

Progression to Examination Decision Document Review of an Existing Made NDP

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area –Pyons Group Neighbourhood Area

Parish Council – Pyons Group Parish Council

Draft Consultation period (Reg14) –1 February to 15 March 2021

Submission consultation period (Reg16) –28 November 2022 to 23 January 2023

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 • Statement outlining the modifications made and reasons • Statement whether changes are considered to be significant 	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
The plan contains no 'excluded development'? <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
Is this a first time proposal and not a repeat? <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	This is a review of a made NDP formally made on 19 June 2017.
Does the parish council consider the modifications to be significant or substantial	Neighbourhood Planning Act 2017 2004 Act Schedule A2 Reg15 (1) (f)	Parish Council considered that an examination and referendum will be required as referenced within the Statement of Modifications (November 2022)

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	Confirmed conformity with the Core Strategy. Details within appendix 1
Development Management	Wording suggestions but no fundamental issues. Details within appendix 2
Environmental Health	Potential primary school site is located on area of ground which is classified as unknown filled ground (pond, marsh, river or stream) will need to be considered prior to development.

Table 2 – comments made by statutory consultees

Statutory Consultee	Comment made
Historic England	Supportive of content, proportionate approach. Welcome inclusion of Policy PG7
Welsh Water	No specific comments to make
Coal Authority	No specific comments to make
Natural Resources Wales	No comments to make
National Highways	Principal interest in the A49 corridors which is approximately 4km to the east of the plan area. Do not expect any impacts on the operation of the strategic route network. No further comments to make.
NHS Herefordshire and Worcestershire	No direct comment to make but welcome inclusion of broadband and mobile communications to benefit the provision of healthcare to rural communities
Environment Agency	Note the inclusion in Policy PG1 and PG11 to flooding matters Previously provided comment on PG11, there maybe scope to site the school building to the west of the site and adjacent to the road with playing fields located in the areas of medium to high flooding. Would seek confirmation in any future planning application

Statutory Consultee	Comment made
	Noted that Pyons Group falls within the River Lugg catchment. Noted and welcomed that the NDP includes a specific policy of River Wye SAC and Policy PG5 makes reference to phosphate calculator.
Sport England	No specific comments

Table 3 – comments made by members of the public

Member of the public	Comment made
Mr B Thomas Comment	<p>Kings Pyons is not suitable for development;</p> <ul style="list-style-type: none"> • There are no facilities in the hamlet • There is no public transport through the hamlet • All the (narrow) roads in Kings Pyon have a 60MPH speed limit • There are no pavements through the hamlet & no street lighting • The ecology reports for Planning application 201780 & 214014 are both relevant. Kings Pyon is within the river Lugg catchment area and is subject to the latest restrictions.
Mrs H Tong Support	<p>PG1, PG2, PG6 & PG7.</p> <p>Canon Pyon has seen 2 major developments in the last few years far exceeding the allocated target for new housing. Any further development should be small scale or brownfield with village style housing design to try and recapture the Herefordshire rural village environment as proposed by the NDP. There is a need to restore and protect the natural environment.</p>
Mr G Tong Support	<p>PG1 and PG2 - fully support its aim of small scale developments, infilling sites, brownfield sites and conversions. The recent developments have had an enormous effect on local infrastructure which would be unable to cope with similar increases.</p> <p>PG6 - Both of the recent developments have been on greenfield sites causing considerable loss of habitat. Wholeheartedly support anything which reduces this impact.</p> <p>PG7 - The rural village style should be supported to protect the character of the village. Any development should be of a rural village style and not an estate style. Also support the encouragement for rural enterprises.</p>
Mrs C Kingsland Support	<p>Support the new Neighbourhood Development plan, especially the defined settlement boundary for Kings Pyon</p>
Blackbox Planning on behalf of landowner for 'Site D'	<p>NDP has excluded deliverable sites and will compound the land supply issues and conflict with para 29 NPPF</p> <p>No evidence to support the removal of Site D</p>

Member of the public	Comment made
Objection	<p>Approach to Policy PG1 fails the basic conditions –strongly object to the removal of Site D Rectified through the retention of site D allocation Pre-application advice and discussions show suitability of the site for development and evidence to the issues raised in the site assessment report</p> <p>Object to the wording of Policy PG5 regarding no increase in light pollution and suggest 'seek to minimise'</p>
Mr C Nugent Comment	<p>Completely agree with the deletion of Policy PG3 – New homes in Canon Pyon. 2 of the 4 sites have been developed, site C has permission and Site D is unsuitable. Access is insufficient and is subject to flooding</p> <p>Policy PG11 – the location of the school has not been changed despite concerns regarding the distance fromm the village and playing fields. Better location would be the field behind the playing fields formally marked as Local Green Space. This designation is no longer on the current map.</p> <p>Policy PG12 – areas of Green Space has been reduced</p> <p>New Policy PG4 – absolutely essential</p> <p>New Policy PG5 – would be improvement on present situations</p> <p>New Policy PG8 – makes perfect sense</p> <p>New Policy PG9 – already considered in the planning process. Biodiversity net gain should be added to the list</p> <p>New Policy PG14 – fully support</p>
Mrs C Hollywell Support	<p>It should have been done age's ago it would have stopped a lot of stress and pain</p>
Mr P Hollywell Support	<p>The villagers had a vote done by the parish council. The results were that the boundary would be put up to control the building in the village. Therefore no building to be made outside the neighbourhood planning area.</p> <p>Support this and it's about time it was put in place, it's taken too long. The vote was for it, therefore that's the end of it, you can't go back on the vote</p>
Mr J Hancorn Objection	<p>Questions how the parish council have proposed a reviewed NDP polar opposite to the one voted in the referendum, ignoring consultation results and writing Policy PG01 Deleting Site D against the evidence Concern about parish council process and misinformation Available land removed but not available Site C remains Plan needs to be written in line with NPPF para 5 Should have held a call for sites Should question whether site C is going to be delivered</p>

Member of the public	Comment made
	<p>AECOM report was a desk top assessment not a technical report and the results have been misinterpreted – only constraints on Site D are access and visual sensitivity. AECOM did not consult with the landowners about availability of the site. Report is bias and weighted in favour of the school site</p> <p>Representations from Black Box were not taken on board by the parish council</p> <p>Site D would be in conformity with NPPF para 78</p>
<p>Mr P Kelly</p> <p>Objection</p>	<p>Concern about the process undertaken and decisions by the parish council. Misinterpretation of the AECOM report. Don't have public opinion or the majority to remove Site D</p> <p>Planning application (213332/F) on the site only held due to the phosphate issue. Removal of Site D will have consequences on the current planning application</p> <p>Question why the made NDP is being reviewed</p> <p>The NDP with site D included had a 91% yes vote and a 32% turnout</p> <p>How can site C continue to be allocated if can't be delivered in the timeframe</p> <p>Minimum target would not have been reached if Site D is removed from the figures</p> <p>Site D is relatively flat, outside the flood zone, its readily available and can be delivered in 5 years</p>
<p>Mr R Pryce</p> <p>Objection</p>	<p>The settlement boundary for Westhope has been incorrectly drawn as it partly excludes a site that has outline permission for 4 dwellings and is anticipated to secure reserved matters approval Feb 2023 - outline ref 162311, RM ref 193195.</p> <p>Secondly there are serious questions over whether the committed site in Canon Pyon on the former Yeomans Yard will deliver housing over the NDP period - approved in 2015. The site is partly flood zone 3 and developers are no longer prepared to invest in such site sites due to the potential impact on sales and insurance issues.</p>
<p>Mrs J Bull</p> <p>Support</p>	<p>Support the NDP</p> <p>Following in depth and rigorous consultation process the Group NDP has been democratically formulated taking account of the concerns and wishes of the Pyons group residents.</p> <p>Been determined that tightly defined settlement boundaries to ensure the integrity of adjoining prime agricultural land and maintain and help to increase biodiversity.</p> <p>Kings Pyon is a dispersed settlement with no facilities, (except for St Mary's Church). It has no public transport, no employment opportunities, nor any health or retail facilities, and no schools and no mains sewerage or gas supply. The road network consists of narrow lanes (with no footpaths), some of which are subject to fluvial and surface water flooding,</p>

Member of the public	Comment made
	<p>Kings Pyon is not sustainable. The Pyons Group has already exceeded its housing growth target for 2031. The provision of a tightly defined settlement boundary around Kings Pyon will ensure the protection of adjoining agricultural land and thriving biodiversity.</p> <p>Support need for accessible and well maintained footpaths and rights of way.</p>
<p>Mr R Harris</p> <p>Support</p>	<p>Support the Pyons Group NDP in general and support of both proposals for footpath reform and development boundaries with one exception.</p> <p>Recently the development boundary accepted by public democratic referendum at Bush Bank was over ruled at a planning committee and the democratic vote for the then boundary was ignored.</p> <p>The boundary has now been extended into open farmland.</p>
<p>Ms A Bowen-Jones</p> <p>Support</p>	<p>Supportive of intent of the NDP to restrict new developments only within the village boundaries; to convert or expand existing buildings into new accommodation; and not to exceed building targets agreed by the Herefordshire Council.</p> <p>Important to retain the style and scope of any new buildings within the general style of the surrounding buildings within a village.</p> <p>Develop old industrial sites within the village boundaries i.e. site adjacent to Canon Pyon Village Hall.</p>
<p>Ms A Forster</p> <p>Support</p>	<p>Strongly support this plan and also the review relating to the footpaths.</p> <p>As a responsible dog owner I am often challenged by wired over styles that are physically difficult (and often impossible) for both me and the dogs. As you suggest, gates would make it safer and more accessible for all.</p>
<p>Mr S Caine</p> <p>Support</p>	<p>Support for the drafted Kings Pyon part of the Neighbourhood Plan.</p> <p>Having previously been involved with the previous Communities Led Plan concept, fully understand the importance of communities being able to have their say in future environmental, economic and most importantly housing development strategies.</p> <p>The latter point raises the need to ensure each community establishes parish settlement boundary lines and need to limit future development that doesn't meet the needs of the communities.</p> <p>Support the Pyons Group Parish Council in establishing this plan, not just for Kings Pyon settlement but for the entire Parish area as a whole.</p>
<p>Mr and Mrs C Fletcher</p>	<p>100% support the proposals for the Pyons Group NDP</p>

Member of the public	Comment made
Support	<p>Kings Pyon needs a tightly defined settlement boundary as set out in the NDP</p> <p>Scattered settlement with narrow lanes no facilities, public transport, employment or mains sewerage or gas.</p> <p>Pyons Group already exceeded its target housing growth, boundary protects agricultural land, biodiversity and the natural and built environment.</p> <p>Uphold the work relating to the network of footpaths and public rights of way. Policy PG3 rightly identifies accessibility for all.</p>
Mr A Dickson Comment	<p>Important any future development is kept within the village boundary using infill and/or brownfield sites.</p> <p>The agricultural land is very fertile and should be conserved for growing food, contributing to national food security.</p> <p>Intensive poultry farming has put a strain on local rivers. The Canon Pyon sewage plant is inadequate and potentially causes pollution. The heavy clay means extra water easily runs off into the rivers.</p> <p>Too many houses have already been built in Canon Pyon and there are very few jobs locally. Need to use their cars increasing our carbon footprint and global warming. The village has poor public transport.</p> <p>New housing should be built near to a source of employment and have decent access. Narrow roads and roads with fast moving traffic (like the A4110) are hazardous.</p>
R Sheppard Support	<p>Strongly support Pyons Group Neighbourhood Development Plan.</p> <p>Kings Pyon and the other settlements should all have a tightly defined settlement boundary as set out by the NDP Policy PG1. Kings Pyon is a scattered settlement surrounded by narrow spidery lanes and is without facilities (save for the Parish Church); there are no services, no public transport or employment opportunities. There is no mains sewerage or mains gas supply.</p> <p>The Pyons Group has already greatly exceeded its target housing growth up until 2031. The provision of a tightly defined settlement boundary around Kings Pyon, and for the other Pyons Group villages, would protect adjoining high-grade agricultural land, biodiversity, and the existing natural and built environments that create their unique rural character.</p> <p>Network of footpaths and public rights of way that exist within the area found to be blocked or obstructed by crops, electric fences and wire and overgrown vegetation and weeds along the route of footpaths. Policy PG3: Improving Accessibility for All, part of which includes replacing existing access stiles to footpaths with gates. Strongly support this proposal.</p>

Member of the public	Comment made
Mr S Maund Support	<p>Having attended parish council meetings regarding Canon Pyon village for the last two years, total agreement with the thought process proposed within the meetings attended.</p> <p>Main concerns are the infrastructure of the village being improved in the future years ahead. Safety aspect and living close to the A4103 which accommodates large agricultural vehicles, HGV lorries and a lot of car owners who do not recognise the 30 mph speed limits with in the village.</p> <p>No crossing either pedestrian or zebra crossing makes it very dangerous to cross over the road safely. 40mph speed limit past the School is too fast should be 20mph.</p> <p>Waste sewerage system is dated, contributes to major flooding issues within the village with raw sewerage escaping in heavy rainfall.</p> <p>Amenities are very poor, to increase Canon Pyon a lot of investment needs to be carried out BEFORE contemplating any future development.</p>

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.

This is a current made plan which is subject to modifications which the parish council consider to be material modifications which significant to change the nature of the plan; a number of settlement boundaries have been added and a site allocation removed from the previous Made NDP.

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 exceeded its minimum proportional growth requirement of 68 with 21 commitments, 73 completions (as at April 2022).

The following modifications have been made are as follows:

- Changes to the vision and objectives
- Review of 5 settlement boundaries
- Deletion or updating of a number of existing policies
- Additional Local Green Space in Canon Pyon
- Review of site allocations and the removal of a site allocations in Canon Pyon
- 7 new policies including waste water/sewerage, River Wye SAC, Polytunnels and design

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

These include 9 external and 3 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 any modifications to the objectives and policies contained in the neighbourhood plan.

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

20 members of the public have submitted representation; majority supporting particularly the settlement boundary for Kings Pyon. Two local landowners and their agent have objected to removal of a previous site allocation from the plan known as Site D in Canon Pyon. One agent has questioned the delineation of the Westhope settlement boundary and the deliverability of a site allocation in Canon Pyon

The Consultation Statement details the community involvement undertaken and how issues raised have been addressed as part of the process.

Overall it is considered that there are no issues relating to this plan which would prevent its progress to examination and consideration by the independent examiner regarding the nature of the modifications on the existing made NDP.

Consideration whether the modifications are substantial or significant to effect the nature of the plan

In line with the definitions within Para 106 of the Planning Practice Guidance an assessment has been undertaken as to the nature of the modifications proposed to the current made NDP.

Table 4 – Local Planning Authority’s consideration of the modifications made.


Type of Modification	Extent of the modifications	LPA consideration of the modification
Minor (non-material) modifications	Those which would not materially affect the policies in the plan. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum	No
Material modifications which do not change the nature of the plan	These would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan	No
Material modifications which do change the nature of the plan	These would require examination and a referendum. This might, for example, involve allocating significant new sites for development.	Yes

It is agreed that Pyons Group Parish Council's assessment that the modifications are significant to change the nature of the plan and that an examination and a referendum will be required.

Service Director's comments

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

It is recommended that the Pyons Group 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: 02 February 2023

Appendix 1 Strategic Planning conformity comments

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
PG1- Development Strategy	SS2; RA1; RA2; E3	Y	<i>"The impact of additional traffic from development proposals on existing rural roadworks"</i> – Should this read 'rural road networks'?
PG2- Housing	SS2; H1; H3	Y	
PG3- Improving Accessibility for All	SS4; MT1	Y	
PG4- Waste Water and Sewerage	SD4	Y	
PG5- River Wye Special Area of Conservation (SAC)	SD3, SD4, LD1, LD2, LD3	Y	
PG6- Protecting and Enhancing the Natural Environment	SS6; LD2; LD2	Y	
PG7- Protecting and Enhancing Built Character	SS6; LD1; LD4	Y	
PG8- Rural Enterprise and Tourism	RA6; E4	Y	
PG9- Polytunnels	n/a	Y	
PG10- Community Facilities	SC1	Y	
PG11- Safeguarded Land for Proposed Relocation of Canon Pyon Church of England Academy Primary School	n/a	Y	
PG12- Local Green Space	OS3	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
PG13- Promoting Sustainable Design and Resilience	SS7; SD1	Y	
PG14- Community Energy Schemes and Solar Farms	SS7; SD2	Y	

Appendix 2 Development Management comments

Neighbourhood plan policy	Comments
PG1 Development Strategy	<p>The policy appears to relate to proposals within the settlement boundary but elements of the policy are broader and relate to development outside of the settlement boundary;</p> <p>Point 2 of PG1 does relate to development within the settlement boundary and references conversion of redundant/disused buildings as being supported. Officers do not see the need for Point 2 given the development specified in point 2 is also acceptable beyond settlement boundaries subject to compliance with CS Policy RA5.</p> <p>This policy could be more precise and officers suggest dealing with development within the settlement boundary, and development outside of it separately.</p>
Settlement boundary	<p>Ledgemoor – settlement pattern currently predominately linear, and single depth. A row of secondary development has been included in the settlement to the rear of the existing frontage. This could promote double depth development.</p> <p>Kings Pyon – concerns regarding the inclusion of the farm to the south in the settlement boundary.</p>
PG2 Housing	<p>Recommend amendment to set out ‘proposals for self-build in appropriate locations will be encouraged’ as opposed to current wording;</p> <p>Concern regarding reference to abandonment and recommend this reference is removed. To permit the reinstatement of abandoned buildings in the countryside to dwellings would potentially be at odds with the CS and NPPF.</p>
PG4 Waste water and sewerage	<p>Policy could be clearer in terms of mains being the first approach.</p>
PG5 River Wye SAC	<p>Part 1 identifies ‘clear and convincing’ justification is required. The terminology used should be consistent with wording in the Habitat Regulations.</p>

Neighbourhood plan policy	Comments
PG6 Natural Environment	Well laid out policy generally, very detailed but usable In part 2, officers did consider the wording in respect of the use of screening ambiguous.
PG7 Built Environment	Good policy overall, very detailed but well broken down Officers felt part 22 'wider rural area' should be removed.
PG8 Rural enterprise	For part 1, is the intention for only traditional buildings in the wider area to be developed? Unclear if this is the case, but is how the policy reads and this is not consistent with NPPF approach.
PG9 Polytunnels	The policy could potentially be expanded to include associated development, such as ancillary agriculture structures or workers accommodation
PG11 School	Rationale as to the 'up to 2' dwelling figure would be helpful
PG13 Design	Our observations in respect of this policy were that some of the more important measures are in the latter parts of the policy – part 10 and 11 should feature earlier in the policy; Officers did not consider part 4 was necessary and suggest this is deleted – relates to internal space and occupiers of a dwelling can adapt space to suit their priorities.
PG14	Officers are unclear as to why there was a separate paragraph for 'small scale' and 'community led' and 'commercial'. The requirements for both appear broadly consistent.