

Abbey Dore and Bacton, Ewyas Harold Group and Kentchurch NDP Independent Examination

Delegated Decision Statement

10 January 2018

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Abbey Dore and Bacton, Ewyas Harold Group and Kentchurch Neighbourhood Area
Parish Council	Abbey Dore and Bacton Parish Council Ewyas Harold Group Parish Council Kentchurch Parish Council
Submission	26 June 2017
Examination Date	October 2017
Inspector Report Received	20 December 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 Abbey Dore and Bacton, Ewyas Harold Group and Kentchurch 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 Abbey Dore and Bacton, Ewyas Harold Group and Kentchurch was designated on 11 October 2012. The Neighbourhood Area follows the Abbey Dore and Bacton, Ewyas Harold Group and Kentchurch combined parish boundaries. The Abbey Dore and Bacton, Ewyas Harold Group and Kentchurch Neighbourhood Development Plan has been prepared by three parish councils: Abbey Dore and Bacton Parish Council, Ewyas Harold Group Parish Council and Kentchurch 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 October 2012.
- 2.2 The Plan was submitted to Herefordshire Council on 26 June 2017, and the consultation under Regulation 16 took place between 27 June to 8 August 2017, where the Plan was publicised and representations invited.
- 2.3 In October 2017, Ann Skipper MRTPI FRSA FHEA AoU was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Abbey Dore and Bacton, Ewyas Harold Group and Kentchurch NDP and to prepare a report of the independent examination.
- 2.4 The Examiner's report concludes that subject to making the 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 Para 3.2	Change the reference to 'figure 2' in para 3.2 to 'figure 6'	To amend a typographical error
Modification 2 Policy G1	Delete 'where appropriate' from the first sentence of the policy Add 'commensurate with their designation, status and significance' to the end of criterion c Add 'where possible' before 'enhance non-designated assets' in criterion d Add 'where possible' before 'extend native tree species' in criterion g	To take account of national policy and achieve sustainable development
Modification 3	Add 'and rail' after 'safe pedestrian road' in	To take account of

Policy G2	<p>criterion h of the policy</p>	<p>Network Rail comments and the characteristics of the area</p>
Modification 4 Policy G5	<p>Amend 'nfrastructure' to 'infrastructure' in the title of the policy</p> <p>Change the phrase 'priority habitats' in criterion b to 'new habitats'</p>	<p>To correct typographical error</p> <p>To ensure greater clarity</p>
Modification 5 Policy G6	<p>Change the word 'including' in the first sentence of the policy to 'providing'</p> <p>Reword criterion b to read 'any necessary and appropriate traffic management measures'</p>	<p>To ensure the policy is appropriate to land use issues</p>
Modification 6 Policy G7	<p>Revise the first sentence of the policy to read:</p> <p>'To protect the integrity of the rural environment and the tranquillity of the Golden Valley, development proposals will only be supported when they do not give rise to significant adverse impacts on these resources. The following criteria will be used to assess proposals to help determine their appropriateness;'</p> <p>Change the word 'will' in criteria b to 'may'</p> <p>Reword criterion c to read: 'the inclusion of mitigation measures to avoid, reduce or remedy any adverse impacts arising from the proposed development. Such measures will be conditioned where necessary'</p>	<p>To ensure clear and precise wording and remove onerous requirement</p>
Modification 7 Policy G11	<p>Move policy G11 and its supporting background / justification to separate section of the Plan and ensure that it is clearly differentiated as a community aspiration including through the removal of policy number</p> <p>Consequential editorial changes to the Plan will be needed</p>	<p>To ensure the policy is concerning land use issues only.</p> <p>To renumber the plan policies and text to take account of deleted policy</p>
Modification 8 Policy AB1 and para 5.21	<p>Change the first sentence of the policy to read; 'New housing that reflects local demand or meets local needs'</p> <p>Change criterion b to read 'Be a small scale development, usually defined as 1 or 2 homes'</p> <p>Change 'Policy BA1' in para 5.21 of the Plan to 'Policy AB1'</p>	<p>To reflect Core Strategy Policy RA2 and to ensure the achievement of sustainable development</p> <p>To amend typographical error</p>
Modification 9 Policy EH1	<p>Delete criterion l from the policy</p> <p>Renumber criterion m as criterion l</p>	<p>In order to achieved sustainable development and prevent otherwise acceptable development coming forward.</p>

Modification 10 Policy EH2	<p>Change the first sentence of the policy to read; 'New housing development that reflects local demand or meets local needs..'</p> <p>Change criterion b to read 'Be small scale development, usually defined as 1 or 2 homes'</p>	To reflect Core Strategy Policy RA2 and to ensure the achievement of sustainable development
Modification 11 Policy EH3	<p>Add the words 'where possible and available' after 'Designs make use of local materials' in criterion c</p> <p>Add the words 'wherever possible and available' after 'Designs use recycled old stone tiles..' in criterion e</p>	To ensure sustainable development is achieved
Modification 12 Policy EH4	Delete criterion h in its entirety	To delete reference to a non land use requirement
Modification 13 Policy EH6	<p>Add to the end of criterion a: 'or it can be satisfactorily demonstrated that the facility is no longer required or is no longer viable'</p> <p>Reword sub criterion iii of criterion b of the policy to read: 'They provide safe and suitable access to the site for all people. Development proposals must ensure that any transport impacts of the scheme are identified and acceptable. Any measures needed to deal with the anticipated impacts must be implemented.'</p>	<p>To ensure the policy reflects the requirement within the supporting text and that the policy is reasonable.</p> <p>To ensure the policy is precise and addresses wider transport issues</p>
Modification 14 Policy K1	<p>Change the first sentence of the policy to read; 'Within the main built up area of Pontrilas...'</p> <p>Change the sentence in the second part of the policy that read 'Proposals for development beyond the village will only be supported when...' to 'Proposals for development adjacent to the main built up area of the village will only be support when..'</p> <p>Delete criterion j in its entirety</p> <p>Delete criterion l in its entirety</p> <p>Renumber criterion k, criterion J</p> <p>Renumber criterion m, criterion l</p>	To remove confusing phraseology and reference to a settlement boundary which has been made in error.
Modification 15 Section 8	Delete section 8 in the final version of the plan	To remove unnecessary text

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 (A Habitat Regulations Assessment was not required within this neighbourhood area). None of the changes are considered to have a significant effect on the overall appraisal. The updated SEA is 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 Abbey Dore and Bacton, Ewyas Harold Group and Kentchurch 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 Abbey Dore and Bacton, Ewyas Harold Group and Kentchurch 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 11 October 2012.

Signed 

Dated: 10 January 2018

Richard Gabb
Programme Officer – Housing and Growth

