

Peterchurch NDP Independent Examination

Delegated Decision Statement

3 August 2017

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Peterchurch Neighbourhood Area
Parish Council	Peterchurch Parish Council
Submission	5 October 2016 to 16 November 2016
Examination Date	November 2016
Hearing Date	12 July 2017
Inspector Report Received	17 July 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 Peterchurch 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 Peterchurch was designated on 6 December 2012. The Neighbourhood Area follows the Peterchurch parish boundary. The Peterchurch Neighbourhood Development Plan has been prepared by Peterchurch 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 December 2012.

- 2.2 The Plan was submitted to Herefordshire Council on 7 December 2016, and the consultation under Regulation 16 took place between the 5 October to 16 November 2016, where the Plan was publicised and representations invited.
- 2.3 In November 2016, Robert Bryan BA (Hons) DIPTP MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Peterchurch 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 the report along with the justification:

Policy	Modification recommended	Justification
Modification 1 Glossary	Inset a glossary of main technical terms	In the instead of clarity and understanding
Modification 2 Proposal maps	Delete the proposals map on page 24 Incorporate the amended village policies maps as appendices to the plan. The separate sheets depicting various designations and Local Green Space policies map should also be incorporated as appendices.	To remove inconsistency
Modification 3	Reword the section 'How long will it take to prepare the Neighbourhood Plan' as appropriate in the past tense	To update the text to past tense
Modification 4 Para 4.8	Amend the first sentence in 4.8 as follows; 'Therefore a key issue for the Peterchurch Neighbourhood Plan is to identify how the village can meet, at least, the minimum target of 54 dwellings'	For clarification
Modification 5 Settlement boundary	Amend the settlement boundary to include the appeal site and the properties and their curtilages at Dorefield House, the Old Rectory and Crossways House.	To ensure a consistently drawn settlement boundary and reflect of a recent appeal decision.

	The recommended boundary is drawn on the attached appendix 1 as a red line	
Modification 6 Policy P1	<p>Delete Policy P1 as written and insert the following text;</p> <p>'New housing will be allowed within the settlement boundary shown in the Peterchurch Village Policies Map in Appendix 1. The site a Hawthorne Rise is allocated for residential and associated recreation space as identified in the Policies Maps.'</p>	To ensure the plan reflects the recent planning permission
Modification 7 Background to Policy P1	<p>Amend the background /justification supporting text as follows:</p> <p>Delete para 2 and 3 (including the table)</p> <p>'The minimum growth target for the village is 54 dwellings as explained above on page 11, which explains the Herefordshire Core Strategy policy regarding rural housing and how this applies to Peterchurch.</p> <p>It is considered that with the allocated site and scope for development within the settlement boundary there is a reasonable prospect that this figure will be met and possible exceeded.</p> <p>Planning policies in the NPPF encourage brownfield development wherever possible and this Plan wishes to underline this objective. This policy establishes that the principle of housing development is acceptable in the settlement boundary. All development will, however, need to comply with policies in this Plan, the Core Strategy and any relevant policies regarding the detail.</p> <p>In particular, there is a need to ensure development does not result in the loss of viable community facilities and sites providing sustainable employment opportunities in accordance with plan policies P5 and P7.</p> <p>It is important that schemes are designed to enhance the character and local distinctiveness of the area and do not create flooding issues.'</p>	<p>To provide clarification with regards to the settlement boundary and Policy RA2 and RA3</p> <p>To avoid repetition</p>

<p>Modification 8</p> <p>Policy P2</p>	<p>Delete the Policy P2 and the title 'Background /Justification'</p> <p>Retain the first paragraph in the Background /Justification section as part of the background to Policy 1</p> <p>Delete the last paragraph on page 23 and replace with the following:</p> <p>'The Core Strategy allows scope for development outside the settlement boundaries under the terms of the flowing policies:</p> <p>RA3 Herefordshire's Countryside – allows residential development exceptionally where it meets criteria including meeting an agricultural /forestry need (subject to policy RA4), it is necessary to serve a rural enterprise, replacement dwelling, sustainable re-use of a building (subject to RA5), rural exception affordable housing to serve local needs (subject to Policy H2), development which is of exceptional quality and innovative design and development that provides for the needs of gypsies and travellers'</p>	<p>To avoid duplication and to add clarity</p> <p>To ensure supporting content is within the background and not the policy</p>
<p>Modification 9</p> <p>Policy P3</p>	<p>Delete title 'Policy P3 Rural Exception Housing' and replace with the title 'Rural Exception Housing'</p> <p>Delete the policy text and the title 'Background/Justification, retain the remainder.</p>	<p>To remove repeat policy with the Core Strategy</p>
<p>Modification 10</p> <p>Policy P4</p>	<p>In the first paragraph of the policy delete the word 'All'. Insert at the end of the first sentence 'in accordance with the latest local housing needs survey.'</p> <p>Delete second paragraph of the policy</p> <p>Insert in Background/Justification as the last sentence: 'The latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes'</p>	<p>To ensure reference to required survey</p> <p>To ensure consistency within the policy</p>
<p>Modification 11</p> <p>Policy P5</p>	<p>Amend the title of the policy to 'Development relating to Social and Community Facilities'</p> <p>Amend criteria a as follows: 'The loss of social and community facilities to other uses will not be supported...) include the remainder of the wording in criteria a</p> <p>In criteria b add the following as an extra criteria 1; 'iv. New development should be within the settlement boundary, conform to Core Strategy policy E5 Town Centres and does not have a</p>	<p>To ensure title is relevant.</p> <p>To ensure conformity with Policy SC1</p> <p>To ensure cross reference with Policy E5 and the retail hierarchy</p> <p>To ensure consistency</p>

	<p>significant adverse effect on the vitality and viability of other centres'</p> <p>In point ii of criteria b. reword as follows: 'Their design enhances the character of the immediate surroundings and is sympathetic to the locally distinctive nature of traditional design in the village'</p> <p>In criteria c add the following sentence 'Any development should conform to the criteria in b above</p> <p>In Background/justification Add a new first para 'This policy is aimed at facilities such as shops, the pub, post office and other community facilities'</p> <p>Add a new second sentence to the existing paragraph. 'The Core Strategy policy E5 Town centres establishes a hierarchy of town centres to ensure these types of uses are of an appropriate scale and function to the area that they serve. Development in the village has to respect this policy'</p>	
<p>Modification 12</p> <p>Policy P7</p>	<p>Alter title to 'Promoting Local Employment and Tourism'</p> <p>Delete the policy wording and the title 'Background/Justification'</p> <p>Retain the existing paragraph in the Background/Justification' section and amend as follows; 'At the end of the second sentence delete 'Policy P7' and insert 'Core Strategy policies RA6 Rural economy and E5 Town Centres'</p> <p>Add an extra paragraphs, as follow; 'The parish council is keen to support new foot/cycle paths, bridleways and enhancements to the Herefordshire trail.</p> <p>In addition, proposals to create a shared footpath, cycleway and bridleway along the former railway line will be supported. The Parish council will work with adjoining parishes, Herefordshire Council and others to implement this proposal.</p>	<p>Policy does not add to that of RA6</p>
<p>Modification 13</p> <p>Policy P8</p>	<p>Add a further criterion, as follows:</p> <p>d) Conform to other adopted policies in this plan, other development plan policies and adopted supplementary planning documents'</p>	<p>To ensure all the planning considerations are encompassed</p>

Modification 14 Policy P9	<p>Delete criteria g from the Policy</p> <p>Insert a final sentence in the Background/Justification section: 'This policy should be read in conjunction with policy LD1 Landscape and Townscape in the Core Strategy'</p>	Text does not conform to NPPG guidance with regards to concise, precise and supported by appropriate evidence.
Modification 15 Policy P10/1	Amend the boundary of the site in accordance with the plan and refer in the policy that the vehicular access to the area shall be via the adjacent housing site.	For clarification following Hearing
Modification 16 Policy P10	<p>Amend the policy as follows: 'The local green spaces shown on the policies maps will be protected from development unless such development is ancillary and necessary for the enhancement of the open space or there are very special circumstances which justify such development including the need for utility infrastructure where there are not alternatives'</p> <p>Include within the plan a short justification in accordance with NPPF criteria in paragraph 77, which explains the particular merits and value to the community of each of the open spaces.</p>	To ensure the policy is explicit and references para 78 of the NPPF
Modification 17 Policy P11	<p>Amend the policy as follows:</p> <p>'Development affecting non-designated heritage assets listed below will be considered in relation to policy LD4 Historic Environment and Heritage in the Core Strategy. Where other non-designated heritage assets, which are not identified, are affected by development proposals, such proposals will also be assessed in relation to this policy.</p> <p>Insert the list of identified non-designated heritage assets'</p> <p>Insert a new paragraph at the end of the Background/justification section, as follows: 'This policy is in accordance with guidance in the NPPF and the Core Strategy policy LD4 Historic Environment and Heritage. It identifies sites which merit the status on non-designated heritage assets and allows for other sites to be considered under the terms of this policy when they are also considered of appropriate status.'</p> <p>Identify location of all non-designated heritage assets on the policies maps. It may be necessary to create a separate policies map for this purpose.</p>	To ensure consistency with Policy LD4 and provide further clarification
Modification 18 Policy P13	<p>Amend the policy as follows:</p> <p>'In the interest of traffic and highway issues, improved car parking in the village centre, particularly at St Peter's Church will be</p>	To ensure clarity for decision maker

	<p>supported.</p> <p>In the background/justification section amend the second para as follow: 'The policy identifies that extra car parking is required in the village centre. Priorities, which have been identified, include improved footpaths, cycleways and bridleways and improved bus and community transport services. A Parish Council working group will identify future priorities and projects.</p>	
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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 Peterchurch 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 Peterchurch 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 6 December 2012.

Signed 

Dated 4 August 2017

GEOFF HUGHES
DIRECTOR FOR ECONOMY, COMMUNITIES & CORPORATE