

Kingsland NDP Independent Examination

Delegated Decision Statement

15 June 2017

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Kingsland Neighbourhood Area
Parish Council	Kingsland Parish Council
Submission	11 July to 22 August 2016
Examination Date	March/April 2017
Inspector Report Received	18 May 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 Kingsland 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 Kingsland was designated on 27 August 2013. The Neighbourhood Area follows the Kingsland parish boundary. The Kingsland Neighbourhood Development Plan has been prepared by Kingsland 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 6 July 2016, and the consultation under Regulation 16 took place between the 11 July to 22 August 2016, where the Plan was publicised and representations invited.
- 2.3 In September 2016, Ann Skippers MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Kingsland 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 her report along with the justification:

Policy	Modification recommended	Justification
Modification 1 Summary	Replace the words 'Local Plan for Herefordshire' in the first and fourth paragraphs on page 3 of the Plan with 'Development Plan for Herefordshire'	To ensure the correct terminology is used
Modification 2 Policy KNDP1	Change the beginning of the second sentence of the policy to read; 'Development proposals should address the following high-level priorities ... cohesive and resilient community' (retain remainder of sentence as existing with the addition of; at the end) Change criterion a) to read; 'The conservation and enhancement of the rural character...' (retain rest of criterion as existing) Delete the last paragraph of the policy in its entirety	To ensure clarity and precision and remove unnecessary or repetitive elements of the policy
Modification 3 Policy KNDP 2	Change 'this Neighbourhood Plan' in criteria a) of the policy to 'the development plan' Add to criteria d) 'in the development plan including' after 'relevant policies' Delete the words 'as long as they are sustainable in accordance with KNDP1' from the fourth sentence in paragraph 2.6 on page 17 of the Plan. Delete the last sentence in paragraph 2.6	To ensure clarity and accuracy To that settlement boundaries accuracy reflect extant planning permissions

	<p>Extend the settlement boundary for Kingsland to reflect extant permissions shown on the map included as Appendix 2 in the additional information sent</p> <p>Extend the settlement boundary for Cobnash to reflect extant permission and as shown on the map included as Appendix 4 in the additional information</p> <p>Some updating of the Plan will be needed to reflect updated housing figures</p>	
Modification 4 Policy KNDP3	<p>Change the first sentence of the policy to read; 'An integrated approach is encouraged to achieve the maximum possible reduction'</p> <p>Change the second sentence of the first paragraph of the policy to read; 'Development proposals are encouraged to contain a coordinated package of sustainable design measures which could include' (delete 'which accord with regulatory requirements')</p> <p>Change the first sentence of 4. to read: 'Developers are particularly encouraged to set out their...' (retain as existing)</p>	To ensure conformity with the Written Ministerial Statement of 25 March 2015
Modification 5 Policy KNDP4	<p>Delete the first paragraph of the policy which begins 'Measures to maintain..' in its entirety.</p> <p>Reword criteria a) to read: 'Conserve the rural landscape character of the Parish and, where possible, include measure which restore or enhance this character.'</p> <p>Change criteria c) to read: 'Take every available and appropriate opportunity to extend tree and hedgerow cover by planting with indigenous species '</p> <p>Change criterion d) to read; 'Retain important natural assets of the parish including landscape features such as trees, woodland, wide grass verges, orchards and hedgerows unless the need for, and benefits of, the development in that location clearly outweighs the loss or deterioration in irreplaceable habitats'</p> <p>Change criterion e) to read: 'Ensure that the key landscape features of important views should be able to be continued to be enjoyed'</p> <p>Change the word 'Retain' in criteria f) to 'Conserve'</p>	To ensure clarity and precision and ensure sufficient flexibility in decision making
Modification 6 Policy KNDP 5	<p>Reword Policy KNDP5 to read: 'Development proposals should ensure that the Parish's heritage assets, including those not yet</p>	To ensure conformity with national policy and the NPPF

	<p>identified, and its local historic character and distinctiveness are conserved or enhanced. In particular consideration should be given to:</p> <ul style="list-style-type: none"> a) Respecting the Parish's historic landscape character b) The significance of heritage assets including archaeological sites, and their settings c) The need for a desk-based assessment and, where necessary, a field evaluation, where a development proposal has the potential affect heritage assets with archaeological interest d) Conserving the character of traditional rural buildings including farmsteads and by particular reference to the Herefordshire Farmsteads Characterisation Project e) Early consultation and engagement with sources of information about the historic environment' <p>Improve the quality of the Historic Environment Map on page 24 of the Plan</p>	<p>regarding the historic environment.</p> <p>To ensure clarity with regards to mapping</p>
<p>Modification 7 Policy KNDP 6</p>	<p>Change the title of the policy to 'Kingsland Village and Conservation Area'</p> <p>Change the first sentence of the policy to read; 'Proposals in Kingsland village should conserve or enhance the landscape setting or character or appearance of Kingsland village and reinforce its local distinctiveness'</p> <p>Change criterion i) to read; 'Preserve or enhance the character or appearance of the Kingsland Conservation Area</p> <p>Change criterion ii) to read: 'Do not adversely affect the significance of heritage assets and their settings within the village'</p> <p>Delete criterion iii) in its entirety</p> <p>Change the word 'conserve' to 'preserve' in the third bold paragraph</p> <p>Delete the paragraph which is numbered 1 and replace it with '1. The following characteristics are particularly valued by the community' (retain list a) to f)</p> <p>Change f) the read 'The distinctive identities of Kingsland village and West Town'</p> <p>Delete the paragraph which is numbered 2. and replace it with '2. The following design criteria should be demonstrated by all development proposals' (retain criteria a to d)</p>	<p>To ensure the policy is not over restrictive in line with the statutory duty within the 1990 Planning Act</p> <p>To ensure clarity and precision and remove repetition</p>

	<p>Delete ' as well as Shirheath and Cobnash' from paragraph numbered 3.</p> <p>Delete criteria a) to g) from the paragraph numbered 3</p>	
Modification 8 Policy KNDP 8	Amend criterion d) to read; 'They minimise the need for, and aim to avoid the provision of, any additional street lighting'	To ensure consideration of highways requirements
Modification 9 Policy KNDP 9	Change 'we' in the penultimate sentence of the policy to 'Wye'	To remove inappropriate text and correct error
	Delete the last sentence of paragraph 4.12 on page 35 of the Plan in its entirety	
Modification 10 Policy KNDP 13	<p>Change the title of the policy to 'Local Green Spaces, Open Space, Play Areas and Access'</p> <p>Add 'and as shown on the Kingsland Policies Map' after 'The following areas...' in the second sentence of the policy</p> <p>Update the Policies Map to show the extended Scheduled Ancient Monument at Kingsland Castle</p> <p>Remove the Local Green Space designation on the policies map from Mortimer Park Rugby and Cricket Ground</p>	<p>To ensure policy title reflects the content</p> <p>To ensure that up to date policy maps</p> <p>Land is already protected by Core Strategy Policy OS3 which is more appropriate</p>
Modification 11 Policy KNDP 14	<p>Delete criteria b) and m) in their entirety</p> <p>The background and supporting text will require updating in light of the recommended modification to this policy and to Policy KNDP2</p>	To ensure clarity and precision and remove unnecessary text
Modification 12 Policy KNDP 15	<p>Delete criterion j) in its entirety</p> <p>The supporting text may need some updating in the light of modifications made elsewhere to this section</p>	To remove unnecessary text
Modification 13 Policy KNDP 16	<p>Delete criterion j) in its entirety</p> <p>Delete the last sentence in paragraph 6.13 on page 47 of the Plan in its entirety</p> <p>The supporting text may need some updating in the light of modifications made elsewhere to this section</p>	To remove unnecessary text
Modification 14 Policy KNDP 18	<p>Add the words 'within a group of' to the second sentence of criterion b) so that it reads 'Where new buildings cannot be located within a group of existing buildings, new development'</p> <p>Delete criterion c) in its entirety</p> <p>Delete the words 'or loss of rural ambience' from criterion d)</p>	<p>To include missing text</p> <p>To ensure conformity with national policy</p> <p>To ensure precision in decision making</p> <p>To remove elements which would be difficult</p>

	<p>Delete criterion e) in its entirety Delete criterion h) in its entirety</p> <p>Revise criterion i) to read 'There is not detrimental impact upon the visual amenity of the parish or the surrounding landscape and the rural character of the parish is respected'</p> <p>Delete criterion k) in its entirety</p> <p>Delete 'and any potential negative impact upon the parish mitigated' from criterion l)</p>	to enforce
<p>Modification 15</p> <p>Delivering the Plan</p>	Delete the words 'unless there are significant material reasons for departing from their provisions' in the first sentence of paragraph 8.1 on page 55 of the Plan and replace with 'unless there are material considerations that indicate otherwise'	To ensure the wording accords with the Town and Country Planning Act 1990
<p>Modification 16</p> <p>Policies Maps</p>	<p>Amend the name of the Kingsland Policies Map that covers the parish to 'Kingsland Parish Policies Map'</p> <p>Amend the name of the Kingsland Policies Map that covers the village to 'Kingsland Village Policies Map'</p> <p>Change the names of the list of maps on page 57 of the Plan to reflect the actual titles of the maps and the modifications suggested above (or vice versa)</p> <p>Consider including the maps in the Plan itself</p>	To ensure clarity and avoid confusion

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 in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.
- 5.3 Following the modifications made, the Kingsland Neighbourhood Development 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 Kingsland 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 Examiner's conclusion that nothing has been suggested which would require an extension of the area beyond that designated on 27 August 2013.

Signed 

Dated 15 / 06 / 2017

Richard Gabb
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