

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Hampton Bishop Neighbourhood Area
Parish Council	Hampton Bishop Parish Council
Draft Consultation period (Reg14)	18 April to 1 June 2018
Submission consultation period (Reg16)	23 October to 4 December 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

<p>Are any 'excluded development' included?</p> <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

<p>Herefordshire Council Strategic Planning</p>	<p>Confirmation that the plan is in general conformity with the Core Strategy.</p> <p>Details are contained within Appendix 1</p>
<p>Herefordshire Council Environmental Health (noise)</p>	No further comments to make
<p>Herefordshire Council Environmental Health (contamination)</p>	No specific comments to make
Historic England	No substantive further comments to make
National Grid	No records of apparatus within the neighbourhood area
Highways England	<p>The nearest section of the SRN to Hampton Bishop is the A49</p> <p>No concerns are raised with regards to the policies</p>

Coal Authority	No specific comments to make
Environment Agency	Note that the plan does not allocate sites which reflects the significant flooding problems within the area. Plan has a strong focus on flood risk HB1 and HB2.
Welsh Water	No specific comments to make
Bartestree with Lugwardine Parish Council	<p>To point out that the settlement boundary appears to consist of two areas within the parish and that this is not referred to or explained in the accompanying text.</p> <p>We would suggest that it says 'two settlement boundaries' or a 'settlement boundary consisting of two discrete areas'.</p> <p>The boundary of the Parish is incorrectly drawn. Please see the attached map for the corrected route. The amendments are shown in yellow highlighter and the relevant grid references are below.</p> <p>Line 1 - 548385 to 549389 Line 2 - 540409 to 537410 Line 3 - 537411 to 548407 Line 4 - 552401 to 553397 Line 5 - 556394 to 562390 Line 6 - 562384 to 564383</p>
Dormington and Mordiford Group Parish Council	Support the proposals
RCA Regeneration On behalf of STL Energy Ltd Land to the north of A438	<p>Commend the clear structure</p> <p>Policy HB7 – suggest the inclusion of 'design and access statement' within the policy wording.</p> <p>Policy HB8 – policy does not include a trigger point for when a Landscape and Visual Impact Assessment is to be submitted.</p> <p>Policy HB10 – reference should be made to the Landscape and Visual Impact Assessment on high/high medium landscape sensitivity areas</p> <p>Promoting a site for 6 self-build dwellings on land to the north of A438, Hereford, would welcome this being allocated within the NDP</p>
RCA Regeneration On behalf of STL Energy Ltd	<p>Commend the clear structure</p> <p>Policy HB7 – suggest the inclusion of 'design and</p>

Land to the east of Holywell Gutter Lane	<p>access statement' within the policy wording.</p> <p>Policy HB8 – policy does not include a trigger point for when a Landscape and Visual Impact Assessment is to be submitted.</p> <p>Policy HB10 – reference should be made to the Landscape and Visual Impact Assessment on high/high medium landscape sensitivity areas</p> <p>Support the inclusion of land to the east of Holywell Gutter Lane, Hereford to achieve a development that can deliver the rugby club in this location</p>
Gladman Development Ltd	<p>Policy HB4 – policy needs to be ensure conformity with para 132-134 of the NPPF regarding weight to heritage assets</p> <p>Policy HB6 – given the shortfall in housing suggest the policy is caveated and supports sites adjacent to the settlement boundary</p> <p>Policy HB7 – concerned some of the criteria are overly prescriptive</p>

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.

A total of 14 representations were received during the submission consultation period. Many of these referencing no further comments to make. Two sites have been suggested for inclusion as allocations.

Existing commitments have demonstrated that the proportional growth for the plan area can be achieved. The Strategic Planning team have also confirmed that the NDP is in general conformity with the Core Strategy.

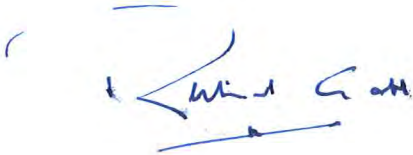
Concerns regarding policy wording meeting the basic conditions can be addressed during the examination process.

The plan has met the requirements to move forward to examination.

Assistant Director's comments

Decision under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.

Approved

A handwritten signature in blue ink, appearing to read 'Richard Gabb', with a horizontal line underneath.

Richard Gabb

Programme Director – Housing and Growth

Date: 6th December 2018

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Hampton Bishop- Regulation 16 pre-submission consultation version

Date: 23/10/18

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
HB1- Development in Areas of Flood Risk	SS1; SS7; SD3	Y	
HB2- Design for Flood Resilience and Resistance	SS1; SS7; SD3	Y	
HB3- Design to Reduce Surface Water Run-Off	SS1; SS7; SD3; SD4	Y	
HB4- Protecting Heritage Assets and Archaeology	SS1; SS6; LD4	Y	The policy could be given greater localised effect if some of the Parish's valued heritage assets (designated or not) were to be defined for protection and listed within it. At present, the policy doesn't expand much upon the criteria of its Core Strategy equivalent, LD4.
HB5- Protection of Historic Farmsteads	SS1; SS6; RA5	Y	
HB6- Hampton Bishop Settlement Boundary	SS1; SS2; RA2; RA5; SC1; MT1; LD1-LD4; SD3	Y	
HB7- Building Design Principles for New Development	SS1; SS6; LD1; SD1	Y	
HB8- Landscape Design Principles	SS1; SS6; OS3; LD1	Y/N	Criterion 3- In order to fully accord with policy OS3, a minor alteration should be made here for clarity. Development resulting in the loss of open space should be

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			considered against the principles set out in OS3. ⁱ
HB9- Green Infrastructure	SS1; SS6; LD2; LD3	Y/N	With regard to the last paragraph concerning habitats, it should be made clear that retention and protection of nature conservation sites, habitats and species should be in accordance with their status, as defined in policy LD2, criterion 1. ⁱⁱ Whether this complies fully with LD2 is dependent on what would fall under this definition of “irreplaceable habitats”, aside from the examples given.
HB10- Development on the Urban Fringe of the City of Hereford	SS1; SS6; RA1-RA3; LD1-LD4	Y	
HB11- Improving Traffic Management and Accessibility in Hampton Bishop	SS1; SS4; MT1	Y	
HB12- Local Green Spaces	SS1; SS6; OS3	Y	

ⁱ clear evidence that the open space, sports or recreation facility is surplus to the applicable quantitative standard;

the loss of the open space, sports or recreation facility results in an equally beneficial replacement or enhanced existing facility for the local community;

the loss of the open space, sports and recreation facility is for the purpose of providing an ancillary development which improves the functioning, useability or viability of the open space, sport and recreation use, e.g. changing rooms, toilets, grandstand accommodation, assembly and function uses;

the loss of the open space, sports or recreation facility will not result in the fragmentation or isolation of a site which is part of a green infrastructure corridor.

ⁱⁱ Development that is likely to harm sites and species of European Importance will not be permitted;

Development that would be liable to harm Sites of Special Scientific Interest or nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations;

Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site, habitat or physical feature that supports important species.

Development that will potentially reduce the coherence and effectiveness of the ecological network of sites will only be permitted where adequate compensatory measures are brought forward.