

Progression to Examination Decision Document



Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Breinton Neighbourhood Area
Parish Council	Breinton Parish Council
Draft Consultation period (Reg14)	16/02/2015 – 30/03/2015
Submission consultation period (Reg16)	08/03/2016 - 19/04/2016

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 	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> Any operation relating to waste development National infrastructure project 		
Does it relate 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

Natural England	Acknowledges the strengthening of policies B1 (h), B2, B3 and B18 to ensure no significant effects on the River Wye SAC. Agree with the conclusions of the HRA and SEA reports.
Historic England	Supportive of the Plan, particularly the comprehensive treatment of the wider historic environment.
Welsh Water	Given that the NDP takes into account the policies set out in the Core Strategy we are supportive of the vision, objectives and planning policies. Pleased to note the addition of criteria 'h' and 'l' to policy B1
National Grid	Concludes that no high voltage electricity assets and high pressure gas pipelines are within the Neighbourhood Plan area. However there may be low/medium pressure apparatus present within potential sites.
Herefordshire Council – Environmental Health (noise dust, odours nuisance)	Suggests an amendment to Policy B1 Criteria for Housing Development in Breinton to the effect that new dwellings should be sited so as not to be harmful to future occupants (as there is with Policy B2). We also recommend that this criteria

	be applied to Policy B4 Rural Exception Sites and Policy B5 Kings Acre Road as well.
Herefordshire Council – Strategic Housing	Happy with the content
Herefordshire Council – Strategic Planning	<p>Neighbourhood plan does not allocate sites for housing but does identify settlement boundaries. Recommends additional wording to be added to clarify the reasoning for the shortfall in housing figures (19 dwellings) from the Core Strategy requirement (i.e. the route of the relief road is still to be determined and the proximity of the Three Elms urban extension which may cater for the housing needs of the Kings Acre Road).</p> <p>Recommend commitment to a review of the NDP with a view of allocation further land for housing in the second half of the plan period if necessary and include this in Policy B1.</p>
Herefordshire Council – Economic Development	<p>Questions whether Policy B4 point a) ‘the buildings are genuinely no longer needed for their previous use’ – does this mean economic use too, i.e. no longer viable for economic use prior to being given residential planning permission.</p> <p>Glad to see Veldifer site is being retained for employment use.</p> <p>Not a lot of detail on the western relief road within the Plan, however it is acknowledged in the Plan now.</p>
Herefordshire Council – Contaminated Land	No specific comment to make as no sites are identified
Herefordshire Council - Transportation	<p>Identifies that the table on page 11 should detail 4 bus stops in each direction along Kings Acre Road.</p> <p>In response to Paragraph 1.9 on Page 12 a cycle path is likely to be provided for by the developers of the Three Elm Site.</p> <p>Policy B4 should include ‘cycling’ at the end of the last paragraph after ‘walking’</p> <p>Would also like to see cycling referenced in policies B1-B4 as a viable mode of access.</p> <p>Policy B10 – would like the term ‘Quiet Lanes’ to be re-worded to ‘the quiet lane character will be protected’, this is due to the specific legal definition the term ‘Quiet Lanes’ has. Sub para l.</p>

	<p>and sub para g. should cross refer to B11.</p> <p>Last paragraph of policy B11 should refer to Policy B10, sub para g.</p>
The Coal Authority	No specific comments to make.
Paul Smith Associates – on behalf of Wyevale Holdings Ltd	<p>Object to the plan as drafted, but does support the proactive approach of Policy B18 towards employment development on the Wyevale Business Centre.</p> <p>Policy B18 – although supports the thrust of this site, the definition of ‘Veldifer Employment site’ on Figure 21 is incomplete and unjustified, it omits land to the north of the cross-hatched area which is used for employment and ancillary uses to the same extent as those areas included within the employment area.</p> <p>Feel that the Kings Acre Road area does not have as many environmental constraints as the other areas of the Parish, and has a more suburban character and appearance and has regular bus services to reach facilities and services within the City and the area hosts the only employment site within the Parish.</p> <p>Policy B1 and B2 – these policies contain contradictions and serious omissions and fail to achieve the wider objectives of the BNDP. The two settlements chosen are the most environmentally sensitive areas in the Parish; therefore housing in these areas will be very limited and less than assumed in BNDP. Policy B1 permits development ‘adjoining’ these settlements with no limit on the scale of housing permissible. In contrast Policy B2 ‘Kings Acre Road’ a site adjoining the settlement boundary would not be permitted. Although in the background text it states that King’s Acre Road is not a settlement defined in the Core Strategy, it fails to mention that neither Lower Breinton nor Breinton Common are also omitted from CS policy RA2. The Core Strategy refers to Breinton as a whole.</p> <p>The Plan has not included a large potential housing site in the Kings Acre Road Area (plan attached to the submission) which is in the Ownership of Wyevale Holdings, there has been no mention of why this site has been rejected.</p>
NLP – on behalf of the Church	Feel that Policy B10 and the points related to the

<p>Commissioners</p>	<p>Relief Road should reflect Policy HD3 of the Core Strategy to ensure that the policy is sound.</p> <p>Policy B13 includes reference to the impact of the Three Elms site (outside of the Neighbourhood Area). Whilst it is recognised that the development of the Three Elms site will alter the present openness of the area it should be noted that the Commissioners' proposal for the development incorporates 6 measures for recreational / open spaces and ecological protection and enhancement measures.</p>
<p>Resident – S Matthews</p>	<p>Submitted a parcel of land (map and written detail) for inclusion in the Plan, within the Kings Acre Road area.</p>
<p>Resident – Mr and Mrs Wegg-Prosser</p>	<p>Supports the Plan. Particularly policies B1 and B3, and believe B2 will permit sustainable development in that area. Concerns with policy B7 that it does not specifically detail broiler units to be specifically excluded from Breinton due to potential contamination into the River Wye SAC. Welcome policies B9, B11 and B15.</p>
<p>Resident – Mr & Mrs Hands</p>	<p>Support the NDP submitted.</p>
<p>Resident – Mr R Griffiths</p>	<p>Broadly support the Plan. However has significant concerns regarding the housing policies, particularly the difference in the approach to policies B1 and B2, as it is encouraging more housing to be built in the areas lacking services and are located within more environmentally and landscape sensitive areas, and can have an adverse impact on the rural nature. In contrast King's Acre is already significantly built up and has good access to services and public transport routes. Kings Acre road settlement boundary is too restrictive. Previous consultation showed significant support for more housing to be distributed in Kings Acre road area. Suggests wording of the policies to be reversed to allow for consideration of land adjacent to Kings Acre Road settlement boundary.</p>
<p>Resident – Mr and Mrs Lunt</p>	<p>Breinton Parish Council have put together a NDP that promotes a level of housing growth to help meet Herefordshire housing targets, whilst ensuring it maintains the rural quality. Fully support the policies and proposals of Breinton NDP.</p>

Resident - E Morfett	Plan represents a comprehensive analysis of the unique character and features of the neighbourhood. Particularly support policies B1, B3 and B10. Would not support any major new road developments without full environmental impact assessment.
Resident - P Ronan	Fully in support of the plan, it demonstrates the protection of the rural character of this neighbourhood.
Resident - Dr and Mrs Wild	Support the plan; believe it provides sufficient capacity for proportionate development whilst protecting the special environment and River Wye SAC.
Resident – A Sancha	Approves of the Breinton Plan
Resident – Mr Morawiecki	<p>The Breinton NDP is a welcome document explaining the nature of this rural parish and the role it plays not just locally but in the wider community of Hereford.</p> <p>Particularly welcome policies B1, B3, B5, B10, B9 and B11. Please to see the best and most versatile land is protected.</p> <p>Would welcome any future development that reflects the local housing needs survey and offers smaller properties.</p>
Resident – Mrs E Morawiecka	<p>Welcomes the NDP, which recognises the important contribution the area plays in providing suitable, sustainable development.</p> <p>Breinton parish has a dispersed housing pattern with no natural focus, with a large proportion of the best and most versatile land. Therefore the policies setting boundaries for Breinton Common, Lower Breinton and Kings Acre to help direct future development where it can be most sustainable is welcome.</p> <p>In particular welcomes policies B5, B6, B7, B10 and B11.</p>
Resident – Gillian Bulmer	<p>Supports the NDP, the area is a very special area, with some unique and important habitats that include the River Wye SAC.</p> <p>Due to the family business in maintaining and harvesting orchards, welcome policy B15 to promote the conservation of local distinctive features including orchards.</p>

	Welcomes policies B1, B9 and B10. Believes that brownfield land and lower grade agricultural land should be used first.
--	---

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 plan meets the regulations as set out in the table above.

Comments from Strategic Planning confirm that the Breinton NDP is in general conformity with the Core Strategy, except for the request of some additional wording to clarify the reasons for the housing requirement shortfall and commitment to a review of housing in the second half of the plan period.

There are now defined settlement boundaries for the Kings Acre Road area, Lower Breinton and Breinton Common, the policies concerning these boundaries have raised some concerns regarding consistency. One landowner comment has been received regarding a potential alternative site for inclusion within the settlement boundary with two further landowners providing comment of which the full details will be sent to the examination.

Five statutory consultee responses together with 11 local residents are generally supportive.

Environmental Assessments have been undertaken and Natural England concur with their conclusions.

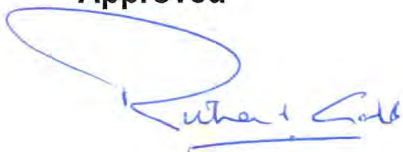
Programme Director's comments

I agree that this plan can proceed to examination.

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: *6th May 2016*