

Yarpole Group NDP Independent Examination

Delegated Decision Statement

19 February 2018

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Yarpole Group Neighbourhood Area
Parish Council	Yarpole Group Parish Council
Submission	6 April – 25 May 2017
Examination Date	19 June 2017
Inspector Report Received	24 January 2018

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 Yarpole Group 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 Yarpole Group Parish was designated on 8 February 2013. The Group, and area, comprises the two parishes of Croft with Yarpole and Lucton. The plan relates solely to the designated area and has been submitted by the YGPC as the 'qualifying body'. The Yarpole Group Neighbourhood Development Plan has been prepared by Yarpole Group 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 February 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 3 April 2017, and the consultation under Regulation 16 took place between 6 April to 25 May 2017 where the Plan was publicised and representations invited.
- 2.3 In June 2017, John R Mattocks BSc DipTP MRTPI FRGS was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Yarpole Group 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 Policy YG2. <i>Paragraphs 4.50-53</i>	In part d) of Policy YG2 insert the word 'Residential' before 'development' both at the start of the paragraph and in the fifth line after 'accommodate'; In the second line of part d) replace the word 'exceptional' by 'limited'; In lines 3 and 4 of part d) delete the words 'in particular but not exclusively Policy RA3, and replace 'necessary' by 'applicable'; Clarify the context for the reference to 'the needs of the community' in the second line of paragraph 3.8 on page 14.	For Clarification
Modification 2 Text paragraphs 3.10-3.13 and Table 1. <i>Paragraphs 4.03-07 and 4.31.</i>	Replace this section of the plan by updated text as below:- 3.11 The target for new housing within the Group Parish indicated for the period 2011 to 2031 by Herefordshire Council is 48 dwellings. Herefordshire Council advised that at April 2017 some 8 new dwellings had been constructed since 2011 and a further 17 had received planning permission but as yet were not completed. Between April and November 2017, a further 20 dwellings resulted from the grant of planning permission, of which all were within or adjacent to Yarpole village. A modest estimate of the allowance for dwellings that are likely to come forward outside of the village within the remainder of the Group Parish and based upon past trends suggest at least a further 8 dwellings would result. These would come forward through rural building conversions, agricultural dwellings and other acceptable forms of housing development in the countryside. Accordingly, it is anticipated that the minimum outstanding level of proportional growth of 3	To ensure the policy reflects the requirement within the supporting text and that the policy is reasonable and to ensure clarify of the meaning of the whole policy.

dwellings will be met and most probably exceeded during the outstanding plan period – see Table 1.

3.12 Housing provision associated with the three villages will continue to be met through a combination of individual or small plots within a settlement boundary together with the three site allocations, one in Bircher and two in Yarpole. The site allocations will enable a mixture of house types, sizes and tenures as is necessary to be brought forward. A local housing needs report was prepared by Herefordshire Council in 2014 but there is no up-to-date information on the need for affordable housing in the plan area. Should any future requirement be identified the most appropriate way to provide this would be through Herefordshire Local Plan Core Strategy policy H2 which enables exceptions to be made where there is a proven need for such housing. Such schemes have proved successful in nearby villages. A group within the Parish is investigating the establishment of a Community Land Trust to meet any future needs that might be identified.

3.13 The approach to accommodating housing within each village together with supporting infrastructure is identified in the following three sections. However, the summary of how these will meet and exceed the required level of proportionate growth is set out in Table 1 below. It should however be recognised that these figures represent the expected minimum potential number for the relevant sites and plots in order to indicate that the required target can be met. A modest figure for developable sites is used in all instances.

Table 1: Summary of Proposals to Meet and Exceed the Housing Target (At November 2017)

Housing Target 2011 to 2031:- 48 Completions 2011- 2017:- 8 Outstanding planning permissions November 2017 (not covered below):- 10 Remainder to be provided through this plan:- 30		
		Number of dwellings-on available sites Immediate term
1	Bircher Site allocations (Policy YG3) Small site/conversion (YG4)	5 8
2	Lucton (Policy YG6)	0

	<table border="1"> <tr> <td>3</td> <td>Yarpole Small sites (Policy YG8) Allocation, Croft Crescent (YG9) (PP granted) Allocation, Brook House Farm and adjacent land (YG10)(PP granted)</td> <td>9 5 18</td> </tr> <tr> <td></td> <td>Dwellings resulting from this Neighbourhood Plan</td> <td>46</td> </tr> <tr> <td>4</td> <td>Rural windfall based on past trends.</td> <td>8</td> </tr> <tr> <td></td> <td>Total</td> <td>53</td> </tr> </table>	3	Yarpole Small sites (Policy YG8) Allocation, Croft Crescent (YG9) (PP granted) Allocation, Brook House Farm and adjacent land (YG10)(PP granted)	9 5 18		Dwellings resulting from this Neighbourhood Plan	46	4	Rural windfall based on past trends.	8		Total	53	
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Modification 3 Policy YG3(e) and Policies YG4(c), YG6(a) and YG8(b). <i>Paragraph 4.54</i>	<p>Delete criterion e) in Policy YG3 and criteria a) in Policy YG6 and b) in Policy YG8;</p> <p>In Policy YG4, criterion c) Delete 'Development shall ... (to) ... in particular,' and commence 'Proposals ...'</p> <p>Include additional text following these policies drawing attention to the fact that Policy YG14 will apply within the conservation areas for Bircher, Lucton and Yarpole.</p>	For clarity and to avoid ambiguity												
Modification 4 Policy YG3(h) and Policy YG4(e). <i>Paragraphs 4.55-57</i>	Delete criterion h) in Policy YG3 and criterion e) in Policy YG4 and make a consequential adjustment to the wording of paragraph 4.4	For clarity and to demonstrate certainly and for compliance as there is insufficient evidence to show that the nature and scale of the development included in this policy												
Modification 5 Policy YG5. <i>Paragraphs 4.58-63 and 4.67</i>	<p>In the second line of Policy YG5, after the words 'in order to protect' insert the words 'its biodiversity value and for' and, in the third line, delete ', biodiversity';</p> <p>Delete the second part of the policy and substitute the following:- <i>Except in very special circumstances, no development will be permitted which would adversely affect the special qualities of the area and the contribution these make to the village's environment.</i></p> <p>In paragraph 4.5, final line, delete the words 'was identified in an earlier plan.' and footnote 3.</p>	To ensure clarity and make direct reference to the village environment and further development												

<p>Modification 6</p> <p>Policy YG7. Paragraphs 4.58-62, 4.64 and 4.67</p>	<p>At the end of the second line in Policy YG7, between the words '...protect' and 'the ...' insert the words 'its biodiversity and heritage value and for';</p> <p>Delete the final sentence of the policy and substitute the following:- <i>Except in very special circumstances, no development will be permitted which would adversely affect the special qualities of the area and the contribution these make to the village's environment.</i></p> <p>Delete paragraph 5.4 including footnote 4 on page 22.</p>	<p>To ensure clarity and make direct reference to the village environment including heritage value and provide further clarity on future development</p>
<p>Modification 7</p> <p>Paragraph 6.6. Paragraph 4.68</p>	<p>Delete the two sentences in paragraph 6.6 between 'Both the land ...' at the end of line 7 and '... also Listed Buildings.' in line 12. Merge that text into paragraph 6.18 in justification of Policy YG12.</p> <p>Insert the following text in place of the two deleted sentences in paragraph 6.6:- <i>The green wedge and pinch point contribute to the character of the village by dividing it into its three settlement character areas which might influence the approach to determine how the settlement should develop. In addition, given the absence of any Conservation Area Appraisal, this broad characterisation is also useful to defining some of the qualities that need to be preserved. The characterisation is presented at Diagram 1.</i></p>	<p>For clarification</p>
<p>Modification 8</p> <p>Policy YG9 and paragraph 6.11. Paragraphs 4.12-14 and 4.17</p>	<p>In criterion b) of Policy YG9 delete ',type and tenure' in line 2 and all after '...local community needs' in the last two lines;</p> <p>Delete the second sentence in paragraph 6.11.</p>	<p>To ensure clarity of wording and meaning</p>
<p>Modification 9</p> <p>Paragraph 6.8. Paragraph 4.70</p>	<p>Delete the whole of paragraph 6.8.</p>	<p>Removal of paragraph to provide clarity</p>
<p>Modification 10</p> <p>Policy YG10 (g) and paragraph 6.12. Paragraphs 4.10 and 4.11</p>	<p>Delete all after '...local community needs' in the last two lines of Policy YG10;</p> <p>Update paragraph 6.12 to refer to the planning permissions granted for development on this site. Include an explicit recognition that the policy can only be applied by the LPA should a further application (or applications) be made for the development of the site;</p> <p>Delete the last two sentences in paragraph 6.12 and include a statement referring to the planning permission granted for the permanent residential use of the barns.</p>	<p>To provide clarification and update regarding planning permissions or further development</p>

<p>Modification 11</p> <p>Policy YG11 and paragraph 6.16 and 6.17. <i>Paragraph 4.37-42</i></p>	<p>Delete the whole of Policy YG11 and the text in paragraphs 6.16 and 6.17 from the statutory plan and include it within a non-statutory appendix to the plan.</p>	<p>Removal of entire Policy to ensure that the plan meets the relevant basic condition</p>
<p>Modification 12</p> <p>Policy YG12 and paragraph 6.18. <i>Paragraph 4.58-62 and 4.65</i></p>	<p>At the end of point i) in Policy YG12 add the words 'which contributes especially to the tranquillity of the village.' after '... cemetery'</p> <p>At the end of point ii) in Policy YG12 add the words 'which contributes especially to the character and appearance of the village through protecting an important setting.' after 'Vicarage Farm.'</p> <p>Delete the last part of the policy and substitute the following:- Except in very special circumstances, no development will be permitted which would adversely affect the special qualities of the area and the contribution these make to the village's environment.</p> <p>Delete the last sentence in paragraph 6.18.</p>	<p>To ensure clarity of the Policy and removal of historic UDP references</p>
<p>Modification 13</p> <p>Policy YG13 and paragraphs 6.19 and 6.20. <i>Paragraphs 4.71-2</i></p>	<p>Delete Policy YG13 and the accompanying text in paragraphs 6.19 and 6.20.</p>	<p>Removal of entire Policy to ensure that the plan meets the relevant basic condition</p>
<p>Modification 14</p> <p>Policy YG14. <i>Paragraphs 4.73-5</i></p>	<p>In criteria 2 of policy YG14, third line, replace the words 'will not be resisted' by 'will be permitted';</p> <p>Delete criterion 4 in policy YG14;</p> <p>Preface the fifth criterion by the words 'For all but minor works and in so far as practicable'. Delete the word 'any' in the first line and the words 'as essential components.' on line 2.</p>	<p>To avoid repetition and for the purpose of clarity</p>
<p>Modification 15</p>	<p>Delete the words ', in addition to regulatory requirements,' in lines 4 and 5 of the introductory section to Policy YG15;</p>	<p>For the purpose of clarity and</p>

<p>Policy YG15. <i>Paragraphs 4.76-80</i></p>	<p>Replace criterion d) by the following text:- <i>Where development falls within flood risk zones 2 or 3, or elsewhere comprises sites of 1 hectare or greater, proposals will need to be supported by an appropriate flood risk assessment, including taking into account climate change, to inform decisions upon planning applications;</i></p> <p>Delete criterion f)</p>	<p>removal of criteria in non-compliance with Government Policy</p>
<p>Modification 16. Policy YG16. <i>Paragraphs 4.43-46</i></p>	<p>Amend the heading for Policy YG16 to read: 'Contributions to Community Services, Youth Provision and Recreation Facilities'</p> <p>Delete Policy YG16 and replace it by the following policy:- <i>When a proposed development would result in demands on community facilities, services and physical or social infrastructure which necessitates additional provision, permission will be granted subject to a planning obligation under s106 of the Town and Country Planning Act 1990 to secure a contribution towards the provision, improvement, replacement, operation or maintenance of those facilities, services or infrastructure in the interests of supporting sustainable development and in so far as the statutory tests for planning obligations are met.</i></p> <p>Delete paragraph 8.4 and replace it with the following text:- <i>Herefordshire Council intends to introduce a charging system for the Community Infrastructure Levy during the plan period. Currently it operates a system for related payments through Planning Obligations.</i></p> <p>Delete the last sentence in paragraph 8.5 and replace it by the following text:- <i>The Group Parish Council will maintain a list of supporting and enabling actions that might benefit from contributions made through developer contributions. This list will be reviewed from time to time in order to support growth within the community.</i></p>	<p>To ensure clarity of the policy and its meaning in light of no CIL for community provision</p>
<p>Modification 17. Appendix 2. <i>Paragraph 4.82</i></p>	<p>Delete appendix 2 and the reference to it in paragraph 4.3 of the plan.</p>	<p>In the interest of clarity following amendment at Reg 14</p>
<p>Modification 18. Alterations to the Policies Map for Yarpole.</p>	<p>A. Redraw the settlement boundary to the east of Mortimer House, Cock Gate, to exclude the area of land referred to as 'site 17' from the settlement. <i>Paragraph 4.26</i></p> <p>B. Delete the area of land to the north and west of South Bank and Maunds House and within the curtilage of those dwellings from the designation of Local Green Space under Policy YG12. <i>Paragraph 4.66.</i></p> <p>C. Include those areas of land within flood risk zone 2 as 'land liable to flood' on the Policies Map as subject to YG15. <i>Paragraph 4.79.</i></p>	<p>To ensure Policy Maps are in line with document, in the interest of consistency and clarity</p>

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 Yarpole Group 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 Yarpole Group 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 8 February 2013

Signed 

Dated: 19 February 2018

Richard Gabb
Programme Officer – Housing and Growth