

Progression to Examination Decision Document



Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Eardisland Neighbourhood Area
Parish Council	Eardisland Parish Council
Draft Consultation period (Reg14)	3 December 2015 to 20 January 2016
Submission consultation period (Reg16)	6 April 2016 to 18 May 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"> • 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
Are any 'excluded development' included? <ul style="list-style-type: none"> • County matter • Any operation relating to waste development 	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> National infrastructure project 		
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"> 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	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 including undesignated heritage assets and maintenance of historic rural character.</p> <p>Well considered, concise and fit for purpose. Good example of community led planning.</p>
Natural England	Not specific comments on this neighbourhood plan.
National Grid	<p>Identified the following intermediate pressure Gas Distribution pipeline as falling within the area:</p> <p>1400Z Pembridge 7 Bar-IP pipeline.</p> <p>The pipeline does not interact with any of the proposed development sites.</p>
Coal Authority	No specific comments to make
Environment Agency	<p>Note no sites have been put forward for allocation due to the extensive flooding experienced within the parish.</p> <p>It is important that forthcoming windfalls are located on land of the lowest risk of flooding and accord with Policy SD3 and E1</p> <p>Welcome parish council commission of feasibility</p>

	<p>study of potential ways to alleviate flooding within Eardisland. Welcome continued discussions.</p>
Welsh Water	<p>Supportive of the aims, objectives and policies set out.</p> <p>Do not envisage any issues in providing a supply of clean water for the number of new housing units. Advise that there is no public sewerage within the plan area, alternative foul drainage options will be required.</p>
Ward Member – Cllr Philips	<p>Given the flood plain issue in Eardisland, identifying land for residential development is problematic. Not sure that the neighbourhood plan can resolve this.</p>
Herefordshire Council – Strategic Planning	<p>The plan's policies are in general conformity with those equivalent in the Herefordshire Core Strategy.</p>
Herefordshire Council – Economic Development	<p>No issues. Can see that Eardisland is constrained in terms of growth due to the flood plain.</p> <p>Policy E13 to E17 adequately address future employment provision. However, policy E13 is very prescriptive and might hinder development in the area</p>
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</p>

	contamination.
Herefordshire Council - Environmental Health (pollution)	Note that recommendation regarding residential amenity has been incorporated as k) in Policy E9 and have no further observations to make.

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

The Eardisland NDP has met the required regulations as highlighted above. The Strategic Planning team have confirmed that given the environmental constraints within the village, the plan is in conformity with the Core Strategy.

Representations were generally supportive of the plan and its approach.

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.



Richard Gabb

Programme Director – Growth

Date: 20.5.2016

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Eardisland- Regulation 16 submission draft

Date: 07/04/16

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
E1- General Development Principles	SS1-SS7	Y	
E2- Protecting Heritage Assets	LD4	Y	
E3- Landscape Character	LD1	Y	
E4- Protection and Enhancement of Features of Ecological Value	LD2	Y	
E5- Design to Reduce Surface Water Run-off	SD3, SD4	Y	
E6- Dark Skies	N/A	Y	
E7- New Communications Technologies	E3	Y	
E8- Protection of Local Community Facilities	SC1	Y	
E9- Scale and Type of New Residential Development	RA1-RA5	Y	It is accepted that allocation of any sites within or adjacent to the settlement boundary is difficult due to flooding constraints.
E10- Ensuring and Appropriate Range of Tenures, Types and Sizes	H1, H3	Y	
E11- Protection of Local Green Spaces	OS3	Y	
E12- Public Rights of Way/Connectivity	LD3	Y	
E13- Managing Agricultural Land and Businesses	RA5, E1, E2	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
E14- New Agricultural Development	E1, RA6	Y	
E15- Supporting Existing Local Employment	RA6, E1, E2	Y	
E16- New Local Employment Opportunities	RA6, E1	Y	
E17- Supporting Tourism and Local Business Development	E4	Y	
E18- Community Facilities and Public Funds	SC1, ID1	Y	

Other comments/conformity issues:

The plan's policies are in general conformity with those equivalent in the Herefordshire Core Strategy.