

## **Cradley NDP Independent Examination**

### **Delegated Decision Statement**

**25 April 2017**

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

Name of neighbourhood area	Cradley Neighbourhood Area
Parish Council	Cradley Parish Council
Submission	28 September 2016 to 9 November 2016
Examination Date	March-April 2017
Inspector Report Received	12 April 2017

#### **1 Introduction**

- 1.1 The Town and Country Planning Act 1990 (as amended), states that the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and to take the plans through a process of examination and referendum.
- 1.2 The Localism Act 2011 (Part 6 chapter 3) details the Local Planning Authority's responsibilities under Neighbourhood planning.
- 1.3 This Decision Statement confirms that the modifications proposed by the examiner's report have been accepted, the draft Cradley Neighbourhood Plan has been amended taking into account the modifications, and that NDP may proceed to referendum.

#### **2 Background**

- 2.1 The Neighbourhood Area of Cradley was designated on 5 August 2013. The Neighbourhood Area follows the boundary of Cradley parish boundary. The Cradley NDP has been prepared by Cradley Parish Council. Work on the production of the plan has been undertaken by members of the local community through a Neighbourhood Plan Steering Group since August 2013.
- 2.2 The Plan was submitted to Herefordshire Council on 20 September 2016, and the consultation under Regulation 16 took place between the 28 September 2016 to 9 November 2016, where the Plan was publicised and representations invited.

- 2.3 On 27 January 2017 Mr Chris Collinson was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Cradley NDP and to prepare a report of the independent examination.
- 2.4 The examiner's report concludes that subject to making the minor modifications recommended by the examiner, the plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.5 Having considered each of the recommendations made within the examiner's report and the reasons for them, Herefordshire Council (in accordance with the 1990 Act Schedule 4B paragraph 12) has decided to make the modifications to the draft plan referred to in Section 3 below to ensure that the draft plan meets the basic conditions set out in legislation.

### 3 Recommendations by the examiner

- 3.1 The table 1 below details the recommendations made by the examiner within his report along with the justification:

Modification	Recommendation	Justification
Recommended Modification 1:	Revise the title of the map on page 4 to read "Cradley Parish Neighbourhood Plan Area"	Reduce the likelihood of confusion and to aid clarity.
Recommended Modification 2:	All references to the name of the Parish and to the title of the Neighbourhood Plan should be standardised	This modification will add clarity and accuracy to the NDP.
Recommended Modification 3:	The Cradley Policies Map and the Cradley village Policies Map should be included in the Neighbourhood Plan document	This modification will add clarity and accuracy to the NDP.
Recommended Modification 4: Policy CSNDP1	Replace Policy CSNDP 1 with "Proposals for housing development will be supported within the settlement boundaries defined on the Cradley village Policies Map"	This modification will add clarity and accuracy to the NDP.
Recommended Modification 5: Policy CSNDP2	Replace Policy CSNDP 2 with "Proposals for housing development adjacent to the settlement boundaries defined on the Cradley village Policies Map which make a positive contribution to their landscape setting will be supported in areas (including the Pixiefield site) that are defined on Figure 6 as having a moderate, high, or very high capacity to accommodate development. In areas, not within or adjacent to the settlement boundaries, proposals for housing development, including in Storridge, will only be supported where they comprise affordable housing on rural exception sites; are essential to agriculture, forestry or other land based	The modification provides greater clarity and consistency with NPPF and Core Strategy and will achieve the necessary flexibility required.

	employment; or are for a dwelling of exceptional quality or that is truly innovative”	
Recommended Modification 6:  Policy CSNDP3	Replace Policy CSNDP 3 with  “Development proposals that would result in the loss of employment floorspace, or change of use of any part of the Ashvale Industrial Estate to non-employment use, will not be supported, unless it is demonstrated, through appropriate marketing for a period of no less than 12 months, that the employment floor space or land is not required for that purpose” The extent of the Ashvale Industrial Estate should be identified on the appropriate Policies map.	The modification provides greater clarity and consistency with NPPF and will achieve the necessary flexibility required.  Reduce repetition and superfluous wording.
Recommended Modification 7:  Policy CSNDP4	Replace Policy CSNDP 4 with  “Proposals that will result in the loss of community facilities will not be supported unless a lack of demand for those facilities has been demonstrated by unsuccessful appropriate marketing for a period of 12 months, or equivalent facilities will be created in no less a convenient location for users. Proposals for new community facilities will be supported where there is no significant adverse impact on visual or residential amenity or the character of the settlement.”	The modification provides greater clarity, accuracy and consistency with Core Strategy, NPPF and TCPA.
Recommended Modification 8:  Policy CSNDP5	In Policy CSNDP 5: before “development” insert “Within the AONB” and before “affect” insert “adversely”	The modification provides greater clarity and accuracy.
Recommended Modification 9:  Policy CSNDP6	In Policy CSNDP 6 the Local Wildlife Site should be identified on the appropriate Policies Map and the reference to a map adjusted accordingly	To aid clarification within the policy and makes the policy more accurate.
Recommended Modification 10:  Policy CSNDP7	In Policy CSNDP 7: <ul style="list-style-type: none"> <li>• the areas at risk of flooding alongside Cradley Brook should be identified on the appropriate Policies Map and the reference in the Policy to a map adjusted accordingly.</li> <li>• transfer the final sentence to the supporting text</li> </ul>	To aid clarification within the policy and to ensure it is in line with the Core Strategy and NPPF.
Recommended Modification 11:  Policy	In Policy CSNDP 8: delete “Proposals Map” and insert “Cradley village Policies Map” after “in it” insert “that will visually diminish the openness of the gap when viewed from	This modification will add clarity and accuracy to the NDP.

CSNDP8	publically accessible locations”	
Recommended Modification 12: Policy CSNDP9	In Policy CSNDP 9: • delete “the recommendations of the Village Design Statement” and insert “their setting” • delete “incorporate measures to reduce energy consumption” and insert “strengthen the distinctive character of the Plan area” • delete the second paragraph	To aid clarification within the policy and makes the policy more accurate.
Recommended Modification 13: Policy CSNDP10	Delete Policy CSNDP 10: Protected Area of Open Space	Ensure consistency with national policy.
Recommended Modification 14: Policy CSNDP11	Delete Policy CSNDP 11	Ensure consistency with national policy.
Recommended Modification 15: Maps	Identified maps should be made more user friendly, factual errors should be corrected, and modification of general text will be necessary to achieve consistency with the modified policies	Ensure plan is more accurate and user friendly.

3.2 In accordance to recommended modification 14, to correct errors (1990 Act, Schedule 4B, paragraph 10 (3) (e)) throughout the Plan, these errors are typographical in nature or arising from updates. The modifications recommended as follows:

- Where policies are repeated in Section 10 “for ease of reference” they should include the same wording as that used where the policies are presented earlier in the Plan document.
- The Development Management service of Herefordshire Council states the map of Cradley showing areas of flash flooding and appendix 5 Landscape Assessment are difficult to read and interpret. I recommend these maps should be made more user friendly.
- The Malvern Hills AONB Partnership produces the AONB Management Plan (not the AONB Unit). • The current document covers the period 2014-2019 not 2013-2018.
- The range of guidance produced by the AONB Partnership now includes guidance on the selection and use of colour in development. End Hill is the northernmost of the Malvern Hills.
- The final two sentences of the fourth paragraph of Section 8.3 should be re-worded to reflect the approach of Historic England to local listing.

- A number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

#### **4 Post Adoption SEA and HRA**

4.1 The modifications made as a result of the Examiner's report, as outlined above in Section 3 of this document, have been considered in terms of any resultant changes to the Strategic Environmental Assessment and Habitat Regulations Assessment. None of the changes are considered to have a significant effect on the overall appraisals. The updated SEA and addendum to the HRA are available to accompany the final plan.

#### **5 Decision**

5.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the examiner made in the report under paragraph 10 of Schedule 4A to the 1990 act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.

5.2 Herefordshire Council have considered each of the recommendations made in the examiner's report and the reasons for them and have decided to accept the modifications to the draft plan. The draft plan will be altered in line with Table 1 above and also the points set out in paragraph 3.2, in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.

5.3 Following the modifications made, the Cradley Neighbourhood Plan will meet the basic conditions:

- Having regard to national policies and advice contained in guidance issues by the Secretary of State, it is appropriate to make the plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the Herefordshire Local Plan – Core Strategy
- The making of the neighbourhood plan does not breach and is otherwise compatible with EU obligations and
- The making of the neighbourhood plan is not likely to have a significant effect on a European site either alone or in combination with other plans and projects.

5.4 It is recommended that the Cradley Neighbourhood Plan progresses to referendum. Consideration has been given as to whether the area should be extended beyond that of the neighbourhood area. Herefordshire Council concur with examiners conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 5 August 2013.

A handwritten signature in blue ink, appearing to read 'Richard Gabb', with a horizontal line underneath.

Signed

Dated 27 April 2017

**Richard Gabb**  
**Programme Officer – Housing and Growth**