

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Garway Neighbourhood Area
Parish Council	Garway Parish Council
Draft Consultation period (Reg14)	23 January to 6 March 2019
Submission consultation period (Reg16)	14 February to 27 March 2020

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 • Any operation relating to waste development • National infrastructure project 	1990 61K / Schedule 1	No

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

Please note below are summaries of the response received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.

Internal responses

Strategic Planning	<p>No objection to the plan, and confirms that the policies within the Garway NDP are in line with the Core Strategy.</p> <p>Full comments can be found in appendix 1.</p>
Environmental Health Air, land and water protection	<p><u>Land at little Newlands</u></p> <p>A review of Ordnance survey historical plans indicate the site has historically been used as an orchard. The adjacent land which has historically been used for farming indicates the site may have also been used in other agricultural practices.</p> <p>Orchards can 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.</p> <p><u>Land adjacent to Old School</u></p> <p>A review of Ordnance survey historical plans indicate the proposed site appears to have had no previous historic potentially contaminative uses.</p>
Development Management	<p>Recent permissions at both Garway and Broad Oak are not reflected in the settlement boundaries.</p> <p>Having a list of polices at the front of the NDP would be hugely beneficial for officers</p> <p>Very aware of the controversy associated with recent permissions and current applications at Garway and Broad Oak. It is noticeable that the approved sites which total 13 new dwellings at Garway and 4 at Broad Oak are immediately adjacent to the identified boundaries (Applications 173224, 173957 & 180061) and make the observation that including these within the settlement boundaries would seem logical.</p>

	<p>There are a number of other current applications that should be monitored and included if approved. These include a further 2 dwellings at Garway and 2 at Broad Oak.</p> <p>The proposed allocation to the east of the village does suffer with a lack of connectivity and is relatively prominent at an important approach to the village. No wish to formally object to this allocation, only to point out that there appear to be sites that have a better relationship to the village and the services and facilities it provides.</p> <p>In other respects the draft plan is very clear and concise.</p>
Environmental Health	No further comment to make
Transportation	<p>Policy GAR1 – no mention of housing development encouraging active travel here even if only bus. Many village lanes do not have footways to encourage the use of cycling or walking</p> <p>Sub para L end with an ‘and’ but nothing after it</p> <p>Policy GAR2 – Garway includes a section of the National Cycle Network Route – NCN46 at Kentchurch and feeder route to Skenfrith (NCN426) This is a key route between Hereford and Abergavenny. These are not mentioned in the plan – could feature here or in para 5.2</p> <p>Para 5.2 – could feature national and local cycling routes</p> <p>Policy GAR5 – light pollution guidance note on highway lighting should be complied with</p> <p>Policy GAR7 – good sub para a, that should be used in other policies</p> <p>Para 7.1 – could refer to the national cycle network</p> <p>Policy GAR10 – Developers should consult the Highway Design Guidance. All development should assess the impact of development on the highway network. Transport assessment and Transport statements will be required depending on the size of the development.</p> <p>D – should read paths not footpaths</p>

External responses

Welsh Water	<p>No issues to raise with regard to the content of the Neighbourhood Development and are particularly pleased to note the inclusion of Policy GAR3 – Flooding and Drainage.</p> <p>Only part of the Parish Council area where there is public sewerage provision is the settlement of Garway. Dependant on the exact location of development within the settlement, some level of offsite sewers may be required in order to connect to the existing network. For development outside of the settlement of Garway, private means of sewage treatment will be required.</p>
Historic England	No further substantive comments to make on what Historic England considers is a good example of a community led plan.
National Grid 20/3/20	<p>Proposed development sites crossed by or in close proximity to National Grid Assets</p> <p>The following National Grid assets as falling within the Neighbourhood area boundary:</p>

	<ul style="list-style-type: none"> • Gas Transmission Pipeline, route: TREADDOW TO GILWERN • Gas Transmission Pipeline, route: TREADDOW TO DOWLAIS
<p>NFU</p>	<p>Our vision for the area is:</p> <p><i>Garway is a sustainable rural community that is underpinned by an innovative rural economy, and thriving farming and food industry, which is profitable and supports viable livelihoods, underpins sustainable and healthier communities and enhances the environmental assets that are vital to the counties prosperity.</i></p> <p>For the farming community this vision is to be achieved by the following themes</p> <ol style="list-style-type: none"> 1. Strengthening our farming businesses to help them build profitability and respond to new opportunities 2. To create thriving localities that meet the needs of their communities, businesses and their environment. 3. Realising the value of the region's environmental assets <p>In addition we would see some of the key priorities for farms to include (not in order of priority):</p> <ol style="list-style-type: none"> 1. The ability for the next generation to take on management of farms and to support this through the provision of affordable housing to allow succession. 2. Develop farming enterprises that can meet the challenges of food security through modernising and becoming more efficient 3. Diversifying farming enterprises to meet new opportunities such as, <i>inter alia</i>, business units or tourism. 4. Developing renewable energy which meets the needs of the farm and are appropriate to the location and renewable resources available. 5. Access to high speed broadband and mobile phone coverage. <p>Food production is a key priority for economic growth both nationally but also importantly in a rural area such as Garway. We would expect that any proposals for developing farms will take this into account.</p> <p>Diversification is in line with National Planning Policy Framework (NPPF) that provides that local authorities should support development that enables farmers to become more competitive and sustainable and diversify into new opportunities. Garway neighbourhood plan has the opportunity to help support farms diversify and create new employment and income opportunities for the area. These will range from the provision of business units through to farm shops.</p> <p>Succession within farming businesses is often critical to their ongoing sustainability. This will often require the need for additional housing to enable the next generation to take over the farming enterprise and to allow the current generation to take a less involved role. We ask that the neighbourhood plan supports farms to build new housing.</p>

	<p>We are supportive of policy GAR3 which covers flooding and drainage. This is because additional development and hard standing has the potential to put additional strain on rural drainage and watercourse systems which are often managed and funded by farmers. Where drainage problems do occur they can cause considerable operational difficulties for farmers and affect areas of land that are used for food production.</p>
Highways England	<p>Garway Neighbourhood Plan, our principal concern is safeguarding the operation of the A49 Trunk Road, approximately 4.5 miles east of the parish.</p> <p>It is understood that a total allocation of 25 new dwellings has been assigned to Garway Parish for the period up to 2031. It is noted that all these have been already completed or are part of committed developments.</p> <p>An additional eight dwellings near Ivy Cottage have also already been approved by Herefordshire Council. Due to the low level of development proposed for the area and the distance of the parish from the SRN, it is not expected that the policies set out in the Garway Neighbourhood Development Plan will have any impact on the operation of the SRN.</p> <p>As such, Highways England have no objections to the arrangements proposed.</p>
Anthony Hall Resident	<p>Support of the Regulation 16 stage Garway NDP, especially the proposal to establish settlement boundaries for both Garway and Broad Oak.</p> <p>Both Garway village and the hamlet of Broad Oak have been the subject of significant speculative housing development since 2011 and have already accommodated the “<i>proportional housing growth</i>” envisaged by the adopted Core Strategy for the Plan period (i.e. until 2031).</p> <p>Whilst Garway has a Primary School, a public house and a Church, Broad Oak only has a petrol filling station with a kiosk (it is <u>not</u> a convenience store).</p> <p>Both Garway and Broad Oak are on heavy clay and both your drainage adviser (Joel Hockenull) and ecologist (James Bisset) are fully aware of the inherent problems of creating sustainable drainage solutions in this locality.</p>
Hal Cripwell Resident	<p>The numbers of planning applications which are either approved or currently in progress with Herefordshire Council, has increased significantly since the document submitted for consultation was written.</p> <p>Section 3.3 of the document should be updated to show the latest situation.</p> <p>Section 3.8, 3.9 and 3.10 the numbers of dwellings already approved should be included in the figures for Garway, as planning permission has already been granted for these 8 dwellings, and although they are outside of the proposed settlement boundary, they do contribute to the number of new dwellings proposed for Garway.</p>

Officer's Appraisal

This plan has met the requirements of the regulations as set out in the table above.

No concern has been raised from internal consultees with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy.

The plan includes settlement boundaries for the identified RA2 settlement of Garway. These boundaries have taken into account existing commitments and proportional growth requirements. The proportionate growth target for Garway is 25 dwellings, the parish already has 23 commitments and 5 completions; exceeding their target figure by 3. The plan allocates 2 housing sites in the plan to provide up to 8 dwellings. The plan also relies on a criteria based policy and settlement boundaries of Garway and Broad Oak to determine where the majority of housing should go.

Overall, 12 responses have been received; 5 internal service providers and 5 from statutory and external consultees. There have been 2 comments from resident objections. Local residents have asked for the housing figures to be brought up to date.

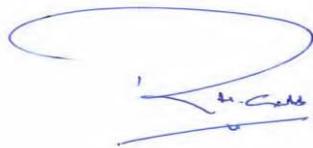
External responses from technical bodies such as Historic England, Natural England, National Grid and have raised no objection to the regulation 16 draft plan. It is considered that there are no fundamental issues relating to this plan which would prevent its progress to examination.

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

Programme Director – Housing and Growth

Date: 3 April 2020

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Garway- Regulation 16 submission draft

 Date: 17th February 2020

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
<i>GAR1- New Housing Development in Garway Village and Broad Oak</i>	SS2; RA5; MT1; SC1; OS3; E2; SD1	Y	Criterion K- With a low remaining residual growth target, and the size of the proposed allocations, it would not appear likely that developments would be of a scale that could seek affordable housing contributions under H1 of the Core Strategy.
<i>GAR2- Design in Garway Parish</i>	SS4; SS7; LD1; LD4; SD1	Y	
<i>Policy GAR3- Flooding and Drainage</i>	SD3	Y	
<i>Policy GAR4- Protecting Local Landscape Character</i>	SS6; RA2; LD1; LD3; LD2; LD4	Y	
<i>Policy GAR5- Dark Skies</i>	SD1	Y	
<i>Policy GAR6- Rural Environment and Tranquillity</i>	SS6; RA6; E3; SD1	Y	
<i>Policy GAR7- Protecting and Improving Community Facilities</i>	OS2; OS3; SC1	Y	
<i>Policy GAR8– Tourism in Garway Parish</i>	MT1; LD1	Y	
<i>Policy GAR9– Rural Businesses and Homeworking</i>	RA4; RA5; RA6; E3	Y	
<i>Policy GAR10– Highways and Transport</i>	SS4; MT1	Y	Suggested amendment to wording of Criterion C for clarity:

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			<p><i>“Off-road car parking that avoids the use of large areas of hardstandings, particularly <u>those that use</u> using materials more appropriate to urban locations. All car parking should be appropriately sited and screened within the landscape”</i></p>