

**Progression to Examination Decision Document**



**Neighbourhood Planning (General) (Amendment) Regulations 2012**

Name of neighbourhood area	Callow and Haywood Group Neighbourhood Area
Parish Council	Callow and Haywood Group Parish Council
Draft Consultation period (Reg14)	24/11/14 – 19/02/15
Submission consultation period (Reg16)	22/05/15 – 03/07/15

**Determination**

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"> <li>• Map showing the area</li> <li>• The Neighbourhood Plan</li> <li>• Consultation Statement</li> <li>• SEA/HRA</li> <li>• Basic Condition statement</li> </ul>	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'	Yes)	
Does the plan specify the period for which it is to have effect?	Yes	
Are any 'excluded development' included? <ul style="list-style-type: none"> <li>• County matter</li> </ul>		No

<ul style="list-style-type: none"> <li>Any operation relating to waste development</li> <li>National infrastructure project</li> </ul>		
Does it relation to only one neighbourhood area?	Yes	
Have the parish council undertaken the correct procedures in relation to consultation under Reg14?	Yes	
<p>Is this a repeat proposal?</p> <ul style="list-style-type: none"> <li>Has an proposal been refused in the last 2 years or</li> <li>Has a referendum relating to a similar proposal had been held and</li> <li>No significant change in national or local strategic policies since the refusal or referendum.</li> </ul>		No

#### Comments received during submission consultation

Organisation	Comments
Historic England	<p>Thank you for the invitation to comment on the Regulation 16 Neighbourhood Plan. As noted in our previous consultation responses we are supportive of the content of the document, particularly its' emphasis on local distinctiveness and the protection of locally significant buildings and rural landscape character. We are pleased to note that several of our earlier recommendations have been incorporated in this version of the Plan.</p> <p>Overall Historic England considers that the Callow and Haywood Neighbourhood Plan is a well-considered, concise and fit for purpose document that constitutes a very good example of community led planning.</p>
Natural England	<p>Thank you for your consultation on the above dated and received by Natural England on 22 May 2015.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p>

Callow and Hallow Group Neighbourhood Plan  
The NDP relies on policies of the as yet un-adopted Herefordshire Local Plan. Until such time as the Herefordshire Local Plan is adopted the plan, policies within it cannot be relied upon to ensure the NDP will not have a likely significant effect. As a consequence, we disagree with the conclusions of the HRA of the NDP. In order to conclude that the NDP will not have a likely significant effect, we advise that either the NDP is adopted only after the Herefordshire Local Plan is adopted, or suitable policies are included within the NDP.

We acknowledge that policies have already been amended, however we advise that policies CH4, CH8 and CH9 need further strengthen.

CH1- protecting and enhancing the rural Landscape. We support this policy, however we advise splitting criterion 6 to make this clearer.

We suggest the following:

6. Development should include designs which support habitats for local species such as dormice, hares and barn owls.

7. Developments must demonstrate that they will not have an adverse impact on the natural environment, and in particular on the river wye special area of conservation (SAC).

Policy CH4 - Protecting the sensitive landscape assets in the urban fringe. We welcome this policy in terms of the approach to sensitive landscape assets. However, we suggest strengthening the wording in relation to the River Wye SAC as follows:

“Development that will have an adverse effect on the River Wye SAC will not be permitted. Development should include appropriate landscape designs to ensure that any potential impacts on locally important wildlife habitats are minimised”. We also recommend that a bullet point is added which stipulates that development will only be permitted when it does not compromise the ability of the nutrient management plan to deliver the necessary overall nutrient reductions along those stretches of the River Wye SAC which are already exceeding water quality targets.

Policy CH8 - Provision and protection of local community facilities.

We advise rewording this policy to strengthen it and make it clearer:

	<p>“Proposals for new community facilities such as village halls, community gardens and greens and meeting spaces will be supported in principle. development proposals should be sited in locations which have no adverse impact on the River Wye SAC and the natural environment.”</p> <p>Policy CH9 – Local Needs Housing. We advise rewording criterion that makes reference to the SAC so that “development will not have an adverse impact on the River Wye SAC/ SSSI and the natural environment.”</p> <p>Habitats Regulations Assessment (HRA) Report, Addendum and Second Addendum. In Section 6 of the HRA and section 3 of the Second Addendum, it appears the basis for the conclusion that there will be no likely significant effect from the NDP, in combination with the proposed Main Modifications to the Herefordshire Local Plan (Core Strategy), is that in combination effects have been ruled out as the NDP aligns with the draft Local Plan.</p> <p>The draft Local Plan has not yet been adopted and both it, and its HRA, are therefore liable to further changes. Given this, relying on the draft Local Plan to avoid or mitigate any potential impact is not considered sufficient to be certain of avoiding impact at this stage. The NDP’s HRA may, of course, rely on the evidence supporting the Local Plan’s HRA to draw conclusions as to whether the policies in the plan will have significant effects on the River Wye Special Area of Conservation (SAC).</p> <p>Callow and Hallow Group Environment Report Natural England welcomes the production of an Environmental Report. Having reviewed the report Natural England confirms that it meets the requirements of the Strategic Environmental Assessment (SEA) European Directive and national regulations, and that we concur with its conclusions.</p> <p>We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.</p>
Environment Agency	<p>I refer to your email of the 22 May 2015 in relation to the above Neighbourhood Plan (NP) consultation. We have reviewed the submitted document and would offer the following comments at this time.</p> <p>As part of the recent Herefordshire Council Core Strategy submission updates were made to both the Strategic Flood Risk Assessment (SFRA) and Water Cycle Strategy (WCS).</p>

This evidence base ensured that the proposed development in Hereford City and other strategic sites (Market Towns) was viable and achievable. The updated evidence base did not extend to Rural Parishes at the NP level so it is important that these subsequent plans offer robust confirmation that development is not impacted by flooding and that there is sufficient waste water infrastructure in place to accommodate growth for the duration of the plan period.

Flood Risk: As stated in the submitted NP there are a number of watercourses within the Parish with areas of Flood Zone 3 (High risk) present in the area of Bullinghope. Whilst the NP is very detailed there is limited reference to flood risk in the document. Point 4 of Policy CH1 does reference flood attenuation but we would expect more proactive text confirming, in conformity with both the National Planning Policy Framework (NPPF), Herefordshire Councils Emerging Core Strategy (Policy SD3) and their current Unitary Development Plan (Policy DR7), adherence to a Sequential approach with all built development being located within Flood Zone 1, the low risk Zone.

Whilst conformity with the Core Strategy is vital with regards to development and flood risk there may be scope to add a locally specific flood risk policy point to address any flood risk issues the Parish has. Discussions with Herefordshire Council and their land drainage team may identify such flood risk improvements.

Waste Water Infrastructure: As stated within the associated Environmental Report (May 2015) 'New development proposed through the Callow and Haywood NDP should be assessed against the capacity of local infrastructure'. In this instance we would expect consultation with Welsh Water to ensure that the scale of development can be accommodated over the plan period. As part of the Water Cycle Study (WCS) update/addendum, an assessment of Sewage Treatment Works within the County was undertaken with data collated by both Welsh Water and ourselves. The Plan should make reference to this information to provide reassurance that there is adequate foul infrastructure to accommodate growth throughout the plan period.

Water Framework Directive (WFD): The EC Water Framework Directive European Union 2000 Commits all EU member states to achieve good qualitative and quantitative status of all water courses by 2027 Aims for 'good status' for all ground and surface waters (rivers, lakes,

	<p>transitional waters, and coastal waters) in the EU. The Norton Brook (Ordinary Watercourse) is currently at 'Moderate status'. In line with the above we would expect development in the Callow and Haywood area to have no detrimental impact on the watercourse and, where possible, aid in it achieving 'good status' by 2027.</p> <p>To further assist you in finessing your final submission I have attached a copy of our Neighbourhood Plan Pro-Forma which contains additional information relating to the above issues and what we would expect to see in your document.</p>
Coal Authority	<p>Having reviewed your document, I confirm that we have no specific comments to make on it at this stage.</p>
Sport England	<p>Thank you for consulting Sport England on the above Neighbourhood Plan.</p> <p>Planning Policy in the <b>National Planning Policy Framework</b> identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process and providing enough sports facilities of the right quality and type and in the right places is vital to achieving this aim. This means positive planning for sport, protection from unnecessary loss of sports facilities and an integrated approach to providing new housing and employment land and community facilities provision is important.</p> <p>It is important therefore that the Neighbourhood Plan reflects national policy for sport as set out in the above document with particular reference to Pars 73 and 74 to ensure proposals comply with National Planning Policy. It is also important to be aware of Sport England's role in protecting playing fields and the presumption against the loss of playing fields (see link below), as set out in our national guide, '<b>A Sporting Future for the Playing Fields of England – Planning Policy Statement</b>'.</p> <p><a href="http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/">http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/</a></p>

	<p>Sport England provides guidance on developing policy for sport and further information can be found following the link below:</p> <p><a href="http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/">http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/</a></p> <p>Sport England works with Local Authorities to ensure Local Plan policy is underpinned by robust and up to date assessments and strategies for indoor and outdoor sports delivery. If local authorities have prepared a Playing Pitch Strategy or other indoor/outdoor sports strategy it will be important that the Neighbourhood Plan reflects the recommendations set out in that document and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support the delivery of those recommendations.</p> <p><a href="http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/">http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/</a></p> <p>If new sports facilities are being proposed Sport England recommend you ensure such facilities are fit for purpose and designed in accordance with our design guidance notes.</p> <p><a href="http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/">http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/</a></p>
Dwr Cwyrw Welsh Water	<p>CALLOW AND HAYWOOD NEIGHBOURHOOD DEVELOPMENT PLAN SUBMISSION</p> <p>CONSULTATION – JUNE 2015</p> <p>I refer to your letter regarding the above consultation. Dŵr Cymru Welsh Water (DCWW) appreciates the opportunity to respond and we offer the following representation:</p> <p>The comments provided at the Neighbourhood Development Plan Pre-submission Consultation Stage in January 2015 still apply, therefore we have no further comments to add at this time.</p>

Woodland Trust	<p>Many thanks for consulting the Woodland Trust on the Callow &amp; Haywood Neighbourhood Plan. The Trust is very supportive of the principle of neighbourhood planning as a means for enabling communities to better protect their woods and trees as well as an opportunity to promote tree planting.</p> <p>We are however very concerned about the following statement in Policy CH1, Paragraph 9:</p> <p><i>DEVELOPMENT WHICH INVOLVES THE REMOVAL OF EXISTING LOCAL ORCHARDS OR WOODLAND WILL BE RESISTED UNLESS DEVELOPERS CAN DEMONSTRATE THAT THEY ARE NO LONGER VIABLE.</i></p> <p>The term viable is inappropriate to use in relation to orchards and woodlands as even if it is no longer financially viable they will be viable in terms of its contribution to biodiversity and amenity as well as the wider landscape. As it stands this paragraph currently offers less protection than that set out in paragraph 118 of the National Planning Policy Framework.</p> <p>We would ask that the term 'THAT THEY ARE NO LONGER VIABLE' should be replaced with 'an exceptional local need for development in that location'.</p>
Network Rail	<p>Thank you for consulting with Network Rail in relation to the Callow &amp; Haywood Group Neighbourhood Development Plan.</p> <p>Any development has the potential to impact on Network Rail's land, assets and operational railway infrastructure, the Callow &amp; Haywood Plan Group and potential developers should be aware of and consider Network Rail's standard guidelines and requirements when developing sites located adjacent or in close proximity to Network Rail's land, assets and operational railway infrastructure.</p> <p>For this information please visit <a href="http://www.networkrail.co.uk/asp/1538.aspx">www.networkrail.co.uk/asp/1538.aspx</a>. Please let me know if you would like more specific information on these standard guidelines and requirements.</p>



Herefordshire Council (Strategic Housing)	I've read the plan again and they still haven't changed anything from my last comments, insisting in policy CH9 on smaller development sites of 5 dwellings or less automatically wipes out any chance of affordable housing being delivered within the parish. Housing Associations cannot afford to purchase infill plots and 5 units is below the new Government threshold of 10 dwellings.
Herefordshire Council (Strategic Planning)	<p>I would like to make the following observations:</p> <ul style="list-style-type: none"> <li>• I note that settlement boundaries haven't been identified. Modifications to the supporting text to policy RA2 require NDPs to identify these boundaries. If no SBs are identified there should be at least some other mechanism to clearly identify what constitutes the extent of settlements in the neighbourhood plan.</li> <li>• I note that policy Ch9 does not refer to affordable housing although it does refer to Starter Homes. I assume that the reason being is that the Policy allows for development of groups of up to 5 houses and the modified core strategy policy only requires a contribution towards affordable housing for market housing developments of more than 10 dwellings or which have a maximum combined gross floor space of more than 1000sqm. However I recommend that the plan includes consideration of the provision of affordable housing through the rural exceptions policy (Core Strategy Policy H2).</li> <li>• Although not a conformity issue Policy CH8 may benefit from minor rewording to make it clear that in all cases where a re-use is proposed that criteria 1 &amp; 2 will need to be met to accord with Core Strategy Policy SC1.</li> </ul>

Herefordshire Council (Environmental Health)

My understanding is that no specific sites have been identified in this plan and as such I would advise:

- Given that no specific sites have been identified in the plan I am unable to provide comment with regard to potential contamination.

General comments:

Developments such as hospitals, homes and schools may be considered 'sensitive' and as such consideration should be given to risk from contamination notwithstanding any comments. Please note that the above does not constitute a detailed investigation or desk study to consider risk from contamination. Should any information about the former uses of the proposed development areas be available I would recommend they be submitted for consideration as they may change the comments provided.

Finally it should be recognised that contamination is a material planning consideration and is referred to within the NPPF. I would recommend applicants and those involved in the parish plan refer to the pertinent parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development.

These comments are provided on the basis that any other developments would be subject to application through the normal planning process.

**Assistant Director comments**

**I am content for this Plan to proceed to examination.**

**There have been a series of comments made at the final consultation phase. However this is not unusual and it will be a matter for the appointed independent examiner to assess whether the policies meet the basic conditions and if not to recommend modifications**

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

The decision to progress to appoint an examiner for the above neighbourhood plan has been

**Approved**

A handwritten signature in blue ink, consisting of several loops and a final horizontal stroke.

**Andrew Ashcroft**

**Assistant Director of Economy, Environment and Cultural Services**

Date: 30/07/2015

