

Progression to Examination Decision Document



Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Fownhope Neighbourhood Area
Parish Council	Fownhope Parish Council
Draft Consultation period (Reg14)	18/05/2015 – 30/06/2015
Submission consultation period (Reg16)	27/08/2015 - 08/10/2015

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 	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> Any operation relating to waste development 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

Comments received during submission consultation

Herefordshire Council – Environmental Health	All four proposed sites indicated have been historically used as orchards, which can be subject to spraying practices may in some circumstances lead to contamination and any development should consider this.
Herefordshire Council - Housing	Policy FW13 requests 40% of affordable housing; the requirement should be 35%. The local connection policy is too restrictive and will limit the local people who could have housing which means the cascade system would come into effect and could disadvantage the local people requiring affordable housing.
Herefordshire Council - Planning policy	<p>Policy FW3 point 1 – is too restrictive compared to the NPPF policy.</p> <p>The Core Strategy provides a significant level of detail on this topic and the NDP policy sets out limited guidance therefore this policy could be omitted.</p> <p>Policy FW4 – the first bullet point needs to be reworded as it contradicts the policy later on, stating in the first bullet point that certain development will not be permitted then later on saying that if development is likely to overload the</p>

	<p>system.</p> <p>Policy FW5 – what is the justification for the ‘no development should be permitted within 100m of the SAC’?</p> <p>Policy FW7 – point a) it is not possible to enforce due to views being subjective.</p> <p>Policy FW8 – Policy is too restrictive, policy imposes some unsubstantiated requirements and prescriptions.</p> <p>Policy FW13 – the Core Strategy modifications state that affordable housing now applies to all open market housing on sites of 10 or more which have a maximum combined gross floor space of more than 1,000m²</p> <p>Policy FW14 – Affordable housing can also be for sale as well as rent</p> <p>FW27 – in the justification text the statement regarding new roads being subject to a 20mph limit will need to be checked with the highways team to ensure this is acceptable.</p>
The Coal Authority	No specific comments to make
Welsh Water – Dwr Cymru	<p>Supportive of Vision, Objectives and policies set out. However the supporting text at paragraph 8.1, Policy FW4 and supporting text 8.2 is not wholly accurate and should be replaced with:</p> <p>Paragraph 8.1. - We require the reference to “...outflow of untreated sewage onto the streets...” be removed.</p> <p>Paragraph 8.2 – We suggest this paragraph is reworded to read as follows:</p> <p><i>8.2 Fownhope Wastewater Treatment Works (WwTW) was upgraded in 2006 as part of the Dŵr Cymru Welsh Water (DCWW) Asset Management Plan 4 (AMP4) Capital Investment Programme. At present, there is hydraulic capacity at the WwTW and within the public sewerage network to accommodate the growth proposed in the Neighbourhood Plan, but there will come a time when improvements are required. Any required future improvement will be subject to being approved by Ofwat as part of future AMP programmes. DCWW will continue to undertake operational work on the Fownhope WwTW and/or public sewerage network as and</i></p>

	<p><i>when required.</i></p> <p>Policy FW4 Sewage Treatment Works – We suggest this policy is reworded to read as follows:</p> <p><i>“Fownhope Wastewater Treatment Works Developments that may result in the capacity of Fownhope WwTW and/or the public sewerage network being hydraulically overloaded will not be permitted.</i></p> <p><i>Developers will have to show that their proposals will not hydraulically overload the Fownhope WwTW and/or the public sewerage network, or</i></p> <ul style="list-style-type: none"> <i>- That they will work with DCWW to fund appropriate upgrades; or</i> <i>- Will provide alternative arrangements for the treatment and discharge of foul flows.</i> <p><i>Works to upgrade the quality and capacity of the WwTW and/or public sewerage network will be supported where they are required by DCWW and/or to meet the level of development set out in the Neighbourhood Plan.”</i></p> <p>Annexe E Glossary of Terms Used - We suggest “Welsh Water” is reworded to read as follows:</p> <p><i>Dŵr Cymru Welsh Water (DCWW) – Statutory water and sewerage undertaker responsible for providing a supply of drinking water and taking away, treating and disposing of the wastewater that is produced.</i></p> <p>For the Specific sites detailed:</p> <p>Water - no issues in providing a supply of water to these developments, however off-site mains may be required.</p> <p>Sewerage - No problems are envisaged with the public sewerage system for accepting domestic foul drainage.</p> <p>Sewage Treatment - No problems are envisaged at the receiving Fownhope Wastewater Treatment Works (WwTW) to accommodate the domestic foul flows from these proposed sites.</p>
<p>Environment Agency</p>	<p>Policy FW1 – Welcome the re-wording of this policy. However it may be prudent to change the word ‘will’ to ‘should’ as there may be justifiable instances where small scale development has to</p>

	<p>be located within Flood Zones 2 and 3.</p> <p>FW3 – the following text could replace points 1 & 2 of the policy:</p> <p><i>'Development should be located within Flood Zone 1 (Low Risk) and accord with National Planning Policy Guidance (NPPG) and Herefordshire Council's Core Strategy (Policy SD3 - Sustainable Water Management). Where small-scale development is deemed necessary (with consideration of the Sequential Test) within Flood Zones 2 and 3 we would expect the proposals to demonstrate that they are safe and will not increase flood risk to third parties, with flood-risk betterment provided where possible.'</i></p> <p>Policy FW4 – welcome this policy</p> <p>Section 14 – need to ensure that the sites Potato Barn and Lowerhouse Gardens can safely accommodate the proposed level of housing without increasing flood risk to third parties.</p> <p>In line with the above we'd expect development in Fownhope to have no detrimental impact on the watercourse to aid in it achieving 'good status' by 2027.</p>
<p>Historic England</p>	<p>Supportive of the content of the Plan, particularly the comprehensive treatment of the wider historic environment including non-designated heritage assets, and is a very good example of community led planning.</p>
<p>Natural England</p>	<p>Note that the whole of the NDP has been revised to reflect the changes advised in the Regulation 14 consultation, however some further changes are advised to ensure clarity within the NEP:</p> <p>Policy FW5 – Biodiversity suggest that the words designated sites should be added to the wording below for clarity</p> <p><i>'Development can only proceed where any adverse effects can be avoided or mitigated'</i></p> <p>Furthermore, advise expanding the second part to include more about green infrastructure, and including policy to protect specific priority habitats around the village such as traditional orchards and deciduous woodland.</p> <p>Policy FW9 – Housing numbers for clarity we advise adding the site references (referred to in</p>

	<p>table on page 26) to the map (pg25) to help the reader identify the different proposed housing sites.</p>
<p>Wye Valley AONB</p>	<p>Broadly supports the general direction of the NDP and welcome the recognition of the Plan being embedded in the Wye Valley AONB.</p> <p>However object to the lack of reference to the statutory Wye Valley AONB management plan in the documentation. Although the Management Plans do not form part of the Statutory Development Plan they may contribute to setting the strategic context for development by providing evidence and principles which should be taken into account in NDPs in the area. The 2015-2020 version of the management plan is likely to be adopted by Herefordshire Council before the end of the year.</p>
<p>Dormington and Mordiford Group PC</p>	<p>No comments to make</p>
<p>Mr & Mrs White – Resident</p>	<p>The Plan on the whole goes a long way to provide a good balance between housing development and preserving the character of the village and parish as a whole.</p> <p>Some Concerns:</p> <p>Policy FW9 – disappointed to see the total number of dwelling increased from 60 to a minimum of 70. This increase has not been explained</p> <p>Concerned with the volumes of traffic going through the village and the impact it has on community if, therefore any new development which increases traffic flow further should include measures to reduce the risk such as mini roundabouts, traffic controlled cross roads, change in priorities or similar.</p> <p>Para 2.3 – seems irrelevant to only discuss two age ranges so should be removed.</p> <p>Objective 5.2(1) or (4) should have organic growth and integration of newcomers made more central</p> <p>Objective 5.2 (9) should be strengthened to include increasing footways</p> <p>Concerned policies FW1 (b) and (f), FW2 (g) should be strengthened</p>

	Dark sky policy referred to in paragraph 29 is important to village yet is not defined in a policy anywhere.
M Simmons - Resident	Strongly support this plan
Mr R Gee - Resident	Supports most of the plan, objects to the site on Mill Field as this is a prominent and visible site on approach to the village. Therefore would have a major visual impact on the area and significant effect on amenity.
Jodie Broad - Resident	Concerned there is conflict within the Plan between housing allocation adj to the medical centre and the proposed allocation of Common Hill as an area of Special Character, due to the loss of views and destruction of hedgerows for access. Common Hill should be included within the Area of Special Character and this should include the area above the Medical Centre where Common Hill Lane begins.
Alun Webber - Resident	<p>Objects to the Plan for following reasons:</p> <p>Policy FW2 – does not include alteration [promised in Reg 14 consultation summary</p> <p>Policy FW3 – Restricting development to Flood Zone 1 is against NPPF and EA guidance</p> <p>Policy FW5 – Wording of this statement is ambiguous. Prohibition of development within 100m of River Wye SAC will unfairly blight properties in that area for simple development or repair tasks.</p> <p>PolicyFW20 – ‘The Plan will seek to find new uses rather than see building fall into neglect’ as written this policy does not permit old agricultural buildings to be demolished and rebuilt for reuse where conversion / repair is not feasible. FW11 allows for demolition and rebuilding for former houses this should also apply to redundant agricultural buildings, excluding modern ones.</p>
M Clark - Resident	<p>Supports Policies FW1, FW2, FW5, FW6, FW7, FW9, FW18.</p> <p>Policy for phasing of any housing development is vital (FW15)</p>

	<p>It should be a maximum of 70 houses not minimum.</p> <p>Provision of affordable housing is very good if all four sites are developed.</p> <p>All four sites currently have issues with pedestrian access to the village at present or problems with increasing traffic on Common Hill Lane for site near to medical centre.</p> <p>Part of site BC, Potato Barn is shown to be within the flood risk zone, that part should be excluded.</p> <p>Likewise Site A, Mill field extends to the boundary of the Cherry Hill SSSI. In light of the inspectors decision on the Mill field application the northern part of the site should not be developed.</p> <p>Overall, I would support the Plan as submitted.</p>
<p>Mr C Whitmey - Resident</p>	<p>This excellent NDP is fatally marred by the inclusion of two sites A (Mill Field) and B (Potato Barn / Mill Farm). (submitted a map as part of response)</p> <p>Site X marked on the map (adjacent to Mill Field has been subject to two planning appeals stopping building development on the site to protect the approach along B4224 Therefore any development on Site A or B would be contrary to opinions of three planning Inspectors on significant factors concerning the approach to Fownhope.</p> <p>Site H (adj to the medical centre) should be extended to include Ha (marked on map in submission) would extend it to the existing hedge-line of the present open field which is within the same ownership.</p>
<p>Mr I Staniforth - Resident</p>	<p>Objects to the sites Mill Field and Mill Farm north of Potato barn. These sites would have a negative impact on both Fownhope and the wider AONB area.</p> <p>A recent dismissed appeal decision, the Inspector stated that the development would be 'major development'. The dismissal was based on a number of considerations including: other less contentious sites; the site is in an area of high sensitivity in landscape terms; any development in this location will need to address the high sensitivity of surrounding areas inc Cherry Hills SSSI; the development will have a negative</p>

	visual impact on the AONB.
Mr I Jones – Resident	<p>Feels the site allocation process has been flawed and will in turn lead to fewer houses than can be accommodated which will lose the needed affordable houses. Mill Field could accommodate significantly more houses than the 12 units identified. The recent dismissal of appeal on this site was due to the lack of evidence as to whether the scheme was a 'major scheme or not'.</p> <p>During the consultation process residents had not been fully informed to make the best decision.</p> <p>The affordable housing level should be 35% and it is currently stated at 40%</p> <p>Site off common hill lane / Medical centre difficulties with the access, and the allocation of this site is contrary to the requirements of the Plan to make Common Hill an area of special character. Therefore this site should be removed.</p> <p>Feels that the policy FW8 is superfluous as there are already restrictive housing policies and the AONB protection, however if the policy was adopted then the boundary should be extended to the existing settlement boundary running north of the medical centre thereby safeguarding against development at Site H.</p>
Mr R Hungerford - Resident	Object to the Mill Field housing allocation due to the dismissed appeal and its conclusions on the site.
K Hart - Resident	Objects to the housing site on Mill Field. Site has already been looked at by an Inspector under planning ref 141828 dated 18 June 2014 and has been rejected
Mr M Ibbotson - Resident	<p>Supports policy FW8 but the boundary should be widened e.g. SW to medical centre</p> <p>Object to Policy FW9 - would destroy the important views towards village from footpath on Common Hill Lane, access should be from Green Lane rather than Common Hill lane</p>
Mr R Smith - Resident	An appeal for housing development on Mill field has recently been dismissed therefore this housing site should be discarded.
Resident - Anonymous	Feels that the site selection process was not open enough and land owners were being

	<p>pushed into decisions that they weren't ready to make therefore sites were then not considered fully.</p>
Mr P Green- Resident	<p>Fownhope requires more affordable housing; the Mill field site would be more suitable for the village providing larger numbers of housing than the Scotch Firs site and would have less impact on the approach to the village.</p>
Mr & Mrs R Guy – Resident	<p>Support the housing allocations at Mill field and Mill Farm. No vested interests on either of these sites.</p> <p>We object strongly to any development in the vicinity of the Medical centre due to increase in risk for road traffic at the junction with the B4224 adjacent to the church, and Common Hill Lane is too narrow.</p>
James Spreckley MRICS	<p>Map contains no annotation to enable identification of each site.</p> <p>Mill field site could accommodate up to 25 houses without constituting major development, the mitigating factors identified in the previous application could still apply but with the fewer houses the proposal should be supported.</p> <p>Land at potato barn / Mill farm has no means of safe pedestrian access to village facilities without using the main road, therefore this allocation is flawed.</p> <p>Land adjacent to Lowerhouse gardens is landlocked and relies upon access from the adjoining housing development or third party land. Furthermore no safe pedestrian access to village facilities therefore allocation is flawed.</p> <p>Land adj to the Medical centre has no safe means of access to the site, therefore the allocation is flawed.</p> <p>Policy FW13 states that affordable home should be provided for on sites of 6 or more yet the core strategy policy states 10.</p>
Helen Lohan - Resident	<p>Concerns over the settlement boundary being ambiguous around the Mill Field site and the Potato Barn / Mill Farm site.</p> <p>The Settlement boundary within the Plan does not reflect the exact extent of the proposed sites</p>

	<p>that were on display at all exhibitions.</p> <p>Questions why the site Mill Field is within the Plan when it was dismissed at appeal, and is in a very prominent position, in the middle of the AONB and adjacent to the SSSI woodlands.</p>
<p>Annie Hardwick</p>	<p>The Neighbourhood Plan is contradictory, inconsistent and incomplete.</p> <p>The number of affordable homes stated ion the Plan are unlikely to come forward due to being part of allocated sites where the numbers are so small it would not be financially viable for any developer to provide.</p> <p>Site at Potato Barn / Mill Farm does not have a safe pedestrian access to village facilities. The potato Barn is currently used as a business. The site is close to the River Wye SAC and floodplain it is also close to a Listed building.</p> <p>Land adjacent to Lower House Gardens this site is landlocked and it is not possible to provide safe pedestrian access to village facilities.</p> <p>Land adjacent to the medical centre will need to create a new access off Common Hill lane, an adequate footpath access is probably unachievable, the extra traffic will cause more congestion at the junction to the B4224 and will ruin the special character of the area.</p> <p>Mill field site, reducing the allocation of houses to up to 25 houses would reduce the 'major development' status of this site as identified by the Inspector at the recent appeal and will still allow the benefits of the scheme to come forward.</p>
<p>Susan Gough - Resident</p>	<p>The proposed site adjacent to the medical centre should be considered unsuitable due to the width of Common Hill Lane, increase traffic at the B4224 junction would be extremely dangerous with poor visibility, and there would be an impact upon views from Common Hill.</p> <p>Common Hill as a site of Special Character proposal (policy FW7) – the village envelope should be close to the medical centre (policy FW17), the boundary of the area of special character should be extended below the track leading to Highland Cottage to Nursery Cottage and the Pump.</p> <p>Telecommunications (FW25) these should be</p>

	<p>improved for all residents not just those within the village centre.</p> <p>House extensions should not lead to the creation of separate dwellings (FW12)</p> <p>Local businesses and working from home should be respectful of the neighbour's amenity.</p>
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Programme Director comments

I'm happy for this document to proceed.

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: 12th October 2015