

## Progression to Examination Decision Document



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

Name of neighbourhood area	Weston Under Penyard Neighbourhood Area
Parish Council	Weston Under Penyard Parish Council
Draft Consultation period (Reg14)	26/05/2015 – 07/07/2015
Submission consultation period (Reg16)	04/08/2015 - 16/09/2015

#### 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 – Transportation</b>	Concerned that some comments regarding public transport have not been included.
<b>Herefordshire Council - Housing</b>	No further comments, suggested amendments have been made
<b>Herefordshire Council - Planning</b>	General conformity however some concerns about H2 and SE6 being over restrictive with regards to flood risk.
<b>Welsh Water – Dwr Cymru</b>	Content to rely on previous representations to Reg14 consultation
<b>Heritage England</b>	No substantive comments to make. Supportive of the content, particularly the comprehensive treatment of the wider historic environment including non-designated heritage assets and its' emphasis on local distinctiveness. Gratified to note that earlier comments regarding archaeological remains have been accommodated in this iteration of the Plan.
<b>Gloucestershire County Council</b>	<i>Policy SE5</i> needs to have a cross reference to European Sites particularly as the risk to bats is mentioned in the policy. It is recommended therefore to ADD to the end of the policy a reference to <i>Policy SE1 criterion (e)</i> as well as

	<p>criterion (d).</p> <p>Although agree with Natural England that the NDP is unlikely in itself or in combination with other plans and projects likely to have a significant effect on any European Site, some wording needs to be amended for clarity. In the main HRA Report (<i>final page 35, row for Policy SE5, column 6</i>) reference to the Wye Valley &amp; Forest of Dean Bat Sites SAC should be ADDED because renewable energy schemes have a mechanism (disturbing or injuring bats) for affecting the SAC's bat populations</p>
<b>The Coal Authority</b>	<p>The very southern tip of the Neighbourhood Plan area lies within the current defined coalfield. However no surface coal resource or mining legacy features are present within the area. Therefore The Coal Authority has no specific comments to make on the Neighbourhood Plan</p>
<b>Chris Knock</b>	<p>Additional site, land adjacent to the Link proposed for inclusion within the settlement boundary</p>
<b>Hunter Page</b>	<p>Inclusion of the land to the east of Penyard Gardens for 18 units is supported. However, the number of dwellings allocated should be increased to 35 units. Increase would reflect the outline permission recently determined.</p> <p>18 is not making efficient use of the site in line with the NPPF</p> <p>The general approach and policies of the Weston-under-Penyard Neighbourhood Plan are generally supported. The policies are largely consistent with the emerging Herefordshire Core Strategy</p>
<b>Carter Jonas</b>	<p>Proposed housing site options A and B do not appear to properly reflect the findings of the evidence base.</p> <p>Additional site 'field between the Street and Rectory Lane' reflects the findings of the residents survey and would request inclusion in proposed site allocations. Without this the plan will fail to provide a long term strategy and level of flexibility in order to deliver the future development requirements.</p>
<b>Natural England</b>	<p>Confusion of terms in a number of places between the Wye Valley AONB and the Wye</p>

	<p>Valley Woodland SAC</p> <p>Vision should include an aspiration to protect and enhance the natural assets of the parish.</p> <p>NDP relies on policies in the un-adopted Herefordshire Local Plan. Therefore, wording suggested within the HRA addendum should be included within the NDP or NDP adopted after the Core Strategy.</p>
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**Assistant Directors' comments**


**This Plan reads well and meets the various legal tests.**

**The various representations are within the range of comments traditionally made on a NP of this scale and will be assessed in due course by the appointed IE.**

**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**



**Andrew Ashcroft**

**Assistant Director of Economy, Environment and Cultural Services**

Date: 25/09/2015