

Orcop Neighbourhood Development Plan

Response to Regulation 16 representations

Introduction

1. The Orcop Neighbourhood Development Plan (NDP) was submitted by Orcop Parish Council (the Qualifying Body, QB) to Herefordshire Council on 27 May 2022. A consultation in accordance with Regulation 16 was carried out by Herefordshire Council from 15 June to 27 July 2022. The NDP progressed to examination on 2 August 2022.
2. The QB has been given the opportunity to respond to representations made at the Regulation 16 stage. The QB wishes to respond to:
 - Representation by Herefordshire Council Strategic Planning team on various policy matters including policy ORC5 on wastewater treatment.
 - Representation by Herefordshire Council Development Management in respect of policy ORC2 and the Orcop Hill settlement boundary.
3. The QB's responses to these representations are set out in the schedule overleaf. The opportunity to respond is appreciated. The QB has no comment to make on the other representations.

30 September 2022

Responses by the QB to selected representations to the Orcop Neighbourhood Development Plan Regulation 16 consultation

Abbreviations used

HC:	Herefordshire Council
LVIA:	Landscape and Visual Impact Assessment
LPCS:	Local Plan Core Strategy
NDP:	Orcop Neighbourhood Development Plan Submission Draft March 2022
NPPG:	National Planning Practice Guidance
QB:	Qualifying Body (Orcop Parish Council)

Summary of representations	QB response
<p>Representations from HC Strategic Planning team</p> <p>Policy ORC1: repetition in criterion 3.</p>	<p>This point is agreed. In the interests of a concise policy, a modification is suggested for the Examiner’s consideration, to replace the first and second sentences of criterion 3 with:</p> <p>“3. not having an adverse effect on the River Wye Special Area of Conservation (SAC) and species of European importance.”.</p>
<p>Policy ORC4: criterion 8 should refer to Building <i>with</i> Nature standards, not Building for Nature standards.</p>	<p>This error will be corrected in the referendum version of the NDP.</p>
<p>Policy ORC5: the policy should be adjusted in line with LPCS policy SD4 which allows cesspools in exceptional circumstances.</p>	<p>The QB notes that no concerns with the general conformity of this policy with the LPCS were raised by HC at the draft NDP regulation 14 consultation. The policy was supported at that time by HC Development Management, and taking into account the drainage constraints at Orcop Hill.</p> <p>The QB does not accept that policy ORC5 raises an issue of general conformity requiring a modification to be recommended by the independent Examiner. NPPG helpfully sets out four criteria to be considered when determining general conformity (Paragraph: 074 Reference ID: 41-074-20140306):</p> <p>Whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with: LPCS policy SD4 aims to ensure that development does not undermine the achievement of water quality targets for rivers in the county. By restricting the use of cesspools, policy ORC5 will make this outcome more, not less, likely. The NDP policy thus</p>

Summary of representations	QB response
	<p>positively supports and upholds the general principle of the strategic policy.</p> <p>The degree, if any, of conflict between the draft neighbourhood plan policy and the strategic policy: the degree of conflict is limited because it is restricted to cases where cesspools may be proposed to serve new dwellings, which itself is where no other more acceptable means of wastewater treatment are available and only in exceptional circumstances. The degree of conflict is also limited geographically, to the Neighbourhood Area, and numerically in that only limited new housing is proposed in the Neighbourhood Area in the period up to 2031.</p> <p>Whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy: the policy is distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared. The plan provides a clear rationale based on local circumstances for an NDP policy for the use of cesspools. It doing so, it provides further detail and a local approach which also promotes and does not undermine the aim of the strategic policy to protect river water quality.</p> <p>The rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach: the rationale for the approach is the poor drainage conditions in the neighbourhood area, together with the environmental, amenity and transport issues posed by the use of cesspools in the local context. These local factors are identified in the NDP at paras. 2.4, 3.1, 3.3 and in the supporting text to policy ORC5, particularly para. 4.22.</p> <p>Overall, the four criteria set by NPPG are met. The QB sees no need for policy ORC5 to be recommended to be modified in order to achieve general conformity with LPCS policy SD4.</p>
<p>Policy ORC7: there is no definition of ‘small-scale renewable and low energy generation’.</p>	<p>The explanatory text details that the proposals to be supported under this policy are those of a domestic rather than commercial nature. This reflects the community responses to the NDP questionnaire survey. The QB considers that the policy as worded is drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications, whilst giving flexibility to enable the local context to be taken into account and avoiding over-prescription.</p>

Summary of representations	QB response
<p data-bbox="201 275 507 376">Representations from HC Development Management</p> <p data-bbox="201 416 507 696">Policy ORC2: it would be onerous and unreasonable for this policy to apply to building conversions and agricultural permitted development.</p>	<p data-bbox="523 275 1326 450">The QB accepts this point in relation to building conversions. However, in relation to permitted agricultural and forestry development, when details are submitted for approval an LVIA may well be relevant in considering the effect of the development upon the landscape in terms of visual amenity.</p> <p data-bbox="523 488 1299 555">To address these points the QB suggests the following amended last para. of policy ORC2 for the Examiner’s consideration:</p> <p data-bbox="523 593 1326 947">“Where a development proposal (other than householder development and building conversions) within the Neighbourhood Area lies within sight of one of the above key views, a Landscape and Visual Impact Assessment may be required to demonstrate that the levels of effects are acceptable, and that the scheme has been sited and designed sensitively and appropriately reflecting, respecting, and where possible, enhancing the landscape context within which it is situated. This includes where details are submitted for prior approval in relation to permitted agricultural and forestry development.”.</p>
<p data-bbox="201 992 507 1234">Why is Etna Bungalow and curtilage not included in the proposed settlement boundary for Orcop Hill, being well-related to existing village housing?</p>	<p data-bbox="523 992 1299 1059">This is because the land and building referred to lies outside the Neighbourhood Area.</p>

Orcop Parish Council
30 September 2022