

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Dilwyn Neighbourhood Area
Parish Council	Dilwyn Parish Council
Draft Consultation period (Reg14)	10 September to 22 October 2018
Submission consultation period (Reg16)	25 January to 8 March 2019

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?	1990 61K / Schedule 1	No

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

Summary of comments received during submission consultation

Herefordshire Council Air, Land & Water Protection	The two proposed sites have not previous historic potential contaminative uses.
Herefordshire Council Strategic Planning	The plan is in general conformity with the Core Strategy. Full comments within Appendix 1
Herefordshire Council Development Management	The housing allocation along the west edge of the village will affect the setting of the scheduled ancient monument from the main public vantage point.
Herefordshire Council Conservation	<p>Site/ Policy DW 4 – <i>Land to the south west of Orchard Close and Castle Mount.</i></p> <ol style="list-style-type: none"> 1. This large allocation occupies a potentially challenging location at the southern end of the historic village of Dilwyn. 2. We note the extensive prior correspondence that exists here (with Historic England and others) relating to the significant issue of the adjacent Dilwyn Castle SAM. 3. Whilst the latest iteration of the neighbourhood plan does acknowledge the level of harm that might arise, and suggest mitigation, we are of the view that Policy DW4 may need to more explicitly describe the kind of buffer that might be

	<p>needed here, or indeed redraw the boundary of the allocation to take some of the proposed housing area out of consideration entirely.</p> <p>4. For example (although this is not a direct suggestion) if the western half [only] of the current allocation were to be developed, then I think that the open aspect and setting of the castle site would largely be retained, with only minor loss.</p> <p>5. It is recognised of course that such a measure would almost certainly leave some shortfall. However, given that the other allocation in the village is much less sensitive archaeologically, and has on the face of it some scope for enlargement, it should be possible to limit this.</p>
Historic England	<p>Concerned about the land allocated to the south west of Orchard Close and Castle Mound. Our firm view that further archaeological work is required to provide suitable detailed information in advance of any allocation being made.</p> <p>Failure to do this would result in unacceptable risk of harm to archaeological remains of potential national importance.</p> <p>No further information has been provided since our comments at Regulation 14</p> <p>Apparent that alternative housing sites have been discounted on the basis there would not financially support affordable housing with no evidence provided.</p>
Natural England	No specific comments to make
Welsh Water	<p>Wish to clarify one point from the Schedule of Representations which has been misunderstood.</p> <p>Advised that if the allocation 'Land south west of Orchard Close and Castle Mound' that it would likely result in hydraulic overload of the Dilwyn WwTW</p> <p>WW have not committed to accommodating the growth, there is no scheme within the currently time.</p> <p>Having said that Policy DW9 is acceptable.</p>
Environment Agency	In the absence of specific sites, would not offer a bespoke comment at this time
Coal Authority	No specific comments to make
National Grid	No record of apparatus within the Neighbourhood Area
Highways England	No comment to make

<p>Tompkins Thomas Planning</p> <p>On behalf of Mr Hudson</p>	<p>Land adjacent to Wood Stock Cottage</p> <p>Land remains available for development and is appropriate for inclusion within the settlement boundary. It lies adjacent to the built form between Dilwyn and Dilwyn Common. Site is a commercial orchard but modern orchard not a constraint to development.</p> <p>Vision and objectives – agree entirely with the vision and stated objective.</p> <p>DW1 – landowner open minded in terms of scale of development that might be brought forward. 10 dwelling scheme might produce offer of low cost market properties</p> <p>DW2 – disagree with the analysis in para 5.2. Views from the south will now have development and views from the north are unavailable due to topography</p> <p>DW4- allocation of a significant area would be contrary to the wishes of the local community. Harm to the setting of the Scheduled monument should be avoided if alternatives present themselves.</p> <p>DW5 – provide affordable housing is site was allocated</p> <p>DW6 – significance has been incorrectly attributed to the commercial modern orchard. The site is not a traditional orchard.</p> <p>DW8 – some concern with the language used in point 5</p> <p>DW9 – no issues</p> <p>DW11 – no issues</p> <p>DW15 – criteria i) is missing</p> <p>DW16 - support</p> <p>DW17 – is vague and ambiguous</p> <p>DW18 - agree with provisions</p> <p>DW19 – noted and acknowledged</p> <p>DW20 – the site would not affect any public rights of way</p>
<p>Mr R Verdin</p> <p>On behalf of Garnstone Farms</p>	<p>We have two housing sites identified within the plan and support their inclusion and intend to make them available within the period of the plan.</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.

Some concerns relating to the Land south west of Orchard Close and Castle Mound have been raised by internal and external consultees. These concerns relate to the setting of the Scheduled Ancient Monument.

External responses from technical bodies such as Natural England, National Grid, and Welsh Water have raised no objection to the Regulation 16 draft plan. Historic England raised concern and indicate that further archaeological work is required to provide suitable detailed information in advance of any allocation being made.

A representation from a planning consultant on behalf of Mr Hudson highlights issues with policies DW1, DW2, DW4 and DW6 and a representation was received from Mr R Verdin on behalf of Garnstone Farms supporting the inclusion of the two allocation sites.

Due to the nature of the archaeological raised with policy DW4 further consultation has been undertaken with Herefordshire Council's Archaeology Unit who have stated that if smaller proportion of the Orchard Close and Castle Mound site were developed, this could be more acceptable, with the open aspect and setting of the castle site largely being retained, with only minor loss.

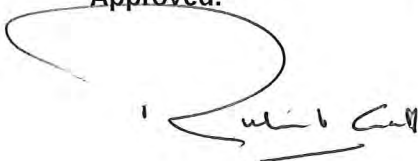
It is therefore considered that with these further comments regarding the site and the possibility of scaling down the size of the development, for example if the site were to be halved, the parish would still comfortably meet their required proportional growth target.

With this in mind, it is considered that the plan can be progressed 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 black ink, appearing to read 'Richard Gabb', is written over a large, hand-drawn oval scribble.

Richard Gabb

Programme Director – Housing and Growth

Date: 2 - 4 - 19.

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

From Herefordshire Council Strategic Planning Team

Name of NDP: Dilwyn Regulation 16 submission

Date: 06/03/18

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Policy DW1: Promoting Sustainable Development	Policy SS1; SS2; SS6; SD1; RA1; RA6; SS7;	(Y)	
Policy DW2: Housing Development in Dilwyn Village	Policy RA3; RA2	(Y)	
Policy DW3: Housing Sites in Dilwyn Village	Policy H1; H2;	(Y)	
Policy DW4: Development Principles for Land to the south- west of Orchard Close and Castle Mound	Policy H3; MT1; SD1; LD1; LD2	(Y)	
Policy DW5: Affordable and Intermediate Homes	Policy H1	(Y)	
Policy DW6: Conserving the Landscape, Scenic Beauty and Natural Environment of the Parish	Policies LD1; LD2; LD3; SD1	(Y)	
Policy DW7: Protecting Heritage Assets	Policies LD4; SD1	(Y)	
Policy DW8: Development within Dilwyn Conservation Area	Policies LD4; SD1	(Y)	
Policy DW9: Foul and Storm Water Drainage and Flooding	Policies LD4; SD3; SS7	(Y)	
Policy DW10: Protection of Local Green Space	Policies LD3; LD4; OS3	(Y)	
Policy DW11: Design and Appearance	Policies MT1; LD2; SD1	(Y)	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Policy DW12: Small and Home-based businesses	Policies SS5; RA5; RA6; E1; E3	(Y)	
Policy DW13: Rural Enterprises, Diversification and Tourism.	Policies SS5; RA5; RA6; E1; E2; E3; E4	(Y)	
POLICY DW14: Promotion of High-Speed Broadband and Telecommunications	SS5	(Y)	
Policy DW15: Renewable and Low Carbon Energy	SD2	(Y)	
Policy DW16: Protection and Enhancement of Community Facilities and Services	Policies SS5; SC1; OS3	(Y)	
Policy DW17: Contributions to Community Facilities.	Policies SS5; SC1; OS3	(Y)	
Policy DW18: Traffic Measures within the Parish	Policies SS4; MT1	(Y)	
Policy DW19: Highway Design Requirements	Policies MT1	(Y)	
Policy DW20: Protection and Enhancement of the Public Rights of Way Network	Policies SS4; MT1	(Y)	