

## Progression to Examination Decision Document



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

Name of neighbourhood area	Dorstone Neighbourhood Area
Parish Council	Dorstone Parish Council
Draft Consultation period (Reg14)	25 November 2015 to 31 January 2016
Submission consultation period (Reg16)	18 May to 29 June 2016

#### 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>	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
Are any 'excluded development' included? <ul style="list-style-type: none"> <li>• County matter</li> <li>• Any operation relating to waste development</li> </ul>	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> <li>National infrastructure project</li> </ul>		
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 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>	Schedule 4B para 5	No

#### Summary of comments received during submission consultation

Historic England	<p>Supportive of the vision and objectives and the content of the document, particularly its emphasis on local distinctiveness. Particularly commend the undertaking of historic characterisation.</p> <p>Well-considered, concise and fit for purpose document. Evidence based approach to the historic environment.</p>
Natural England	<p>Note specific reference to the River Wye SAC and Moccas Park SSSI have been included.</p> <p>NE does not have any further comments to make.</p>
National Grid	<p>Identified a high pressure Gas Transmission pipeline within the area – FM28 – Three Cock to Tirley PRI</p> <p>From the information provided, the pipeline does not interact with any proposed development site.</p>
Coal Authority	No specific comments to make
Environment Agency	As there are no site specific proposals within areas at risk of flooding and windfall development will be located on land outside of Flood Zones 2 and 3, we would offer no further bespoke comments at this time.
Welsh Water	As prepared in accordance with the Core Strategy, DCWW are supportive of the aims,

	<p>objectives and policies set out, particularly Policy DNP1 – Flooding</p> <p>There are no public sewerage provision in the parish, new development will require alternative foul drainage under the provision of Policy SD4.</p> <p>In providing clean water, no issues in accommodating the level of development proposed.</p>
Herefordshire Council – Strategic Planning	The plan’s policies are in general conformity with those equivalent in the Herefordshire Core Strategy. See appendix for full details
Herefordshire Council - Environmental Health (contamination)	<p>Given that no specific sites have been identified in the plan, unable to provide comment with regard to potential contamination.</p> <p><u>General comments:</u></p> <p>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.</p> <p>It should be recognised that contamination is a material planning consideration and is referred to within the NPPF. Recommend applicants and those involved in the 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.</p> <p>Finally it is also worth bearing in mind that the NPPF makes clear that the developer and/or landowner is responsible for securing safe development where a site is affected by contamination.</p>
Herefordshire Council - Environmental Health (pollution)	No further comments to add

**Please note the above are summaries of the response received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.**

### **Officer appraisal**

Comments received during the consultation have been supportive. Any outstanding issues highlighted under Policy DNP3 can be addressed during the examination process.

### **Assistant Director's comments**

**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 black ink, appearing to read 'Richard Gabb', with a large, sweeping flourish above the name.

**Richard Gabb**

**Programme Director – Growth**

Date: 6 / 7 / 2016 .

## Appendix 1

### Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Dorstone- Regulation 16 submission version

Date: 23/05/16

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
DNP H1- Settlement Boundary- Dorstone Village	N/A	Y	
DNP H2- Housing Site Criteria	SS2, H2, RA1, RA3	Y/N	<p>Are there any assurances that there are deliverable sites/opportunities within the settlement boundary?</p> <p>The delivery of a range of house sizes and tenures may prove to be difficult with only small scale proposals being sought.</p>
DNP H3- Housing Design Criteria	H1, H3, LD1, LD4, SD1-SD4	N	<p>Limiting the number of bedrooms allowed in all residential proposals is unnecessarily prescriptive, particularly as only small scale developments are being sought. This could hinder such proposals from coming forward, particularly those for just single dwellings.</p> <p>Residential proposals of a certain number of houses or more being expected to provide predominantly 3 bed dwellings would provide a more flexible approach to the policy.</p>
DNP H4- Delivery of Affordable Housing	H1, H2	Y	
DNP E1- Small Businesses, Farming	E1-E3, RA4-RA6	Y	



<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
and Employment			
DNP IN1- Infrastructure	E3	Y	
DNP T1- Tourism	E4	Y	
DNP RE1- Renewable Energy	SD2	Y	
DNP ENV1- Conservation, Heritage and Landscape	LD1-LD4	Y	
DNP F1- Flooding	SD3, SD4	Y/N	Proposals should also have regard to national guidance on flood risk. Development should be located in accordance with the Sequential and Exception tests (where appropriate) set out in paragraphs 100-104 of the NPPF. It should also take account of the Herefordshire Strategic Flood Risk Assessment (SFRA) 2009.
DNP CF1- Community Facilities	SC1	Y	