

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Allensmore Neighbourhood Area
Parish Council	Allensmore Parish Council
Draft Consultation period (Reg14)	27 May to 12 July 2018
Submission consultation period (Reg16)	7 October to 18 November 2019

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?	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> • County matter • 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

Summary of comments received during submission consultation

Herefordshire Council Air, Land & Water Protection	Policy A3 – Proposed Site Allocations <input type="checkbox"/> Site 4, Willoughby Cottage Garden, Winnal historical plans indicate the site has historically been used as an orchard which can be subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination <input type="checkbox"/> Site 6, Church Road, Allensmore Historical plans indicate the site has historically been used as an orchard and the close proximity of the land to the adjacent farm indicates the land may have been used in other agricultural practices. Could be subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination. Agricultural practices such as uncontrolled burial of wastes or excessive pesticide or herbicide application may be thought of as potentially contaminative. Any development should consider both the above former uses. <input type="checkbox"/> Site 14, South of Winnal Farm, Winnal historical plans indicate an area of ground which has been classed as Unknown filled ground (pond, marsh, river stream dock)

immediately adjacent the proposed site.

Sites identified as unknown filled ground can be associated with contaminative fill material. In practice, many sites identified through the historical mapping process as unknown filled ground are instances where hollows have been made level with natural material, have remained as unfilled 'hollows' or have filled through natural processes. However, there are some instances where the nature of the fill is not inert and would require further investigation. Without any additional information it is not possible to comment further on this site. Any additional information you may be able to obtain will help in determining the exact nature of the site.

The site's close proximity to the above mentioned historic potentially contaminative use, will require consideration prior to any development.

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Any future redevelopment of the site would be considered by the Planning Services Division of the Council however, if consulted it is likely this division would recommend any application that is submitted should include, as a minimum, a 'desk top study' considering risk from contamination in accordance with BS10175:2011 so that the proposal can be fully considered. With adequate information it is likely a condition would be recommended such as that included below:

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a)

a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

b)

if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c)

if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully

	<p>assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.</p> <p><input type="checkbox"/> Site 16, Court Plocks -Barn Conversion</p> <p>Some farm buildings may be used for the storage of potentially contaminative substances (oils, herbicides, pesticides) or for the maintenance and repair of vehicles and machinery. As such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development.</p> <p>Policy A6 -Conversion of Former Agricultural Buildings</p> <p>Some farm buildings may be used for the storage of potentially contaminative substances (oils, herbicides, pesticides) or for the maintenance and repair of vehicles and machinery. As such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development.</p>
Herefordshire Council Environmental Health	No observations with regard to this Neighbourhood Plan
Herefordshire Council Strategic Planning	The plan is in general conformity with the cores strategy. (See below for full assessment)
Herefordshire Council Development Management	No Comments
Herefordshire Council Conservation	No Comments
Historic England	<p>No adverse comments to make upon the draft plan which takes a suitably proportionate approach to the main historic environment issues pertaining to Allensmore.</p> <p>Commend the commitment in the Plans Vision, objectives and policies to support well designed locally distinctive development that is sympathetic to the character of the area including its rural landscape character, heritage assets and green spaces</p> <p>No further substantive comments to make.</p>
Welsh Water	No further comment.

Coal Authority	No specific comments to make.
National Grid	No record of such apparatus within the Neighbourhood Plan area.
Highways England	<p>Policy A4 Criteria 6 - Information should be supplied assessing the impact on the highways network.</p> <p>Policy A6 - An development needs to assess the impact on the highways network.</p> <p>Para 5.4.10 - Contact The West Mercia Safer Roads partnership for discussions on enforcement of the A465.</p> <p>Para 5.4.14 - The X3 does extend beyond Abergavenny to Cardiff. It would be good to see the Parish actively promote the service which is still commercially operated by Stagecoach. Should this service be withdrawn it is unlikely that any replacement could be provided on a subsidy basis.</p>
Paul Smith Planning on behalf of Mrs Moore	<p>The 'Objectives for the NDP' (on page 14) are supported as is the statement the "planning policies should be designed to meet the identified objectives" (paragraph 4.1). In particular, support is given to Objective 2 and its sentiment that the parish character is enriched and the landscape is protected ".so that its impact on the environment is minimised...".</p> <p>Support is given to draft Policy A1, in particular that buildings are "...provided at low densities in large plots" (penultimate paragraph, page 17).</p> <p>Supports the broad approach of applying settlement boundaries (paragraph 5.2.17). However, strong objection is made to the proposed delineation of the settlement boundary of Cobhall Common (see Map 4, page 27).</p> <p>Settlement boundary</p> <p>Three properties have been omitted from the draft settlement boundary of Cobhall Common. This is despite these properties being contiguous and historically integral parts of the settlement and visually and functionally divorced from the open countryside.</p> <p>The alleged linear pattern of Cobhall Common is not formally recognised, valued or designated. There is no evidence from public consultation exercises that this settlement characteristic is of such importance to be protected or the objective of seeking to restrict new housing to linear development. The excluded properties are not seen from public vantage points and their inclusion would not compromise its settlement pattern.</p> <p>The exclusion contradicts Neighbourhood Planning Guidance Note 20 'Guide to settlement boundaries' published by Herefordshire</p>

	<p>Council.</p> <p>It is clearly a historic part of the settlement and it does not comprise part of the open countryside.</p> <p>The inclusion of address redacted within the NDP settlement boundary would meet all relevant criteria advocated by the Herefordshire Council</p> <p>Policy A4 ‘Criteria for Development Settlement Boundaries’</p> <p>Objection is raised to Draft Policy A4 . Criterion 1 does not support new houses being erected “behind other houses”. This criterion is imprecise and seeks to dictate a pattern of development with no justification as to why non-compliant development would cause harm.</p> <p>Criterion 6 should be expanded to treat proposals that would entail environmental betterment as a significant material consideration in favour of proposed development.</p> <p>A further criterion to Draft Policy A4 should be added to permit limited residential development adjoining the settlement boundary to provide the NDP will limited flexibility to provided provide a different stream of potential proposals to contribution to proportional growth. Such a provision would better reflect Core Strategy Policy RA2 which supports new housing “in or adjacent” to Cobhall Common.</p> <p>Draft Policy A6 as it relates solely to “former agricultural buildings”. Proposals for the conversion of all redundant of disused buildings should be considered favourably.</p>
<p>Wye Planning on behalf of client Mr M Jones</p>	<p>Suggest an amendment to the wording of policy A4 of the Allensmore Neighbourhood Development Plan 2019-2031 submission plan.</p> <p>It is respectfully contended that the amendment put forward within this letter will bring the wording of policy A4 in to conformity with that of Policy RA2 of the Herefordshire Local Plan Core Strategy 2011-2031.</p> <p>Significantly, policy A4 (as currently worded) excludes reference to new housing development adjacent to settlements -a form of development deemed appropriate within the Core Strategy.</p> <p>In light of the above, and to ensure conformity between the policies of the two plans, it is requested that due consideration be given to amending the text of Policy A4, to that indicated below:</p>

	<p><i>“Policy A4 – Criteria for Development in Settlement Boundaries In addition to the identified site allocations, proposals for new housing development within and <u>adjacent to the identified Settlement Boundaries for Allensmore, Cobhall Common and Winnal (as shown on Maps 2, 3 and 4) will be supported where:....”</u></i></p>
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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

This plan has met the requirements of the regulations as set out in the table above. All the requirements of regulation 14 were undertaken by the parish council and all the required documentation was submitted under regulation 15.

No major concerns have been raised from neither internal nor external responses with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy. Therefore the plan is considered to meet the general conformity requirements of the Core Strategy and comments are generally supportive. With this in mind, is considered that the plan can be progressed to examination.

External responses from technical bodies such as Natural England, National Grid, Historic England and Welsh Water have raised no objection to the Regulation 16 draft plan.

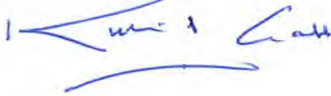
A representation from a planning consultant on behalf of Mrs Moore raises objection to the following aspects of the Regulation 16 NDP and considers that it should be amended so that it would meet the Basic Conditions. Strong objection is made to the proposed delineation of the settlement boundary of Cobhall Common. Objection is raised to Draft Policy A4 Draft Policy A6.

A representation was made from a planning consultant on behalf of Mr J Jones, the purpose of which was to suggest an amendment to the wording of policy A4 of the Allensmore Neighbourhood Development Plan 2019-2031 submission plan, as it is felt that currently the policy excludes reference to new housing development adjacent to settlements -a form of development deemed appropriate within the Core Strategy

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 blue scribble above it.

Richard Gabb

Programme Director – Housing and Growth

Date: 26th November 2019.

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Allensmore

Date: 06/11/19

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Draft Policy A1 – Protecting and Enhancing Local Landscape Character	Policy LD1 – Landscape and townscape, Policy LD3 – Green infrastructure, Policy LD2 – Biodiversity and geodiversity, Policy SS6 - Environmental quality and local distinctiveness,	(Y)	
Draft Policy A2 – Protecting and Enhancing Local Wildlife	Policy LD3 – Green infrastructure, Policy SS6 - Environmental quality and local distinctiveness, Policy LD1 – Landscape and townscape, Policy LD2 – Biodiversity and geodiversity	(Y)	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Draft Policy A3 – Proposed Site Allocations	<p>SS1 - Presumption in favour of sustainable development</p> <p>SS2 – Delivering new homes</p> <p>SD1 – Sustainable design and energy efficiency</p> <p>RA1 – Rural housing distribution</p> <p>RA2 – Herefordshire’s villages</p> <p>H3 – Ensuring an appropriate range and mix of housing</p> <p>MT1 – Traffic management, highway safety and promoting active travel</p> <p>Policy SD3 – Sustainable water management and water resources,</p> <p>Policy LD2 – Biodiversity and</p>	(Y)	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
	geodiversity		
Draft Policy A4 – Criteria for Development in Settlement Boundaries	SS1 - Presumption in favour of sustainable development, RA1 – Rural housing distribution Policy E3 – Homeworking SS2 – Delivering new homes SD1 – Sustainable design and energy efficiency RA2 – Herefordshire’s villages H3 – Ensuring an appropriate range and mix of housing MT1 – Traffic management, highway safety and promoting active travel Policy SD3 – Sustainable water	(Y)	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
	<p>management and water resources,</p> <p>Policy LD1 – Landscape and townscape,</p> <p>Policy LD4 – Historic environment and heritage assets, Policy</p>		
Draft Policy A5 – Housing Mix	H3 – Ensuring an appropriate range and mix of housing	(Y)	
Draft Policy A6 - Conversion of Former Agricultural Buildings	<p>Policy RA6 - Rural economy</p> <p>Policy RA5 – Re-use of rural buildings</p>	(Y)	
Draft Policy A7 – Drainage, Flooding and Sewage	Policy SD3 – Sustainable water management and water resources,	(Y)	
Draft Policy A8 – Protecting the Church and Village Hall and Supporting Investment in Improved Facilities	<p>Policy OS2 – Meeting open space, sports and recreation needs,</p> <p>Policy SC1 –</p>	(Y)	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
	Social and community facilities		

