

Progression to Examination Decision Document



Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Kingstone and Thrupton Group Neighbourhood Area
Parish Council	Kingstone and Thrupton Group Parish Council
Draft Consultation period (Reg14)	7 September to 19 October 2015
Submission consultation period (Reg16)	10 February to 23 March 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 (1 and 2)	Yes
Are any 'excluded development' included? <ul style="list-style-type: none"> • County matter • Any operation relating to waste 	1990 61K / Schedule 1	No

development <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
Is this a repeat proposal? <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	Support of the content of the document and no substantive comments to make. Good example of community led planning.
Natural England	Acknowledges the strengthening of policies KTH1, KTH4 and KTE1 Welcome the inclusion of KTD3 HRA – agree with conclusions SEA – concur with conclusions
Network Rail	No objection in principle
National Grid	Identified a high pressure Gas Transmission pipeline as falling within the neighbourhood area – FM28 Three Cooks to Tirley PRI. The pipeline does not interact with any of the proposed development sites.
Coal Authority	No specific comments to make
Environment Agency	Welcome the comprehensive flood risk policies within the plan but in the absence of specific sites allocated do not offer bespoke comments at this time.
Welsh Water	Supportive of the vision, objectives and policies set out. Previous comments provided on the two

	<p>committed housing sites as part of the planning applications, therefore no further comment to make.</p>
Herefordshire Council – Strategic Planning	<p>Conformity with the Core Strategy confirmed apart from Policy KTDC1.</p> <p>Appendix 1 attached with full details</p>
Herefordshire Council - Housing	<p>No concerns</p>
Herefordshire Council - Environmental Health (contamination)	<p>Apart from the two “Committed housing Sites” identified in orange on Map 4 –“Kingstone & Thrupton Neighbourhood Plan- Proposals Map”- which have already been granted planning approval, no other specific sites have been identified in this plan therefore 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. 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.</p> <p>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.</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> <p>These comments are provided on the basis that any other developments would be subject to application through the normal planning process.</p>
Herefordshire Council - Environmental Health	<p>Recommend an additional criteria to KTH1 ‘New</p>

(pollution)	housing development proposals will only be permitted when they 9) and 4) 'are not to be impacted in terms of noise, odours, dust or nuisance arising from neighbouring agricultural, commercial or industrial activities.'
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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.

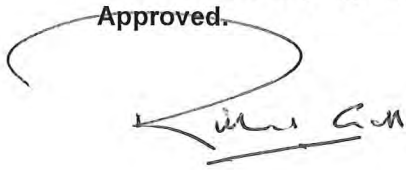
Officer appraisal

This plan has met the regulations as set out above. No concerns have been raised by either internal or external respondents regarding the ability to meet the required proportional growth or other requires of the Local Plan. With the exception of the policy relation to Community Infrastructure Levy (preliminary charging schedule currently on consultation) the plan is in conformity with the Local Plan.

Assistant Director comment

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: 24th March 2016.

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Kingstone and Thrupton Neighbourhood Development Plan,

Consultation stage: Regulation 16, February 2016

Date: 21/03/16

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
KTH1 Housing Development Building and Phasing	SS1, SS2, SS3, RA1, RA2, RA3, RA4, RA5, H2	Y	Rural exception housing paragraph- this element of the policy does not mention new affordable dwellings as being also possible on such sites. Core Strategy Policy H2 'Rural exception sites' is there to enable such schemes to come forward. It is noted that policy KTH3 addresses rural exception housing in the countryside more comprehensively so in that sense it is covered within the Plan
KTH2 – Supporting Sustainable Development on Committed Site 1	SS1, SS2, SS3, RA1, RA2, H3, H1,SC1, OS1, OS2, MT1, E1, E3, SD3,	Y	Observation – use of 'etc.' in policy leaves the list too open. Better to elaborate on this or provide more information in the text.
KTH3 - Meeting Local Housing Needs and Providing a Mix of New Housing	H1, H2, H3, RA3	Y	
KTH4 - Character and Distribution of Housing in Kingstone	RA1, RA2, LD1, LD4, SD1	Y	
KTH5 - Character and Distribution of Housing in Thrupton	RA1, RA2, RA4, RA5 LD1, LD4, SD1	Y	
KTD1 – Protecting Heritage Assets	LD1, LD4,	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
KTD2 – Protecting Local Green Spaces	SS6,LD1, LD3, OS1, OS2, OS3	Y	
KTD3 – Green Infrastructure	SS6, LD2, LD3, LD4, SD3	Y	
KTCF1 – Provision and Protection of Community Facilities and Services	SS1, SC1, E1	Y if comments addressed	Clarity needed beyond this statement: <i>“In addition equivalent of better provision for the facility to be lost should be made elsewhere within the settlement boundary”</i> . If a marketing exercise after two years yields no interest then where is the justification for for further provision elsewhere within Kingstone.
KTE1 – Proposals for New Employment	SS5, E1, RA5, RA6, SD3, SD4	Y	
KTE2 – Protecting Existing Employment	SS5, E1, RA5, RA6, MT1, SD1	Y	
KTF1 – Reducing Flood Risk	SS1, SS7, SD3	Y	
KTF2 – Flood Resilience	SS1, SS7, SD3	Y	<p>Criterion 1-5: Difficult to enforce as current building regulations do not request more stringent standards for developments in flood zones.</p> <p>The planning application is expected to determine the appropriate flood mitigation measures to prevent flooding in the first place such as Sustainable Urban Drainage Systems (SUDS) or attenuation ponds.</p> <p>Potential to elaborate more within the supporting text. For example: <i>Current Building Control practice expects the use ofbut in Kingstone the materials to be used are x, y and z because latest best practice...</i></p>

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
KTF3 – Reducing Surface Water Flooding	SS1, SS7, SD3	Y	
KTDC1 – Developer Contributions	ID1	N	<p>Although the policy is aimed at ensuring the rural character of both villages is maintained; this area of planning falls within the remit of the Local Planning Authority and should not be included in the Plan.</p> <p>This section as drafted is not compliant with the latest legislative constraints governing Section 106s. The Planning Authority does this through negotiations with the developer depending on the scheme and arrangements for payment are settled between these two parties.</p> <p>In any case the contributions that local communities are entitled to will amount to 25% and will be paid on a biannual basis to reflect administration arrangements within the council.</p> <p>If this section is to be retained it might be useful to set out how the 25% CIL entitlement would be spent once the NDP and CIL are adopted.</p>

Other comments/conformity issues:

Table 1 - Would benefit from better presentation

Para 4.1.10 - update date 'May 2015'

Para 4.2.2 – reference to 'English Nature', this organisation is now known as 'Natural England' as identified in the footnote web link

