

## Progression to Examination Decision Document



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

Name of neighbourhood area	Staunton on Wye Neighbourhood Area
Parish Council	Staunton on Wye Parish Council
Draft Consultation period (Reg14)	07/11/2014 – 19/12/2014
Submission consultation period (Reg16)	13/08/2015 - 24/09/2015

#### 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"> <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
Is this a repeat proposal? <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

#### Comments received during submission consultation

<b>Herefordshire Council - Housing</b>	No comments to make on this Plan.
<b>Herefordshire Council - Planning</b>	<p>Largely in general conformity with the Local Plan, just a few minor changes suggested:</p> <p>Policy SOWG1 – Policy is seen as too restrictive, not allowing development in flood zones 2 &amp; 3 is inconsistent with the sequential Testing approach to site selection outlined in the NPPF.</p> <p>Policy SOWH1 – seen as too restrictive and could hinder the delivery of housing.</p> <p>Policy SOWC2 – Greater flexibility should be given to this policy, with the caveat: “...will not be permitted <u>unless it can be demonstrated that an equivalent alternative facility is available or can be provided; or it can be shown that is no longer required, viable or fit for purpose.</u>”</p>
<b>Herefordshire Council – Environmental Health</b>	As no specific sites are allocated no comments to make on contamination for the Plan. General comments on contamination in regards to sensitive development.
<b>Welsh Water – Dwr Cymru</b>	Content to rely on previous representations to

	Reg14 consultation
<b>Historic England</b>	Supportive of the content of the document, particularly its' emphasis on local distinctiveness and overall consider it to be a proportionate, well-considered, concise and fit for purpose document that effectively embraces the ethos of "constructive conservation".
<b>The Coal Authority</b>	No specific comments to make on the Plan
<b>Environment Agency</b>	<p>Can see that their comments to the previous consultation we're taken into account. However, they feel that Policy SOWG1 is too restrictive and suggest amending the wording to:</p> <p>"Development within 100 metres of the boundary of the River Wye Special Area of Conservation will not be supported. <b>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.</b>"</p>
<b>Natural England</b>	<p><b>SOWG 1- Restriction of Development</b></p> <p>We support this policy but advise that it needs to be strengthened. We suggest the following wording: "No development will be permitted within 100 metres of the boundary of the River Wye Special Area of Conservation (SAC). Development can only proceed where any adverse effects on the River Wye SAC can be avoided or mitigated."</p> <p>Would also recommend that a bullet point is added where development is only permitted when it does not compromise the ability for the Nutrient Management Plan to reduce the exceeding water quality targets.</p> <p><b>SOWH 1 – New Housing Development- Staunton-on-Wye Village.</b> We advise that to ensure protection of the River Wye SAC that an</p>

	additional bullet point is added as follows: "That new housing proposals are in accordance with policies SOWD2 and SOWG1"
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**Programme Director's comments**

*I confirm 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: *13.10.15*