LD2	Y	
ALM4- Protecting Heritage Assets	SS6; LD4	Y	
ALM5- Protection of Local Green Space	SS6; OS3	Y/N	<p>“The Batch” may not considered appropriate for the Local Green Space designation. Given its scale, it could be considered as an extensive tract of land, which would fail to comply with the criteria of paragraph 77 in the NPPF.</p> <p>It is noted that the site already benefits from designation as a Local Wildlife Site, and part of the Conservation Area. With these considered, development in any case would be highly unlikely to be permitted here, and therefore the overall necessity of affording it the Local Green Space designation is questionable.</p>
ALM6- Design Appearance	SS6; LD1; LD2; SD1	Y	
ALM7- Sustainable Design	SS1; SS6; SD1; SD2; SD3; SD4	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>
ALM8- Diversification through Live/Work Units	SS1, RA5, RA6, E3	Y	
ALM9- General Purpose Agricultural Buildings and Intensive Livestock Units	SS1; SS6; RA6	Y	
ALM10- Housing Development in Almeley	SS1; SS2; RA2; H3; MT1; LD1; LD4; SD1	Y	
ALM11- Land to North of West View	SS1, RA2, H3, MT1, LD1, LD2, SD1	Y	It should be noted that the 2012 SHLAA considered the allocated site to be highly constrained due to its sloping nature.
ALM12- Housing Development in Woonton	SS1; SS2; RA2; MT1; LD1; LD4; SD1; SD3; SD4	Y	
ALM13- Redevelopment of Land at Woonton Farm	SS1, MT1, LD1, LD4, SD1, SD3, SD4	Y	
ALM14- Residential Use Associated with Historic Farmsteads	SS1; RA3; RA4; RA5; H2	Y/N	It is not clear whether this policy is inclusive of encouraging the conversion of existing redundant farmstead buildings. If this is the case, the buildings in question must be demonstrably capable of conversion through a structural survey (in accordance with RA5). It must also be capable of accommodating the proposed uses without the need for substantial alteration, extension, ancillary buildings, areas of hard standing or other development which would have adverse impacts.
ALM15- Providing for Local Housing Need	SS1; SS3; H1; H3	Y	
ALM16- Highway Requirements	SS1; SS4; MT1	Y	



Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
ALM17- Sewage and Sewerage Infrastructure	SS6; SD4	Y	
ALM18- Protection from Flood Risk	SS7; SD3	Y/N	<p>Buildings used for dwelling houses are classified in national planning guidance as “more vulnerable” with regard to flood risk vulnerability. It could therefore be permissible in flood zone 2 areas, with such proposals in zone 3a being subject to the Exception Test:</p> <p><a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575184/Table_3_-_Flood_risk_vulnerability_and_flood_zone_compatibility.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575184/Table_3_-_Flood_risk_vulnerability_and_flood_zone_compatibility .pdf</a></p>
ALM19- Protection and Enhancement of Community Facilities and Services	SS1; SC1	Y	
ALM20- Contributions to Community Services, Youth Provision, and Recreation Facilities	SC1	Y	

