

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Much Birch Neighbourhood Area
Parish Council	Much Birch Parish Council
Draft Consultation period (Reg14)	16 December 2019 to 11 February 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? <ul style="list-style-type: none"> • County matter • Any operation relating to waste 	1990 61K / Schedule 1	No

development <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
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

Please note the below are summaries of the responses received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.

Herefordshire Council	
Environmental Health	No comments to make on the three proposed housing sites
Development Management	<p>Wormlow settlement boundary Policy MB8 relating to the Wormelow settlement boundary: The allocated site for housing on Tump Lane (1.4 ha) brings forward the largest area of land for development in the Parish but is not included within a settlement boundary. There is an existing cluster of approximately 50 dwellings at this location and the addition of the 20 dwellings approved in outline under P130945/O will create a significant cluster of dwellings which should form part of the formal settlement boundary of Wormelow.</p> <p>Furthermore if the Reserved Matters application for P130945/O does not materialise in time and that permission is to lapse there would be an apparent conflict between Policies MB8 and MB9 as the site would fall to be considered against Core Strategy RA3 as directed by MB8 when the clear and stated intention is to provide housing on the site. Including this site and the related cluster of housing within the settlement boundary would secure the provision of housing up to the stated requirements of the Parish.</p> <p>Alternatively more clarity needs to be given to the effect of Policy MB9 in relation to this site as MB8 and associated maps designate the site as open countryside.</p> <p>Holly Bush Lane settlement boundary Permission has been granted for two dwellings on land west of the Underhills, Holly Bush Lane. These dwellings will amplify the linear form of development seen along Holly Bush Lane and consideration should be</p>

	given to including these in the settlement boundary.
Strategic Planning	<p>Confirms the NDP is in conformity with the Core Strategy.</p> <p>The response in full, can be found in appendix 1.</p> <p>Policy MB3- Comment carried over from Reg 14- <i>Criterion 5- "important views" is quite a subjective term. Have these key views been specifically defined/listed/mapped anywhere, with some evidence that they are demonstrably special to residents, for instance Parish survey results?</i></p>
Transportation	<p>Transport: Development control comments: Need to reference HC Design guide, Manual for Streets 1 and 2 , Design Manual for Roads and Bridges (DMRB) a. Visibility splays should meet the appropriate guidance's and should be supported with a full 7 day speed survey undertaken during term time.</p> <p>Need to reference HC Core Strategy policies MT1 and SS4</p> <p>Transport: Active travel team comments: No comments other than the apparent insistence of a cycle route to Ross-on-Wye being <i>only</i> possible along what is part of the strategic route network (A49). More attractive alternative routes are possible using quieter roads, for example, even if only to avoid some of the constraints on the A49 (land ownership / lack of suitable verges for conversion / physical barriers etc).</p> <p>Inclined to suggest the desire for a route between the parish and Ross-on-Wye be recorded and, given some of the constraints that exist, omit specifically tying it to along the A49. Not something I would insist upon though.</p>
External	
Welsh Water / DCWW	<p>Nothing further to add at this time.</p> <p>Comments to reg 14 were: <i>DCWW are supportive of the aims, objectives and policies set out. Only part of the Parish Council area is served by the public sewerage system namely the settlements of Much Birch and Wormelow, with the remainder of the Parish Council area requiring private sewage treatment.</i> <i>Policy MB9-With regard to the three particular proposed allocations as outlined in the Plan we note that each currently has extant planning consent with only one of the three sites proposing to connect to the public sewerage network, namely 'Land off Tump Lane'. As you will be aware, as part of the planning consultation process, we raised no concern with regard to the disposal of public sewerage from this site.</i></p>
Coal authority	No specific comments to make on it.
Historic England	<p>Previous comments on the Regulation 14 Plan remain entirely relevant that is: <i>Historic England has no adverse comments to make upon the draft plan which we feel takes a suitably proportionate approach to the main historic environment issues pertaining to Much Birch.</i></p> <p><i>Historic England are supportive of the evidence base and the policies and objectives of the plan.</i></p>
National Grid	<p>Proposed development sites crossed by or in close proximity to National Grid Assets</p> <p>Proposed housing site MB9 – Gas Transmission Pipeline – Three Cocks to</p>

	Tirley PRI
Natural England	No specific comments on the Much Birch Neighbourhood Plan.
Russel Pyrcce Collins Design and Build - Planning Consultant	Land to the west of Underhills – Hollybush Lane In line with the council's guidance on drawing settlement boundaries and the consistent approach taken by inspectors in recent years when considering NDP's, the 'Much Birch and Axe and Cleaver Policies Map' should be enlarged to include two sites that have secured detailed planning approval (170308 and 200975)
Julie Joseph Planning Consultant on behalf on Stephen Boyle/ Pilgrim Hotel	Supportive of Policy MB16 Increase to the Much Birch settlement boundary – object to Policy MB8 The proposed development boundary around Much Birch should be increased to include the Pilgrim Hotel, its grounds and the surrounding residential properties. It seems unreasonable that the area which includes the village school, and the Pilgrim Hotel which has excellent communication links with the rest of the village is deemed to lie outside the development boundary and as such is considered to be open countryside. The tightness of the boundary makes no allowance for smaller non estate style developments which reflect the character of the village. The inclusion of the Pilgrim Hotel and its grounds within the development boundary which is clearly in a sustainable location directly opposite the primary school and within walking distance of the doctors surgery and village hall will allow for a modest increase in housing numbers in character with the current area
(signed) Local Resident	Objection regarding the development of Larkrise proposed dwellings and the footpath Tump Lane. (This is an objection about the details of the proposed development rather than the NDP itself)
Emily Penkett Plainview Planning On behalf of Context Land	Land at South Herefordshire Hunt Kennels. Generally supportive of objectives of the NDP, however Context Land do not consider that the Plan in its current form complies with the basic conditions: Considers the housing approach set out in the NDP is flawed, as it is overly restrictive in its approach and unsustainable, and is at odds with NPPF and presumption in favour of sustainable development. The NDP conforms to an outdated housing strategy and places an inappropriate cap on housing numbers, seeing them as a target which has been breached with no further development provision being provided. Settlement boundary are too restrictive and tightly drawn issues with deliverability. Three of the site allocations in Policy MB9 have existing planning permission therefore the site allocations do not include for any net increase in dwellings within the NDP area Lack of consideration for windfall development which renders sites outside of these arbitrary settlement boundary lines as "open countryside" severely

	<p>limiting development options in line with adopted Core Strategy Policy RA3.</p> <p>Context Land suggest that greater flexibility must now be built into the NDP proposals.</p> <p>Land is proposed within the village of Wormlow Tump adjacent to an existing linear settlement patterns largely following Tump Lane. Proposed for 5-9 self-build dwellings.</p>
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Officer appraisal

All the consultation requirements of Regulation 14 were undertaken by the parish council and all the required documentation was submitted under Regulation 15.

This plan has met the requirements of the regulations as set out in the table above. No concern has been raised from internal 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 includes settlement boundary for the identified settlement of Much Birch. This takes into account existing commitments and proportional growth requirements of dwellings. The parish already has met its minimum proportional growth requirement of 57 with 54 commitments and 18 completions (as at April 2020). The plan also allows for windfalls and some capacity within the settlements boundary and rural windfall. Therefore it is likely that Much Birch will continue to meet their proportionate growth target.

13 representations were received during the re submission (Reg16) consultation period. 9 external and 4 from internal service providers at Herefordshire Council. One objection submitted from a resident, objected to the proposed dwellings at Larkrise and footpath off at Tump Lane. Three representations submitted by planning consultants seeking amendments to the settlement boundary or alternative sites to be included and The 'Much Birch and Axe and Cleaver Policies Map' should be enlarged to include two sites that have secured detailed planning approval.

Statutory Consultees have raised no concerns regarding the site allocations or objectives and policies contained in the neighbourhood plan. Historic England, Natural England, Coal Authority, Welsh Water and National Grid have raised no concerns during the Reg14 consultation and Regulation 16.

Internal consultees Transport, Development Management and Environmental Health have raised no major objections to the plan, but have provided useful suggestion of how to improve the plan. Strategic Planning confirmed that the policies within the plan are in general conformity with the Core Strategy.

Overall it is considered that there are no fundamental issues relating to this plan which would prevents its progress to examination.

Assistant Director's comments

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

It is recommended that the Much Birch Neighbourhood Plan **does** progress to examination at this stage.

A handwritten signature in blue ink, appearing to read 'Richard Gabb', is written over a faint, light blue circular stamp or watermark.

Richard Gabb

Programme Director – Growth

Date: 22 July 2020

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Much Birch- Regulation 16 submission draft

Date: 29/05/20

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
MB1- Promoting Sustainable Development	SS1	Y	
MB2- Development Strategy	SS2; RA2; RA3; RA5; RA6	Y	
MB3- Conserving the Landscape and the Natural Environment	SS6; LD1; LD2; LD3	Y	Comment carried over from Reg 14- <i>Criterion 5- "important views" is quite a subjective term. Have these key views been specifically defined/listed/mapped anywhere, with some evidence that they are demonstrably special to residents, for instance Parish survey results?</i>
MB4- Protecting Heritage Assets	SS6; LD4	Y	
MB5- Foul and Storm Water Drainage	SS6; SS7; SD3; SD4	Y	
MB6- Protection of Local Green Space/Open Space	SS6; OS3	Y	
MB7- Renewable and Low Carbon Energy Generation	SS7; SD2	Y	
MB8- Housing Development in Much Birch, Kings Thorn, Wormelow and The Cleaver	SS2; RA2; RA3	Y	
MB9- Housing Site Allocations	SS2; RA2	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
MB10- Meeting Housing Needs	SS2; RA2; H1; H3	Y	
MB11- Affordable, including Intermediate Homes	H1	Y	
MB12- Housing Design and Appearance	SS6; LD1; SD1	Y	Comment carried over from Reg 14- <i>Criterion 1- Are there any particular locally distinctive features or characteristics defined, or can be referred to in a Village Design Statement?</i>
MB13- Sustainable Design for Housing	SS7; MT1; SD1	Y	
MB14- Traffic Measures within the Parish	SS4; MT1	Y	Comment carried over from Reg 14- <i>Not a conformity issue as such, but some of these criteria may be difficult to enforce through a land use development plan.</i>
MB15- Highway Design Requirements	SS4; MT1	Y	
MB16- Protection and Enhancement of Community Facilities	SC1	Y	
MB17- Contributions to Community Facilities	SC1	Y	
MB18- Rural Enterprises, Diversification and Tourism	SS5; RA5; RA6	Y	
MB19- Home-based Business	SS5; RA6; E3	Y	
MB20- Broadband and Telecommunication Infrastructure	N/A	Y	