

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area – Upton Bishop Neighbourhood Area

Parish Council – Upton Bishop Parish Council

Draft Consultation period (Reg14) – 20 September to 2 November 2021

Submission consultation period (Reg16) – 25 March to 6 May 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"> • 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

<p>The plan contains no 'excluded development'?</p> <ul style="list-style-type: none"> • County matter • Any operation relating to waste development • National infrastructure project 	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"> • 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	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
Environmental Health (contamination)	Land south of Spring Meadow – no previous historic potential contaminative uses.
Environmental Health (amenity)	No observations to make

Department of Herefordshire Council	Comment made
Transportation	<p>Surprised no policy included regarding highway matters</p> <p>Any footway and cycleway should provide appropriate crossing points</p> <p>Traffic management and traffic calming features should be provided on all routes into the village</p> <p>No mention of active travel</p>

Table 2 – comments made by statutory consultees

Statutory Consultee	Comment made
Welsh Water / DCWW	Nothing further to add to Reg14 comments
Coal Authority	No specific comments to make
Historic England	<p>Supportive of the content of the document and the vision and objectives</p> <p>No further comment to make. Good example of community led planning</p>
Natural Resources Wales	No comments to make
Environment Agency	<p>Note is within the Lower Wye catchment which is not failing water quality objectives</p> <p>Note that Policy UBP6 makes specific reference to the impacts on the catchment including nutrient neutrality and mitigation.</p> <p>In the absence of specific site allocations, do not offer a bespoke comment on flood risk</p>
Highways England	Due the proximity of Crow Hill in relation to the Traveller's Rest junction with the A449 and M50 (J4) recommended a junction impact assessment of this junction is carried out in consultation with the Local Planning Authority and National Highways for any proposed development.
National Grid	No assets affected by the proposals
Gloucestershire County Council	No objections
NHS CCG	No direct comment to make but welcome the inclusion of improved communication infrastructure to benefit healthcare in rural communities
Sport England	General guidance provided – not specific comments

Table 3 – comments made by members of the public

Member of the public	Comment made
None received	

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 38 with 14 commitments, 17 completions and a site allocation of 15 within the NDP (as at April 2021).

The plan includes two settlement boundaries for the identified settlements of Crows Hill and Upton Crews. 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 Upton Bishop NDP will continue to provide opportunities for growth in the plan period.

14 representations were received during the submission (Reg16) consultation period. 10 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.

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

No local residents commented on the policies or the site allocation 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 Upton Bishop Neighbourhood Plan **does** progress to examination at this stage.



Flo Churchill

Service Director – Economy and Regulatory Services

Date: 12 May 2022

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

Date: 02/05/22

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Policy UBP1 Settlement boundaries	Policy H1 Affordable housing Policy H3 Ensuring a range and mix of housing types	Y	
Policy UBP2 Land south of Spring Meadow, Crow Hill	H1; H3; MT1	Y	
Policy UBP3 Housing mix	H3	Y	
Policy UBP4 Community facilities	SC1 Social and community facilities OS3 Loss of open space, sports or recreation facilities	Y	
Policy UBP5 Development requirements	LD1 Landscape and townscape SD1 Sustainable design and energy efficiency SD3 Sustainable water management	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
	and water resources		
Policy UBP6 Landscape, biodiversity and geodiversity	LD1; LD2 Biodiversity and geodiversity LD3 Green infrastructure	Y	
Policy UBP7 Key views	N/A	Y	
Policy UBP8 Crow Hill/Upton Crews gap	N/A	Y	
Policy UBP9 Rural businesses	RA5 – Re-use of rural buildings, RA6 - Rural economy, Policy E2 Redevelopment of employment land Policy E3 – Homeworking, Policy E4 – Tourism	Y	
Policy UBP10 Agricultural and forestry development	LD1 Landscape and townscape development SS1 - Presumption in favour of sustainable development, RA6 - Rural economy MT1 - Traffic management, highway safety and promoting active travel	Y	

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

Other comments/conformity issues:

This Regulation 16 draft is still in general conformity with the policies of the Core Strategy and Strategic Planning therefore raises no objections.