

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area – Orcop Neighbourhood Area

Parish Council – Orcop Parish Council

Draft Consultation period (Reg14) – 6 December 2021 to 31 January 2022

Submission consultation period (Reg16) – 15 June 2022 to 27 July 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

Herefordshire Council	Comment made
Strategic Planning	No conformity issues identified. See Appendix 1 for full details
Environmental Health (contamination)	<i>ORC8: Land west of Birch View, Orcop Hill - site appears to have had no previous historic potentially contaminative uses.</i>

Herefordshire Council	Comment made
Transportation	<p>Would be useful for a brief narrative that sets out the parish priorities in terms of connectivity and traffic management so that opportunities are not lost.</p> <p>It would be appropriate for a brief transport policy to be included that seeks to deliver mitigation as part of a development as appropriate.</p> <p>Policy ORC4 points 3 and 4 under 'Design' suggests that developments should be asked to facilitate or at least contribute to off-site measures to encourage walking and cycling.</p> <p>The document could benefit from being more proactive in the provision of active travel infrastructure.</p> <p>Additionally ORC14 might benefit from requiring developers to include active travel infrastructure.</p>
Development Management	ORC2 - there is a potential difficulty with requiring all forms of application, other than householder applications, to carry out a visual impact assessment

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>No specific comments.</p> <p>Overall the plan reads as a well-considered, concise and fit for purpose document which Historic England considers is a good example of community led planning</p>
Natural Resources Wales	No comments to make
Environment Agency	No concerns at this time
Highways England	<p>Considering the limited level of growth proposed across the Neighbourhood Development Plan area, we do not expect that there will be any impacts on the operation of the SRN.</p> <p>Therefore have no further comments</p>
National Grid	No assets are currently affected by proposed allocations within the Neighbourhood Plan area.

Statutory Consultee	Comment made
Gloucestershire County Council	No comment made
NHS CCG	No direct comment on the plan
Sport England	No specific comment made

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 16.

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 26 with 4 commitments, 6 completions (as at April 2022) and a site allocation of 3 dwellings within the NDP.

The plan includes two settlement boundaries for the identified settlements of Orcop and Orcop Hill. These take into account existing commitments and proportional growth requirements of dwellings, therefore it is likely that Orcop NDP will continue to provide opportunities for growth in the plan period.

13 representations were received during the submission (Reg16) consultation period. 9 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 prevent its progress to examination.

Service Director's comments

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

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

A handwritten signature in black ink that reads "Tracey Coleman". The signature is written in a cursive style with a large initial 'T' and 'C'.

Tracey Coleman

Interim Service Director – Economy and Regulatory Services

Date: 02 August 2022

Appendix 1

Name of NDP: Orcop Neighbourhood Development Plan 2021-2031

Date: 26/07/22

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Yes/No)	Comments
ORC1: Landscape and Biodiversity	SS6, LD1-LD3, SD3, SD4	Yes	For point '3' of the policy wording, the second sentence repeats the same point made in the previous sentence. Suggested text edit: 4.3.... <i>'form part of the green infrastructure network' or 'constitute green infrastructure'</i> .
ORC2: Key views	SS6; LD1	Yes	N/A
ORC3: Heritage	SS6; LD4	Yes	N/A
ORC4: Design	LD1-LD4, SD1-SD4, MT1	Yes	In relation to point '8' – change Building <i>for</i> Nature to Building <i>with</i> Nature standards.
ORC5: Wastewater treatment	SD3, SD4	Yes/No	This policy states that the use of cesspools will not be supported for new dwellings whereas the Herefordshire Core Strategy (Policy SD4) states that they may be considered in exceptional circumstances (it does not specify whether new or existing dwellings). Policy requires adjusting.
ORC6: Surface water and flood risk	SD3, SD4	Yes	N/A

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Yes/No)	Comments
ORC7: Renewable and low carbon energy projects	SD2	Yes	This policy makes reference to 'small-scale renewable energy generation' without seeking to define this in the explanatory text.
ORC8: Settlement boundaries and site allocation	RA2, RA3	Yes	N/A
ORC9: Housing mix	H1, H3	Yes	N/A
ORC10: Community facilities	SC1, OS1-OS3	Yes	N/A
ORC11: Copywell Local Green Space	OS1-OS3	Yes	N/A
ORC12: Rural businesses	RA6	Yes	N/A
ORC13: Holiday accommodation	E4, RA5	Yes	N/A
ORC14: Agricultural and forestry development	RA4, RA6, LD1, LD2, SD4, MT1	Yes	N/A