

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Welsh Newton and Llanrothal Neighbourhood Area
Parish Council	Welsh Newton and Llanrothal Parish Council
Draft Consultation period (Reg14)	25 October 2015 to 07 December 2015
Submission consultation period (Reg16)	07 November 2016 to 19 December 2016
Second Submission consultation period (Reg16)	01 November 2018 to 13 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
Are any 'excluded development' included? <ul style="list-style-type: none"> • County matter • Any operation relating to waste development 	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> National infrastructure project 		
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.

<u>Department</u>	<u>Comments</u>
Strategic Planning	<p>No objections. Full comments can be found in appendix 1.</p> <p>No conformity issues raised. Qualified comment on WNL4, The Local Green Space designation is not considered necessary for the common land in Welsh Newton. Being common land would mean it is protected from any development incompatible with future continued use of it as common land.</p>
Environmental Health Noise/ Nuisance	<p>Suggests an amendment to Policy RA2 5.2.2 2. 'Their locations make best and full use of suitable brownfield sites wherever possible' to be amended to add 'where the proposed site is not adversely impacted by adjacent commercial or agricultural activity'. This is to protect the amenity of future residential occupants.</p>
Environmental Health Air/waste/ Contaminated land	<p>"Policy WNL9 Site Allocation – Former Garage Site"</p> <p>Records indicate the proposed site is located on a former garage/ filling station which has historically stored petrol tanks. The garage site is a potentially contaminative use and will require consideration prior to any development. Petrol tanks, interceptors, pipe runs, spill areas, oil storage and inspection pits are all areas on a garage site where there is a possibility for contamination to occur.</p> <p><i>"WNL8: Extensions to houses and residential conversions of former agricultural buildings"</i></p> <p><i>"WNL10: New business development in former agricultural buildings"</i></p> <p>Some farm buildings may be used for the storage of potentially contaminative</p>

	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.
--	---

External Responses

Natural England	Natural England does not have any specific comments on this draft neighbourhood plan.
Historic England	<p><i>“Historic England are supportive of both the Vision set out in the Plan and the content of the document, particularly its’ emphasis on local distinctiveness and the maintenance of rural character.</i></p> <p><i>We particularly commend the thorough approach taken to, inter alia, protecting and enhancing landscape character (Policy WNL1) and the retention of locally important buildings and orchards and the protection of archaeological remains. Equally commendable is the approach taken to Building Design (Policy WNL4) (NB now WNL5) including in relation to historic farmsteads.</i></p> <p><i>Historic England considers that the identification of Welsh Newton Common as an area of quite distinct character, the definition of a settlement boundary here and the crafting of a bespoke Policy (WNL5) (NB now WNL6) for the areas protection and future management constitutes a quite exemplary approach.</i></p> <p><i>Overall the plan reads as a well-considered, concise and fit for purpose document which we consider takes a suitably proportionate approach to the historic environment of the Parish”.</i></p> <p>Beyond those observations we have no further substantive comments to make on what Historic England considers is a very good example of community led planning.</p>
Highways England	No concerns regarding the policies set out within the NDP and we support the continued commitment to sustainable development contained within the plan.
The Coal	No specific comments
Welsh Water	<p>No further comments</p> <p>Comments received at Reg14: Draft Neighbourhood Development Plan has been prepared in accordance with the Adopted Herefordshire Local Plan Core Strategy, DCWW are supportive of the aims, objectives and policies set out. As you will no doubt be aware, there is no public sewerage provision in the Group Parish area. As such, any new development will require alternative foul drainage under the provisions of ‘Policy SD4 – Wastewater treatment and river water quality’ of the Adopted Herefordshire Core Strategy. With regard to DCWW providing a clean water supply, there are no issues in accommodating the level of development proposed, though dependant on the location of the development, some level of off-site mains may be required.</p>
CPRE	I have forwarded it on to our planning team.
National Grid	<p>National Grid has identified the following high voltage overhead powerline as falling within the Neighbourhood area boundary:</p> <ul style="list-style-type: none"> • 4YU Route - 400kV two circuit route from Rassau substation in Blaenau Gwent substation to Brelston Green substation in Melksham in Herefordshire <p>From the consultation information provided, the above overhead powerline does not interact with any of the proposed development sites.</p>

	<p><i>Gas Distribution – Low / Medium Pressure</i></p> <p>Whilst there is no implications for National Grid Gas Distribution's Intermediate / High Pressure apparatus, there may however be Low Pressure (LP) / Medium Pressure (MP) Gas Distribution pipes present within proposed development sites.</p> <p>Electricity distribution</p> <p>Information regarding the distribution network can be found at: www.energynetworks.org.uk</p>
Gladman Object	<p>Objects to plan. Plan does not meet the basic conditions, by not conforming to policy or by contributing to sustainable development.</p> <p>Concerned with the wording of the vision and objectives.</p> <p>Policy WNL1 does not have sufficient evidence to support this policy to justify the protection of key views.</p> <p>Policy WNL4 does not meet para 77 of the NPPF, there is not enough evidence to support the designation of greenspace.</p> <p>Policy WNL5 some criterion in this policy is overly prescriptive, limiting sustainable development coming forward.</p> <p>Policy WNL6 suggest policy WNL6 is explicit in its support of sustainable development adjoining the defined settlement boundary. This already appears to be the Parish Councils position as we note that objective 4 of policy WNL1 states "<i>developments adjoining or within</i>".</p>
Patti Fender	<p>There are references to flood issues within the Neighbourhood Development Plan, namely: 4.4.3. "Welsh Newton is at the bottom of a steep sided valley and at the low point in the road, at the southern end of the village, there are already flooding problems due to uncontrolled run off and insufficient drainage."</p> <p>5.2.30. "There is an ongoing problem with flooding in Welsh Newton."</p> <p>On Maps 7 and 9 a ditch system known to be responsible for flooding is referenced to have issues. Should I expect that these flood issues were discussed by the Parish Council during preparation for inclusion in the Neighbourhood Development Plan?</p>

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 external 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 has previously been to examination in July 2017, following the examiner's report the parish decided to withdraw their plan. The plan has now been updated and the environmental report and habitat regulations assessment reports have been revised in line with the examiner's comments in assessing alternative settlement boundary options.

There is a mixed use site allocation in Welsh Newton on the former garage site for mixed use development with a preference to housing, farm shop/antique/tea shop café. The plan allocates a settlement boundary in Welsh Newton, this will accommodate windfall housing. As of April 2018, Welsh Newton and Llanrothal have exceeded their proportionate growth housing target of 14 by 2. The plan also expects housing to be achieved through windfalls and capacity within the settlement boundary of Welsh Newton Common.

Overall, 12 responses have been received from 3 internal service providers and 7 from statutory consultees. One comment was received from the general public and one from a consultant providing an objection. The only concern raised by Herefordshire Council's Strategic Planning team was regarding part of WN4 policy. It allocates Welsh Newton Common as greenspace, however as a common it is already protected.

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

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Polytunnels			<p>needs to be updated. This has since been replaced with the Polytunnels Planning Guide, published in June 2018. This is no longer a Supplementary Planning Document.</p> <p>Polytunnels are considered to be a 'less vulnerable' development in the 'flood risk vulnerability classification' Table 2 National Planning Practice Guidance (NPPG). Whether this is in flood zone 3a or 3b will have a bearing on what may be permitted.</p>
WNL12- Supporting New Communications Technologies and Broadband	SS1; E3	Y	
WNL13- Supporting Community-Led Low Carbon Energy Schemes	SS1; SS6; SS7; LD1; LD2; SD2	Y	
WNL14- Renewable Energy Schemes	SS1; SS6; SS7; SD2	Y	
WNL15- Improving Local Footpaths, Bridleways, Cycleways and other Public Rights of Way	SS4; MT1	Y	
WNL16- Provision and Protection of Local Community Facilities	SS1; SC1	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			maps 5 & 6.
WNL5- Building Design Principles	SS1; RA2; RA3; LD4; SD1	Y	The first sentences of points 1 and 2 appear to repeat quite similar criteria. Could this be revised down into one to make the policy more succinct and avoid repetition?
WNL6- Welsh Newton Common Settlement Boundary and New Housing	SS1; RA2; RA3; RA4; H2; LD4	Y	
WNL7- Rural Exception Housing	SS1; RA3; RA4; RA5; H2	Y	
WNL8- Extensions to Houses and Residential Conversions of Former Agricultural Buildings	SS1; RA5 SD1	Y	
WNL9- Site Allocation- Former Garage Site, Welsh Newton	SS1; RA2; H1; H3	Y	<p>“Some market housing may be permitted as part of the development in order to subsidise affordable housing provision”.</p> <p>“The affordable housing element should be offered at a market rent until such time as a local person needs it. The houses in the affordable part of the scheme should not exceed 3 bedrooms”. Is there evidence to support this particular requirement? Needs may be subject to change over time and the Strategic Housing Team should be consulted on this element.</p> <p>From personal observation, this site appears to now be developed? Therefore should this policy still be included?</p>
WNL10- New business development in former agricultural buildings	SS5; RA3; RA5; RA6; SD3; SD4; E1	Y	
WNL11-	SS6	Y	Paragraph 5.3.5- The reference to the SPD

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

 Name of NDP: Welsh Newton & Llanrothal- Regulation 16 (2nd submission) consultation draft

Date: 05/11/18

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
WNL1- Protecting and Enhancing Local Landscape Character	SS1; SS6; RA2; RA5; MT1; SD1; LD1-LD4; SD4	Y	
WNL2- Green Infrastructure	SS6; LD2; LD3	Y	
WNL3- Protecting and Enhancing Local Wildlife and Habitats	SS6; LD2; LD3	Y	
WNL4- Local Greenspace Protection	SS6; OS3; LD3	Y/N	<p>The Local Green Space designation is not considered necessary for the common land in Welsh Newton. Being common land would mean it is protected from any development incompatible with future continued use of it as commonland.</p> <p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/477135/common-land-consents-policy.pdf (see paragraph 5.13)</p> <p>The designation could also be considered inappropriate against the NPPF criteria, as it could be viewed to be an extensive tract of land.</p> <p>References to the relevant NPPF paragraphs need updating in light of the new updated document. It should now refer to paragraphs 99, 100, and 101.</p> <p>Number labelling of maps 6 & 7 but referred to</p>

enhance the policies drafted within the NDP. One comment has been received from a member of the public, commenting on flooding and drainage issues in Welsh Newton.

The view expressed by the Neighbourhood Planning team that the plan is in general conformity with the Core Strategy and overall meets the basic conditions. Therefore is recommended that the Welsh Newton and Llanrothal Neighbourhood Plan progresses 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 – Growth

Date: 20.12.2018