

Progression to Examination Decision Document



Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Whitbourne Neighbourhood Area
Parish Council	Whitbourne Parish Council
Draft Consultation period (Reg14)	01/12/2015 to 12/01/2015
Submission consultation period (Reg16)	21/03/2016 to 03/05/2016

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 	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> • Any operation relating to waste development • 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

Comments received during submission consultation

National Grid	There are no identified high pressure apparatus in the plan area, however there maybe low /medium level apparatus.
Coal Authority	No specific comments to make
Natural England	<p>Pleased to see that previous advice has been taken into consideration and have no further comments to make.</p> <p>Confirm that they agree with the conclusions of the HRA and SEA</p>
Environment Agency	No further comments to make
Historic England	<p>Historic England is generally supportive of the content of the document and we consider it takes a suitably proportionate approach to the historic environment of the Parish.</p> <p>Overall the plan reads as a well-considered, concise document that is responsive to the concerns of those living in the Parish. Beyond those observations we have no further substantive comments to make.</p>
Welsh Water	No further comments to make over and above the

	Regulation 14 comments
Herefordshire Council – Planning Policy	<p>The plan generally conforms well with the Herefordshire Core Strategy. However, there are a few instances where policies could perhaps be made to act as more of a supplement to the Core Strategy policies, rather than just reflecting them. Questions whether the Local Green space may not fully meet the requirements of the NPPF as they are fairly extensive tracts of land, would it be better as open space?</p> <p>See appendix 1 for full details.</p>
Herefordshire Council – Contaminated Land	No specific comments to make due to no sites being identified however provided general comments on contaminated land.
Herefordshire Council – Transport	<p>Provides details from Balfour Beatty regarding where works have been completed on roads within the Whitbourne area in response to the letter highlighted in policy LU15.</p> <p>No further comments to make.</p>
Herefordshire Council – Development Management	<p>Generally, policies are worded well. Some concerns over a few of the supporting statements, not all of the detail is necessary.</p> <p>Is Policy LU6 necessary?</p> <p>Policy LU10 should be broadened to encompass rural workers.</p> <p>Policy LU12 lacks any real detail, and no criteria to adjudge residential extensions against.</p> <p>Policy LU14 does not appear to be fully compliant with the Core Strategy and NPPF as it covers too much in far too broad terms. Separate policies in agriculture and forestry, tourism, farm diversification and home based working would be better.</p> <p>Policy LU15 is a good idea but needs to be broadened to have a more functional purpose.</p>
Resident P Baseley	In support of the Plan, it reflects the residents' views.
Resident – D Baseley	Fully support the plan, however in figure 8 the settlement boundary includes the new access road leading to the recent development adjacent to acreage – does this road need to be included

	in the boundary?
Resident – Rev Williams	Offers firm support for the Plan, represents sustainable growth for the community.
Resident J Ransley	Believe this final version admirably expresses the view of a majority of Whitbourne residents for the future development of the village.
Resident - Mrs D Haddock and L Haddock	Support the Plan. It encourages the sustained development of the Parish and meets the needs of the Parish as a whole.
Resident - Dr K Lack	<p>Has various concerns with the NDP and believes it is a flawed documents that has not necessarily arisen from consultation. Firstly the level and depth of consultation held across the Parish over the years is insufficient as there are still a number of people who are not aware of the NDP or how they could put their thoughts forward. Far more could have been done to make more people aware, rather than rely on the inconsistent Parish Magazine that does not reach all of the households. Feels that certain groups have not been actively targeted for consultation such as teenagers, parents of young children, village shop committee and its volunteers.</p> <p>Second point is that it is felt the NDP has a biased opinion and was originally started to prevent a parcel of land coming forward for development (this has since had planning permission).</p> <p>There has been some alteration and changing of the settlement boundary over the various drafts but no specific meetings held regarding the changes.</p>
Resident – Martin Ashcroft	Supports the Plan. It deals sympathetically with the needs and requirements of the future of the village. It is clear that the PC have listened to the views of its parishioners and dealt with future housing needs without spoiling tradition and embodiment of village life.
Resident – Paul Lack	<p>The plan should be rejected for two main reasons: The consultation process has been flawed at all its stages and the plan as it is presented would not achieve its aims.</p> <p>The consultation process has had a lack of transparency and any comments made have had an often rude rejection back. Appears to be no</p>

	<p>attempt to consult with young people or organisations for the young in the Parish.</p> <p>Loose phrasing, lack of 'Smart' targets and errors and omissions may prevent a planning officer from requiring things, or enable a developer to challenge the plan and argue an opposing position.</p> <p>The paragraph on flooding still omits one area of the village where flooding is most significant, this flood risk area includes the questionable development site within the conservation area</p> <p>There is no detail in the plan for any periodic review, which seems vital in a village that has seen significant change over the past few years.</p>
Resident – Peter Styles	<p>The redundant rural buildings will not be in sustainable locations due to lack of public transport. The better sites would be directly within Whitbourne at the site of the former school or Wheatsheaf Inn, these sites should have been allocated in the Plan as they are previously developed land.</p>
Resident – Andrew Kneen	<p>The supporting statement to LU1 makes it clear that the original purpose to the Plan was to prevent a particular development, adjacent to the acreage. However this has now been approved. Therefore the purpose of the plan now seems to object to any building outside of the settlement boundary, however there is potential for more development to either side of the new access road to acreage where services are in place and housing should not be restricted as it will enable the area to meet the housing figure. Residents are not as opposed to the new development as the Plan states.</p> <p>Surprised that windfall figures are allowed in the figures to reach the total housing required. Especially as there are limited areas left for development within the settlement boundary.</p> <p>The character and standing of the landowners should not have been taken into account during site searches, it should have been limited to planning criteria.</p>
Resident – Noel Knight	<p>Supports the principle of an NDP, however feels that the terms of the Steering group have not been fully met, for example 'the WP... shall ascertain, as fully as practical, the views of the</p>

	<p>residents of the parish..' does not appear to have been met fully. Only 50% of the parish receive the Parish magazine which was the main route to informing the parish and there were only a few notices and copies around the parish for the Regulation 14 consultation.</p>
<p>Resident - S & R Andrews</p>	<p>Remain concerned that a number of points raised in previous representations do not appear to have been given due consideration. Feel that the draft plan does not address all of what they consider to be pressing issues for the future sustainability of Whitbourne.</p> <p>Queries the robustness of the questionnaire at the beginning of the process and the consultation process.</p> <p>Do not feel that the draft plan is representative of the views and priorities of the village.</p> <p>There is no detail of what the former school site could be used for, and this is a missed opportunity.</p> <p>Instead of a call for sites to guide site selection, there was a series of conversations with landowners. Although there are no site allocations within the plan it is noted that there are three areas detailed where it expects 'windfall sites' are likely to come forward within the plan period. Personal references to landowners (Page 34 and Page 35) should not be included in the plan.</p> <p>Feel that a number of policies could be misinterpreted.</p> <p>A number of further general observations were also made.</p>

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 Whitbourne NDP is in general conformity with the Core Strategy. There are no site allocations however the approval of the Acreage provides 20 dwellings and there are areas within the settlement boundary to allow for additional growth, to ensure the minimum proportional growth can be achieved for the parish.

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

6 objections have been received covering a number of points but the main two are regarding site selection and flawed consultation process. Full details of which will be sent to the examination. The representations have identified that a full site selection and call for sites process was not undertaken but instead a number of conversations were held with the five major landowners around the village, however as there are no site allocations within the NDP following the permission of Acreage for 20 dwellings site selection is not required.

A number of representations feel that the consultation process has been flawed as it has not been sufficiently in depth and not all representations have been fully considered, however the Consultation Statement states that at each PC meeting there was an update of the NDP progress, consultation notices were published around the village, and included in the Parish Magazine, hard copies were available in public places within the village and all documentation was available on the dedicated website for the NDP, therefore it is considered that the consultation was sufficient to meet the requirements for Regulation 14 of the Neighbourhood Planning Regulations 2012.

Programme 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



Richard Gabb 13/5/2016

Richard Gabb

Programme Director Growth

Date: 13/5/2016 .

Appendix 1

From Herefordshire Council Strategic Planning Team

Name of NDP: Whitbourne Regulation 16 draft

Date: 22/03/16

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
LU1- Settlement Boundary	N/A	Y	
LU2- Redundant Rural Buildings	RA5	Y	
LU3- Conservation Area	LD1, LD4	Y	
LU4- Housing Strategy	SS2, RA2	Y	
LU5- Affordable Housing	H1	Y	See "Other comments/conformity issues"
LU6- Land Protection	RA3	Y	See "Other comments/conformity issues"
LU7- Open Space and Amenity Areas	N/A	Y	
LU8- Renewable Energy	SD2	Y	See "Other comments/conformity issues"
LU9- Flooding	SD3	Y	
LU10- Forestry	RA4	Y	See "Other comments/conformity issues"
LU11- Local Green Spaces	OS3, LD3	N	The Local Green Space designation may not be appropriate or necessary for 2 of these sites. NPPF paragraph 77 states that the designation should only be used where the site is reasonably close to the community it serves, local in nature and not an extensive tract of land. Arguably, Badley Wood and

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			Bringsty Common are extensive tracts of land, located away from the settlement of Whitbourne in open countryside.
LU12- Building Standards	SD1	Y	See "Other comments/conformity issues"
LU13- Environmental Considerations	LD1-LD4	Y	See "Other comments/conformity issues"
LU14- Employment	E1-E3, RA6	Y	
LU15- Road Surfaces	MT1	Y	

Other comments/conformity issues:

The plan generally conforms well with the Herefordshire Core Strategy. However, there are a few instances where policies could perhaps be made to act as more of a supplement to the Core Strategy policies, rather than just reflecting them. Neighbourhood Planning provides an opportunity to tailor local planning policy to the unique characteristics, needs and aspirations of the area. Without exploiting this, policies could be seen as superfluous, and in some cases the issues covered more comprehensively by the equivalent Core Strategy policies.