

## Progression to Examination Decision Document

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

Name of neighbourhood area – Clifford Neighbourhood Area

Parish Council – Clifford Parish Council

Draft Consultation period (Reg14) – 26 October to 8 December 2020

Submission consultation period (Reg16) – 14 December to 8 February 2022

### Determination

<i>Legal requirement question</i>	<i>Reference to section of the legislation</i>	<i>Did the NDP meet the requirement as state out?</i>
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>The plan contains no 'excluded development'?</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	Yes
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 first time proposal and not a repeat?</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	Yes

## 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.*

Table 1 – comments made by Herefordshire Council departments

Department of Herefordshire Council	Comment made
Strategic Planning	No conformity issues identified. See Appendix 1 for full details
Development Management	Very well laid out document Policy CNP4 would benefit from greater clarity to avoid ambiguity
Environmental Health (contamination)	Land north of Wellfield Bungalow – site already has planning permission

<b>Department of Herefordshire Council</b>	<b>Comment made</b>
	<p>Land south of White House - no previous historical potential contaminative uses</p> <p>Land north of Lower Court Farm – farm buildings may be used for storage of potentially contaminative substances or maintenance of vehicles. Possible unforeseen contamination.</p>
Environmental Health (amenity)	No observations to make

Table 2 – comments made by statutory consultees

<b>Statutory Consultee</b>	<b>Comment made</b>
Welsh Water / DCWW	No further comments to make from Reg14 stage. Note there are no public sewerage within the NDP area
Coal Authority	No specific comments to make
Historic England	<p>No adverse comments to make.</p> <p>Takes a proportionate approach to the main historic issues within Clifford. Commend the emphasis on local distinctiveness and conservation of the local landscape.</p> <p>Concern regarding the housing allocation on Land north of Lower Court Farm and the potential impact on the adjacent and nearby designed heritage asset.</p>
Natural England	No specific comments on the Clifford NDP
Environment Agency	<p>Not offering any bespoke comment in relation to flood risk at this time.</p> <p>Noted that Clifford falls within the Upper Wye catchment area and that is not currently failing its water quality objectives.</p> <p>Raise no concerns at this time.</p>
National Grid	No assets are currently affected by proposed allocations within the NDP
CRPE Herefordshire	<p>Congratulate all involved, demonstrates great knowledge of the parish</p> <p>Neighbourhood Plans in general should contain policies which:</p> <ul style="list-style-type: none"> <li>• Identify and stipulate ways of protecting unique characteristics of the area eg 'dark skies', tranquillity, distinctive landscapes and settlement patterns</li> <li>• Protect the broad sweep of landscapes</li> <li>• Ensure that any development does not adversely the environment in terms of noise, air, water or light pollution</li> </ul>

Statutory Consultee	Comment made
	<ul style="list-style-type: none"> <li>• Encourage design which enhances local landscape and settlement character</li> <li>• Protect important views and</li> <li>• Address inappropriate locations for development including: - housing, - industrial scale energy generation and - economic activity (eg intensive livestock farming units and large scale polytunnels).</li> </ul> <p>The Clifford plan is detailed and comprehensive and considers all the relevant factors with clear policies.</p>

Table 3 – comments made by members of the public

Member of the public	Comment made
Kim Lloyd (local resident)	Object strongly to any proposals for large number of properties to be built on the north side of Lower Court in Clifford. No amenities within the village. New building will ruin the feeling of peace and quiet. There is a saw mill nearby and many houses have a problem with septic tanks due to waterlogged land.

## 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 parish has a minimum proportional growth requirement of 30 with 13 commitments, 13 completions and a site allocation of 10 within the NDP (as at April 2021).

The plan includes two settlement boundaries for the identified settlements of Clifford and Priory Wood. This takes into account existing commitments and proportional growth requirements of dwellings. The plan also allows for windfalls and some capacity within the settlement boundary and rural windfall. Therefore it is likely that Clifford NDP will continue to provide opportunities for growth in the plan period.

12 representations were received during the submission (Reg16) consultation period. 8 external and 4 from internal service providers at Herefordshire Council. The external consultees had no objections to the plan, and mostly provided general and supportive comments to the plan.

Statutory Consultees have raised no concerns regarding the site allocations or objectives and policies contained in the neighbourhood plan. Historic England are concerned about the potential impact of the site allocation at Lower Court on a nearby heritage asset.

Strategic Planning have confirmed that the policies within the plan are in general conformity with the Core Strategy

1 local residents have objected primarily to the inclusion of the Lower Court site within the plan. The Consultation Statement details the community involvement undertaken and how issues raised have been addresses as part of the process.

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

## **Service Director's comments**

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

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



**Flo Churchill**

**Service Director – Economy and Regulatory Services**

Date: 16 February 2022

## Appendix 1

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

Date: 19/01/22

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
CNP1- Promoting Sustainable Development	SS1; SS2; SS4; SS5; SS6; RA2; RA6; MT1; E3; LD1	<b>Y</b>	
CNP2- Development Strategy	RA2; RA3; RA4; RA5; H3	<b>Y</b>	
CNP3- Conserving and Enhancing the Landscape of the Parish	SS6; LD1	<b>Y</b>	
CNP4- Protecting the Scenic Beauty of the Parish	SS6; LD1	<b>Y</b>	Carry on comment from Reg 14- Have the views identified in this policy been evidenced eg through resident survey responses?
CNP5- Conserving and Enhancing the Natural Environment of the Parish	SS6; LD2; LD3	<b>Y</b>	
CNP6- Protecting and Enhancing the Heritage Assets of the Parish	SS6; LD4	<b>Y</b>	
CNP7- Protection of Local Green Space	N/A	<b>Y</b>	

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
CNP8- Housing Development in Priory Wood	RA2	Y	
CNP9- Housing Development in Clifford Village	RA2	Y	
CNP10- Housing Sites in Clifford Village	RA2	Y	
CNP11- Community-led Housing	H2	Y	
CNP12- Design of Housing Development Within Settlement Boundaries	SS6; H3; MT1; LD1; SD1; SD2	Y	
CNP13- Supporting Local Business	SS5; RA6	Y	
CNP14- Farm Diversification	SS5; RA5; RA6	Y	
CNP15- Tourism Development	SS5; RA5; RA6; E4	Y	
CNP16- Working from Home	E3	Y	<p>Carry on comment from Reg 14- Not a conformity issue however the policy criteria does little to supplement its equivalent in the Core Strategy, or frame it into a more localised context.</p> <p>If there is not an identified requirement for it, or it is not possible to do this, it can be argued that the issue is already sufficiently covered by the Core Strategy.</p>
CNP17- Polytunnel Proposals	N/A	Y	

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
CNP18- Intensive Livestock Units	N/A	Y	
CNP19- Sustainable Design	SS6; SD1	Y	See comment on CNP16
CNP20- Renewable Energy and Climate Change Impact	SS7; SD2	Y	
CNP21- Community Facilities	SC1	Y	
CNP22- Highways and Transport	MT1	Y	
CNP23- Addressing Flood Risk and Drainage	SD3	Y	
CNP24- Protecting the Environment and Amenity	SD1	Y	