

## Progression to Examination Decision Document



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

Name of neighbourhood area	Leintwardine Group Neighbourhood Area
Parish Council	Leintwardine Group Parish Council
Draft Consultation period (Reg14)	5 December 2015 to 30 January 2016
Submission consultation period (Reg16)	23 August to 4 October 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> </ul>	1990 61K / Schedule 1	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?	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

Herefordshire Council – Environmental Health (contamination)	Understand that apart from the two sites; 'Land adjacent to the Surgery in High Street' and 'Land adjacent to Rosemary', both of which have Outline Planning Permission, no other specific sites have been identified in this plan and as such provide general advice.
Herefordshire Council – Strategic Planning	See appendix 1 General conformity confirmed
Herefordshire Council – Development Management	See appendix 2 Particular concerns regarding Policy LG11 as sites already have outline planning permission
Herefordshire Council – Environmental Health	<p>Reiterate our earlier recommendation regarding policies LG10 and LG11 which has not been taken on board namely::</p> <p>To protect existing and future residential occupants amenity, we recommend that this be listed as a criteria in policy LG10, LG11 and any future housing policy:</p> <p>a) New development does not impact on the amenity of existing residential occupants.</p> <p>b) Existing agricultural, industrial or commercial activity does not impact on the amenity of future residential occupants. (Leintwardine)</p>
Herefordshire Council –	No further comments to add to those made at draft plan stage on

Archaeology	15/01/2016
Natural England	No specific comments on this draft neighbourhood plan
Historic England	<p>Supportive of both the content of the document and the vision and objectives set out in it.</p> <p>Emphasis on the conservation of local distinctiveness and variations in local character through good design and the protection of local built and landscape character including important views, farmsteads and archaeological remains is to be applauded.</p> <p>Plan is well written, well considered and concise and eminently fit for purpose. Exemplary approach to the historic environment and 'constructive conservation'</p>
Coal Authority	No specific comments to make
National Grid	No records of high voltage electricity assets, high pressure gas pipelines or National Grid Gas Distribution's Intermediate and High Pressure apparatus.
Seven Trent Water	No specific comment to make and included general advice
Dwr Cyrum / Welsh Water	Supportive of aims, objectives and policies set out. Do not envisage any issues in providing a supply for the 15 additional houses proposed on Land adjacent to the Surgery. Advice that public sewerage network do not extend to Leintwardine parish.
Sport England	Generic response outlining guidance. No specific comments regarding Leintwardine Group
Network Rail	Generic response outlining guidance. No specific comments regarding Leintwardine Group
CPRE Herefordshire	Forward to volunteers to comment. No further comments received.

**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's Appraisal**

A total of 14 representations were received during the publicity period; 5 internal comments, 9 from statutory consultees and none were received from the wider public.

The comments were general supportive and any outstanding issues regarding policy wording can be addressed as part of 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 blue ink, appearing to read "Richard Gabb", with a large, stylized flourish above the name.

**Richard Gabb**

**Programme Director – Growth**

Date: 11 October 2016

**Appendix 1** Herefordshire Council Strategic Planning Team

Name of NDP: Leintwardine Group (Regulation 16 submission draft)

Date: 22/09/16

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
LG1- Promoting a Sustainable Community	SS1	Y	
LG2- Protecting Heritage Assets	LD4	Y	Where possible, new development could not only conserve, but also enhance heritage assets and their settings through appropriate design and management. Acknowledging this in the policy would add some flexibility.
LG3- Retaining the Natural Environment and Landscape	LD1-LD3	Y	
LG4- Development Within Leintwardine's Conservation Area	LD1, LD4	Y	
LG5- Design Appearance	LD1, LD4	Y	
LG6- Sustainable Design	SD1-SD4	Y	
LG7- Highways and Transport Infrastructure	SS4, MT1	Y	
LG8- Highway Requirements	SS4, MT1	Y	
LG9- New Homes in Leintwardine	SS2, RA2	Y	
LG10- Leintwardine Settlement Boundary	N/A	Y	
LG11- Housing Land	N/A	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Adjacent to the Surgery			
LG12- Supporting Local Business	RA5, RA6, E3, E4	Y	
LG13- Renewable Energy	SD2	Y	
LG14- Broadband Infrastructure	N/A	Y	
LG15- Protection and Enhancement of Services and Facilities	SC1	Y	
LG16- Safeguarding Local Greenspace	OS3	Y	
LG17- Provision of Local Sports Area	OS1, OS2	Y	
LG18- Use of Community Infrastructure Levy	ID1	Y	

## Appendix 2 Development Management Team Comments

Date: 9 September 2016

Policy	Comment
Para 1.12	<p>This underplays the services that are available in the village. Leintwardine is one of the best served villages in the county in this respect with services that include a primary school, doctor's surgery, fire station and library. To suggest that there are limited services seems rather disingenuous.</p>
LG1	<p>Point b) The meaning or intention of this criteria is not clear. Is it suggesting that development will be expected to contribute towards the improvement of local infrastructure to mitigate impacts? This needs to be clarified and re-written.</p> <p>Point c) The first part which says about meeting need is ok, but the last part which suggests that development that does not contribute to need will be resisted is phrased in the negative and is contrary to the NPPF.</p> <p>The concluding paragraph of the policy needs to be amended. It shouldn't suggest that there will be proposals that aren't covered by the plan. It is enough to say that proposals should comply with the sustainability priorities as set out by the plan.</p>
LG2	<p>Points a, c &amp; e) are all phrased in the negative and need to be re-worded to be NPPF and Core Strategy compliant.</p> <p>Point c) remove the word 'similar'</p> <p>Apart from the above, the policy provides a good basis for considering the effects of developments on heritage assets</p>
LG3	Ok
LG4	Point a) is ok but would read more easily if the key elements were presented as bullet points



	<p>Point b) the intention is fine but the first part is again unclear as to the precise intention</p> <p>Point c) this is good as it gives some clear direction about alterations and extensions to dwellings in the conservation area. This has been lacking from a number of other NDP's and its inclusion is welcomed.</p> <p>Point f) says nothing. Should be removed</p>
LG5	<p>This is a good policy. It gives clear direction about how development will be assessed. The only suggestion is that it should be clear that it is relevant to extensions and other development within residential curtilages.</p>
LG6	<p>The basic premise of the policy is fine but as a whole it is unclear and needs a complete re-think and simplification.</p>
LG7	<p>Ok</p>
LG8	<p>Point b) it's acceptable to require development to provide appropriate levels of parking but it should not be expected that it solves pre-existing problems. The last part of the sentence should be removed.</p> <p>Point e) issue with the font. The last part of could be simplified by removing the words "existing footways or to the"</p> <p>Point f) is unnecessary and should be removed</p>
LG9	<p>Ok</p>
LG10	<p>Point g) should simply read – <i>Proposals will be supported where:</i></p>
LG11	<p>The policy relates specifically to two sites that already have the benefit of outline planning permission. It is very prescriptive and in some cases seeks to add a further layer of control where matters have already been agreed through the granting of permission.</p>



	<p>The matters that the policy seeks to exert a degree of control over in points a to j) are essentially covered by Policy LG5 and by the conditions and Section 106 Agreements imposed on the respective sites.</p> <p>The policy then goes on to make specific requirements in relation to each of the individual sites.</p> <p>Point l) what evidence has been produced to suggest that the existing access for the surgery is unacceptable? The new surgery was completed around three years ago and the access was considered to be acceptable at that stage. Improvements to the junction will only be required if it is evident that the intensification of its use as a result of the housing development makes it unsafe.</p> <p>Pont m) it cannot be presumed that planning permission would not be granted again should the outline permission for the site at Rosemary Lane not be implemented. The effect of this would be to pre-determine any future application. This is entirely unreasonable when it has previously been found that the development of the site is acceptable.</p> <p>Point n) this runs contrary to the assessment of the outline planning permission and paragraph 64 of the Inspector's decision letter. The NDP should not seek to impose requirements retrospectively when the issue of access was determined at part of the outline permission.</p> <p>Point o) it is assumed that this is trying to secure a date for the completion of the development. The reference to a 'bond' is unclear. Is this envisaged to be some sort of financial payment if the development were not to be completed in an agreed timescale?</p> <p>Points l to o) are all unreasonable and unnecessary and should be removed.</p>
LG12	<p>Point d) is contrary to the Council's current position as far as Section 106 contributions towards commercial development are concerned. Contributions are not currently being sought.</p> <p>The rest of the policy is ok, although it is suggested that criteria f, g and h) would all be better as individual policies.</p>

LG13	The last sentence is not acceptable and should be removed. Again it is pre-determining proposals – in this case those for multiple wind turbines. This is prejudicial and should not be included.
LG14	Ok
LG15	The majority of the policy is perfectly clear. The exception is the penultimate paragraph. How can a development proposal <u>provide</u> off site facilities? I assume that it means that developments which contribute financially towards the provision of off-site community facilities will be supported. This should be caveated on the basis that they are acceptable in all other respects.
LG16	Ok
LG17	This policy would have greater value if the plan specifically identified an area of land for the provision of an area for sport and recreation. Without a specific allocation the policy has limited value.
LG18	It is well established by planning legislation and case law that contributions should only be requested to provide for infrastructure improvements where it can be demonstrated that they are required to make a development acceptable (paragraphs 122 & 123 of the Community Infrastructure Levy Regulations 2010 provide clear advice in this respect). Contributions will not meet the tests of reasonableness and necessity if they are required for the 'operation and maintenance' of community facilities. These references should be removed from the policy and it should be clear that contributions will be proportionate to the development proposed and not necessarily to secure community facilities in their entirety.
Appendix 2	<p>I'm not sure that I understand the purpose of including non-statutory policies. If they are non-statutory then they would have no weight in the determination of planning applications and therefore of little value. Many of the matters included in LG(NS)19 and 20 appear to be items that may be the beneficiary of funding through Section 106 contributions. Provided that they could be rationalised they would be better placed as a separate policy under the Community Infrastructure heading of the plan.</p> <p>If LG(NS)21 is to be included as a policy, it too should appear under the Community Infrastructure heading.</p>