

## Progression to Examination Decision Document

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

Name of neighbourhood area	Holmer and Shelwick Neighbourhood Area
Parish Council	Holmer and Shelwick Parish Council
Draft Consultation period (Reg14)	28 January to 11 March 2019
Submission consultation period (Reg16)	30 July to 24 September 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"> <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 (1and 2)	Yes

<p>Are any 'excluded development' included?</p> <ul style="list-style-type: none"> <li>• County matter</li> <li>• Any operation relating to waste development</li> <li>• National infrastructure project</li> </ul>	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"> <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

<p>Herefordshire Council Strategic Planning</p>	<p>Confirmed conformity with the Core Strategy. Appendix 1 contains the specific details.</p>
<p>Herefordshire Council Environmental Health (contamination)</p>	<p>No specific sites within the plan therefore unable to provide specific comment</p>
<p>Herefordshire Council Environmental Health (noise and air)</p>	<p>Recommend an additional sentence to HS' 1 and HS3 to include 'the proposed houses will not be adversely impacted by existing agricultural or commercial activity'</p> <p>There is a missing word 'be' in HS1i and HS2i because the sentence states ' the proposed homes will no adversely impact existing agricultural or commercial activity'</p> <p>HS3i statement incorporates our recommended changes</p>
<p>Herefordshire Council Conservation / Historic buildings</p>	<p>Based on a desktop study, have no comments to make</p>

Historic England	No adverse comments to make upon the draft plan. Suitable proportionate approach to the main historic environment issues.
Coal Authority	No specific comments to make
Welsh Water	No specific comments to make
C R Planning Solutions On behalf of Mr Price	<p>Object to the designation of Local Green Space located in the centre of Munstone settlement off Coldwells Road (site 3).</p> <p>The site is privately owned and not available for public use. Site has no heritage, landscape or wildlife value. The site is not demonstrably special. The site forms a large tract of open (0.9ha)</p> <p>The LGS is not compliant with policy.</p> <p>The landowner has not been contracted about the designation.</p> <p>The site is a grass field currently used for grazing horses. There is no compelling evidence has been provided why the site is unique, distinctive or rare.</p>
Tompkins Thomas Planning	<p>Support the vision and objectives</p> <p>Policy HS1 – definition of the settlement boundary on one hand is too prescriptive and limiting development yet adopting the position of supporting sites adjacent to the settlement boundary.</p> <p>Risk larger site at the periphery being acceptable.</p> <p>The plan does not appear to identify brownfield land.</p> <p>Policy HS2 – the function of the settlement boundary is undermined by the wording of HS1</p> <p>Policy HS3 – reiterate our Reg14 comments</p> <p>Policy HS4 – reiterate our Reg14 comments.</p> <p>The Duck Pond and the Trig Point are not heritage assets and the language should be unambiguous.</p> <p>Policy HS5 - note and appreciate the removal of sites not within the plan area</p> <p>Policy HS8 – reiterate comments made at Reg14. These areas are not appreciate LGS.</p> <p>Policy HS9 – this policy deals with the Western Relief Road, the corridor of which includes land that is subject to policy HS8. Tensions between the two policies.</p>
Galdman Developments ltd	Policy HS1 - supportive of settlement boundaries which

	<p>encourage within and adjacent to allow flexibility</p> <p>Policy HS2 however does not have the same level of flexibility. The use of a settlement boundary to preclude otherwise sustainable development does not accord with a positive approach.</p> <p>Policy HS4 – elevates the weight afforded to non-designated heritage to the same level of protection as designed heritage regardless of significance. Policy should be reworded</p> <p>Policy HS5 – emphasis of the policy is on protection rather than sustainable development. Opinion on landscape are highly subjective. Criteria 1 is too onerous.</p> <p>Policy HS8 – 3, 6, 7 and 8 in combination would result in 10.56ha of land. This is an extensive tract of land effect creating green belt on the edge of Holmer. The policy should be deleted.</p>
<p>Messrs P and R Jenkins</p> <p>Local residents</p>	<p>The settlement boundary doesn't encompass the last residence in the village, the railway line forms a natural boundary.</p> <p>How will the vibrant village centre be achieved when Shelwick remains remote</p> <p>Employment land – no provision for small starter businesses</p> <p>Will transparent from the PC as to the content of the NDP</p> <p>NPD does not allow for the further expansion of Shelwick</p>
<p>Collins Design and Build</p> <p>On behalf of landowner of Holmer House Farm</p>	<p><i>Object to the exclusion of Holmer House Farm and adjoining land from the settlement boundary.</i></p> <p>Planning and listed buildings applications have been submitted. First draft includes all the current application land. The boundary was then amended to exclude part of Bloor planning permission and Holmer House Farm with no clear reason as to why.</p> <p>The settlement boundary has been enlarged at Reg14 but results in isolated parcel of land.</p> <p>Clear evidence exists that the land forms part of the strategic urban extension (Holmer West). Application forms a residual part of the strategic extension.</p> <p>Holmer is already more urban characteristics than Munstone and Shelwick therefore can accommodate additional housing without comprising the character of the parish. Quarter of the site is brownfield. Applications demonstrate that all technical issues have been addressed. Agricultural activity has ceased.</p> <p><i>Object to the designation of part of Holmer House Farm as Local Green Space.</i></p> <p>There are no public footpaths providing views across the land</p>

	<p>and long range views have been removed by development. Setting of the church is already protected. There is no distinctive local character, beauty, ecological value or historic significance. Land is not publically accessible or used for recreation. There is no valid reason for the designation and it should be removed.</p> <p>Policy HD3 a) lack sufficient clarity and unreasonably prescriptive.</p> <p>b) garages not included as parking spaces runs contrary to the councils adopted Highway Design Guide</p> <p>e) preventing flat roofed design is also unreasonably restrictive</p>
<p>Albright Dene On behalf of Ashberry Healthcare</p>	<p>Object to the designation of land behind Holmer Court Residential Care Home as Local Green Space.</p> <p>Recognises the potential of the land to expand the residential Care Home and facilities, designation of the green space could frustrate expansion and jeopardise future of the facility</p>
<p>Hook Mason On behalf of local landowner Shelwick</p>	<p>Suggesting additional land to be included within the Shelwick settlement boundary. Previously had permission for 7 dwellings and would form a logical extension.</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. 4 internal comments, 3 statutory consultees and 7 local residents and/or planning agents on their behalf.

Existing commitments together with the provisions within the NDP 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.

There are some concerned about the consistency of policy wording between the two settlement boundaries and the allocation of land at Local Green Space. This can be addressed at the examination.

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 large, sweeping initial flourish above the name.

**Richard Gabb**

**Programme Director – Housing and Growth**

Date: 26.02.12.

Appendix 1



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

From Herefordshire Council Strategic Planning Team

Date: 02/08/19

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
HS1- New Housing Development in Munstone and Shelwick	SS1; SS2; RA2	Y	
HS2- New Housing Development in Holmer	SS1; SS2; RA2; RA3	Y/N	<p>The boundary continues to exclude a number of site options that have been put forward in the Hereford Area Plan (HAP). This was previously flagged up at Regulation 14 consultation.</p> <p>These are options with no concrete proposals at present. However, it is important that this NDP acknowledges the possible requirement for strategic allocations brought forward through the HAP, which may be located adjacent to or outside of this boundary.</p>
HS3- Design	SS1; SS6; LD1-LD4; SD1-SD4	Y	I would maintain that criterion B might prove difficult to enforce in practice. Particularly, for instance, in developments that may comprise terraced cottages or semi-detached dwellings.
HS4- Protecting Local Heritage Assets	SS1; SS6; LD1; LD4	Y	
HS5- Landscape and	SS1; SS6;	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Natural Environment	LD1-LD3		
HS6- To support the growth of Local Businesses	SS5; RA6; E3	Y	Suggestion- "Small scale" business enterprises could be seen as restrictive and open to misinterpretation. Proposals that are of an appropriate scale, commensurate with their location and setting is the flexible approach taken by the Core Strategy.
HS7- Community Facilities	SS1; SC1	Y	
HS8- Protecting Local Green Spaces	SS6; OS3	N	<p>Much of my comments made at Regulation 14 in relation to this I reiterate.</p> <p>Comments on the Relief Road not being classified as inappropriate development under the definition in the NPPF are noted.</p> <p>Even so, I would question whether it is logical to allocate this area as LGS. It is likely that the site's value and accessibility to the public will likely be significantly changed by a road route running through it.</p> <p>It is also still not considered that the designation is appropriate for sites 6, 7 and 8 on account of that they appear to be quite extensive tracts of land, contrary to the criteria of the NPPF.</p>
HS9- Western Relief Road	HD4	Y	
HS10- Community Infrastructure Levy and	N/A	Y	



Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Planning Obligations			

**General comment:**

As highlighted before at Regulation 14, the neighbourhood area is in something of a unique planning policy position, in that it will be subject to more than one localised statutory development plan. The draft NDP should have regard to some of the current area based proposals of the developing Hereford Area Plan (HAP). Specifically, the Hereford Relief Road safeguarded corridor and housing and employment site options currently under consideration. It is appreciated that no draft HAP is yet published, but it is important that the NDP should not prejudice or undermine the delivery requirements of the HAP (see comments on HS2).

