

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area – Edwyn Ralph Neighbourhood Area

Parish Council – Thornbury Group Parish Council

Draft Consultation period (Reg14) – 17 December 2021 to 12 February 2022

Submission consultation period (Reg16) – 2 August 2022 to 13 September 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)	<p>Policy ER 6</p> <p>Site 3 and the two adjacent sites, which have historic and potentially contaminative uses and will require consideration prior to any development.</p>

Herefordshire Council	Comment made
Transportation	No comment received.
Development Management	No comment received.

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	No specific comments. 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.
Natural Resources Wales	No comments made.
Natural England	NE had suggested that the plan should be as specific as it could be, to ensure deliverability and to maximise opportunities for biodiversity gain and local community benefits. Natural England is content with the LPA's approach, although we hope this might be revisited as a part of Local Plan writing process and subsequent Neighbourhood Plans.
Environment Agency	It is noted that Edwyn Ralph falls within the River Lugg Sub-catchment and that an AA has been undertaken in light of recent comments from Natural England (NE). As confirmed within the AA document the most significant issue within the River Wye SAC Catchment (included the River Lugg) relates to water quality and the potential impact of policies and site allocations within the NDP's. It is noted, and welcomed, that the NDP includes a specific Policy section on the River Wye Special Area of Conservation and that Policy ER3 – part 9 now makes specific reference to impacts on the Catchment, including the need for nutrient neutrality and mitigation measures to secure such. The Phosphate Budget Calculator Tool, and associated guidance, referenced in the Policy and is an important tool with regards to the Nutrient Neutrality issues within the Catchment.
National Grid	No assets are currently affected by proposed allocations within the Neighbourhood Plan area.
NHS CCG	No direct comment on the plan.

Table 3 – comments made by members of the public

Member of the public	Comment made
John Needham Associates	Comments on site selection, including site 1, 2, 3, and 5, with overall conclusion that if site 2 were to be added to Site 5 bringing the total to six this would seem to give a complete range of houses that the village requires if it is to remain sustainable.
Mr & Mrs Gibbard	Objection to the proposed plan. The Neighbourhood plan shows boundary incorrectly plotted and needs to be modified, as per land registry documents
Sally Price	Objection

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 13 with 5 commitments, 13 completions (as at April 2022) and one site allocation of 2 dwellings within the NDP.

The plan includes one settlement boundaries for the identified settlement of Edwyn Ralph as part of the plan prepared by Thornbury Group Parish Council. These take into account existing commitments and proportional growth requirements of dwellings, therefore it is likely that the Edwyn Ralph NDP will continue to provide opportunities for growth in the plan period.

12 representations were received during the submission (Reg16) consultation period. 7 external, 2 from internal service providers at Herefordshire Council and 3 submitted by members of the public. The external and Statutory Consultees had no objections to the plan, and mostly provided general and supportive comments to the plan. Environmental Health have however raised some concerns regarding the site allocation contained in the neighbourhood plan and have suggested desktop studies would need to be carried out.

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

Three members of the public commented on the plan and have made objections regarding 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 Edwyn Ralph 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 – Planning and Regulatory Services

Date: 22 September 2022

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Edwyn Ralph Regulation 16

Date: 14/09/22

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
ER 1: Promoting a Sustainable Community	SS1; SS2; SS4; SS5; SS6; RA2; RA6; MT1; E3; LD1	Y	
ER 2: Development Strategy	SS2; RA2; RA3; RA4; RA5	Y	
ER 3: Protecting and enhancing Local Character	SS6; LD1; LD2	Y	
ER 4: Heritage Assets	LD4	Y	
ER 5: The scale of new housing	RA2; RA3; H1;H2	Y	
ER 6: Housing allocation	RA2; RA3; H1; H2	Y	
ER 7: Housing in the countryside	RA3, RA4, RA5; H2	Y	
ER 8: Extensions to dwellings	SD1	Y	
ER 9: Design of new housing	LD1, SD1-SD4	Y	
ER 10: Ensuring an appropriate range of	H3	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
tenures, types and sizes of houses			
ER 11: Affordable housing	H1	Y	
ER 12: Business development	RA6, E4, E6	Y	
ER 13: Protection of existing commercial business premises	E2	Y	
ER 14: Agriculture and forestry enterprises	RA6	Y	
ER 15: Transport and connectivity	SS4; MT1	Y	
ER 16: Enhanced Services and Facilities for the Community	SC1	Y	
ER 17: Protection of community facilities	SC1	Y	
ER 18: Broadband and mobile telephone infrastructure	N/A	Y	
ER 19: Renewable Energy	SD2	Y	

Other comments/conformity issues:

The plan is in general conformity with the policies of the Core Strategy and Strategic Planning therefore raises no objections to this NDP.