

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Linton Neighbourhood Area
Parish Council	Linton (Bromsash, Gorsley & Linton)
Draft Consultation period (Reg14)	11 November 2019 to 6 January 2020
Submission consultation period (Reg16)	27 May 2020 to 8 July 2020

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?	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

External Consultation Responses	
Historic England	<p>Historic England is supportive of both the content of the document and the vision and objectives set out in it. We are pleased to note the Plan is well informed by reference to the Herefordshire Historic Environment Record and including historic landscape analysis.</p> <p>The emphasis on the conservation of local distinctiveness and village and landscape character through good design, including through the protection of designated and undesignated heritage assets, along with the recognition afforded to green space and historic farmsteads and is highly commendable.</p> <p>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.</p> <p>Beyond those observations we have no further substantive comments to make on what Historic England considers is a good example of community led planning.</p>
Coal Authority	No specific comments to make
Welsh Water	Nothing further to add post Reg14 comments
National Grid	National Grid has identified that it has no record of such assets within the Neighbourhood Plan area.
Environment	No comments received

Agency	
Natural England	No specific comments to make
Severn Trent	Supportive of Policy BGL2 Supportive of BGL4 – suggestion of additional wording in point 2 and 3 referring to developments and management of water used and efficiency
Herefordshire Council Responses	
Development Management	No comments received
Conservation – Building Conservation	No comments received
Air, Land & Water Protection	Given that no specific sites have been identified in the plan, unable to provide comment with regard to potential contamination.
Strategic Planning	Conformity issues originally highlighted at Reg14 have been addressed. Confirmation of general conformity - full detail within Appendix 1
Environmental Health and Trading Standards	No objections to the proposed policies nor housing settlement sites
Transportation	<p>Development control comments:</p> <ol style="list-style-type: none"> 1. Speed and Volume surveys - full 7 days are required with new accesses. <ol style="list-style-type: none"> a. Access visibility splays need to be assessed against Manual for Streets 2 guidance. 2. They need to include Core Strategy policy SS4 <p>Active travel comments:</p> <ul style="list-style-type: none"> • Objective 3 (p12): Infrastructure and roads declare to “support the provision of improved infrastructure in line with new development, including roads/pavements; public transport and the encouragement of active travel (walking and cycling). • Building policy BGL1 (p13) seeks among the following objectives under 3. to supporting provision that encourages active travel; but could possibly be stronger in the light of objective 3. • Under building design policy BGL4 (p24) refers to provision of “cycle storage and onsite pedestrian and cycle access” (para 2 & 4), and “wherever practicable include provisions for pedestrians and cyclists to encourage active travel, and for powered disability vehicles;” (para 5). Would have liked to see preferences for developments that also provide off-site infrastructure, for example, to serve active travel access to the Gorsley school building on the toucan crossing over the busy B4221. • BGL10 (p39) Small-scale employment development, could also explicitly refer to BGL4 in the policy rather than in the preamble (para 7.5).

	<ul style="list-style-type: none"> • Rather than policies, transport issues are picked up in the list of Community Actions (Table 3, p42): only CA6 refers to walking and cycling and then about talking with landowners (why not developers too?). Although CA1 refers to “all road users” it seems to focus on speed limits, weight and parking restrictions and footways.
Other Responses	
Russell Pryce CDB Planning and Architecture	<p>Repeat objection - original lodged at the Reg14 stage as the comments made remain valid.</p> <p>Objection: NDP Policy BGL6 – Settlement Boundaries</p> <p>Unbalanced and disproportionate distribution of housing across the Parish settlements</p> <p>Bromsash, an unsustainable settlement with no facilities accommodating a greater housing provision than Linton which is larger, has community facilities and is a higher tier settlement under Core Strategy (CS) policy RA2, Figure 4.14. To further evidence why Linton can accommodate a housing allocation, the sustainability assessment within the Council’s Rural Housing Background Report 2013, which underpins CS policies RA1 and RA2 scores Bromsash with 2 points and Linton with 17 points. The CS rural housing strategy is written to facilitate proportionate housing growth in rural settlements like Linton. The NDP is now being used to block even modest proportionate housing to meet local needs and is therefore is not consistent with the intentions and objectives of CS policies RA1 and RA2.</p> <p>Suggested settlement boundary revision for Linton to address this conflict with the CS rural settlement spatial strategy.</p>
Fiona Morison Local Resident	<p>Supports the Neighbourhood Development Plan. The decisions have been made with care and thought, referencing the needs and priorities of the local community. It is to be hoped that in the future, Herefordshire Council take into account the democratically arrived at wishes of the people of Linton.</p>
Paul Smith on behalf of Mr and Mrs Newton	<p>The comments can be summarised and concluded that the draft NDP should not progress to a referendum or towards it being ‘made’ until the outcome of the Government’s overhaul of the planning system is known and whether the draft NDP needs to be reviewed to ensure it accords with national policy. At this stage it is not known if the NDP fulfils the basic conditions.</p> <p>It is commented that the Settlement Boundary would provide an insufficient supply of housing growth and that:</p> <p>(i) That the NDP fails to adhere to its own objective of defining the draft settlement boundary in accordance with the Council’s 2015 guidance on settlement boundaries; and</p> <p>(ii) That failure to adhere to the Council’s 2015 guidance would provide insufficient scope for ‘windfall’ schemes to significantly boost the supply of housing in the sustainable rural settlement of Gorsley.</p> <p>It is also noted that the NDP will be ‘out of date’ should there continue to be a</p>

	<p>shortfall in the supply of deliverable housing sites the county under paragraph 11 of the NPPF.</p>
<p>Paul Smith on behalf of Mr. Jonathan Collier</p>	<p>The comments can be summarised and concluded that the details of the Governments planning overhaul are known and it is not possible to conclude that the draft NDP will fulfil the Basic Conditions having regard to national policy or whether or not it will contribute to sustainable development as defined in a revised NPPF.</p> <p>Therefore, the draft NDP should not progress to a referendum or towards it being 'made' until the outcome of the Government's review of the planning system is known and whether the draft NDP needs to be re-formulated.</p> <p>It is commented that the Settlement Boundary would provide an insufficient supply of housing growth and that the NDP promotes less development in Gorsley than is earmarked in the strategic policies for the area contained in the Core Strategy contrary to paragraphs 29 and 59 of the NPPF. Therefore, the NDP does not fulfil two of the 'Basic Conditions' that it accords with the Core Strategy and national planning policy. The NDP aims to restrict new housing development by the application of a strict settlement boundary rather than rely upon housing allocations. The proposed tightly-drawn settlement boundary is unlikely to generate sufficient numbers of new houses to ensure the delivery of the quantum of new housing in Gorsley commensurate with its sustainability credentials.</p> <p>It is also noted that the NDP will be 'out of date' should there continue to be a shortfall in the supply of deliverable housing sites the county under paragraph 11 of the NPPF.</p>
<p>Stephen Challenger Property Secretary Diocese of Hereford</p>	<p>Objection regarding the settlement boundary and exclusion of glebe land.</p> <p>Not consulted or aware of the Reg14 NDP but endorse the designation of land beside the village hall as Local green Space – this is appropriate to the setting and street scene.</p> <p>Glebe land should be included within the settlement boundary.</p>
<p>Mr & Mrs. P.M. Dodd Local residents</p>	<p>Commented on support for the Plan, but concerns regarding the proposed Settlement Boundary as most of Bromsash is in Linton, it is felt that there should be an adjustment of parish boundaries so that the settlement comes under one Parish Council (Linton), which can then consult with residents as to the appropriate settlement boundary.</p>
<p>Jennifer Jones Planning Officer Forest of Dean District Council</p>	<p>No comments to make</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.

No major concerns have been raised from internal responses, 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. The parish has met its proportional growth through existing built and permissions despite there being no site allocations within the plan itself there is a continuing windfall potential. 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 and the Environment Agency have raised no objection to the Regulation 16 draft plan.

There were six external responses, five of which highlight issues with the proposed settlement. It is also commented that land has been excluded and the plan would not meet the basic conditions at this point in time.

These issues would not prevent the plan being recommended for examination where the outstanding objections can be reviewed.

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: 21 July 2020

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Linton Parish- Regulation 16 submission draft

Date: 28/05/20

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
BGL1- Sustainable Development	SS1; SS2; SS4; SS5; SS6	Y	
BGL2- Natural Environment	SS6; LD1; LD2; LD3; SD3; SD4	Y	
BGL3- Historic Environment	SS6; LD4	Y	
BGL4- Building Design	SS4; SS6; SS7; MT1; OS1; OS2; LD3; SD1	Y	
BGL5- Renewable and Low Carbon Energy	SS7; SD2	Y	
BGL6- Settlement Boundary	SS2; RA2	Y	
BGL7- Housing Mix	SS2; H3	Y	
BGL8- Community Services and Facilities	SS1; SC1	Y	
BGL9- Local Green Space	SS6; OS3	Y	
BGL10- Small-scale Employment Development	SS5; RA6; E1; E2; E3	Y	
BGL11- Agricultural Development	SS5; RA6	Y	

Other comments:

Nothing further to add- plan in general conformity with CS.