

Much Marcle NDP Independent Examination

Delegated Decision Statement

21 May 2018

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Much Marcle Neighbourhood Area
Parish Council	Much Marcle Parish Council
Submission	5 January to 16 January 2018
Examination Date	May 2017
Inspector Report Received	17 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 Much Marcle 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 Much Marcle was designated on 11 September 2013. The Neighbourhood Area follows the boundary of Much Marcle parish boundary. The Much Marcle NDP has been prepared by Much Marcle 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 September 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 17 May 2017, and the consultation under Regulation 16 took place between the 5 January to 16 January 2018, where the Plan was publicised and representations invited.
- 2.3 On 29 March 2018 Mr Nigel McGurk BSc (Hons) MCD MBA MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Much Marcle 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:

Policy	Modification recommended	Justification
Recommended Modification 1 Much Marcle Neighbourhood Area	Change title of Map on page 2 to "Much Marcle <i>Neighbourhood Area</i> "	Interests of accuracy and clarity.
Recommended Modification 2 Introductory Section	<ul style="list-style-type: none"> • Page 1, last sentence of first column, change to "<i>The Plan seeks to focus new development within Settlement...</i>" • Top of second column, change to "<i>The Plan sets out Settlement Boundaries for Much...</i>" • Third paragraph of second column, change to "...at its core, which the Plan seeks to conserve." • Fourth paragraph, change to "<i>The Plan is supportive of appropriate, sustainable development in the countryside.</i>" • Page 4, first para, change to "...must have regard to national policy and advice, as set out in the National Planning..." • Second para, change to "...the Plan must also be in general conformity with..." • Page 4, last para, first column, change to "...change. As such, the Plan forms part of the 	<p>For clarity, accuracy and precision.</p> <p>Remove superfluous information.</p> <p>Clarification of text and how the text is written.</p>

	<p><i>development plan for Herefordshire and its policies must be taken into account when Herefordshire Council determines planning applications within the Much Marcle Neighbourhood Area.</i></p> <ul style="list-style-type: none"> • First para, second column, delete “, which need to be taken into account in developing and delivering the Plan” • Last para, second column, delete “therefore” <p>From end of Page 5 to top of page 6, delete “where: 1) a proposal...identified in Policy RA2.”</p> <p>Delete heading “Agriculture, Forestry and Rural Enterprises” and the related paragraph below it</p>	<p>Amend printing error for accuracy.</p>
<p>Recommended Modification 3</p> <p>Policy SD1</p>	<p>Policy SD1, change to “<i>All development proposals within the Neighbourhood Area should seek to achieve sustainable development. Where relevant, necessary and relevant to the proposal, the location, scale, density, design, form, construction and operation of development should take into account:</i></p> <p><i>a) the guidance in the Parish Design Statement;</i></p> <p><i>b) the site and...microclimates;</i></p> <p><i>c) the reduction of fossil fuels and the use of low and/or zero carbon energy infrastructure/renewable sources of energy;</i></p> <p><i>d) the efficient use, re-use and/or recycling of natural resources;</i></p> <p><i>e) the use of sustainable urban drainage solutions;</i></p> <p><i>f) steering development away from land liable to flooding, or development that would increase flood risk elsewhere.”</i></p> <p>Delete the first two paras of supporting text on page 15 (“All new development...enhanced.”)</p>	<p>NPPF conformity.</p> <p>Clarification of the text and to add more detail ensuring the text is not confusing.</p> <p>Strengthen policy and ensure the policy is precise in relation to the national planning advice.</p>
<p>Recommended Modification 4</p> <p>Policy SD2</p>	<p>Policy SD2, change to “<i>...energy resources will be supported where they respect local character and residential amenity.</i>” (Delete rest of Policy)</p>	<p>For further clarification, precision and accuracy.</p>
<p>Recommended Modification 5</p> <p>Policy HO1</p>	<p>Change title of Policy HO1 to: “<i>Delivery of High Quality Housing</i>”</p> <ul style="list-style-type: none"> • Change Policy HO1 to “<i>Development proposals...will be supported on brownfield land, allocated housing sites, housing infill sites and/or where it results in the conversion and re-use of a redundant building. All new housing should respect local character and residential amenity.</i>” (Delete rest of Policy) • Delete last sentence of supporting text on page 17 and the rest of the paragraph at the top of 	<p>For further clarification, precision and accuracy.</p> <p>Remove superfluous information.</p> <p>Remove repetition.</p>

	<p>page 18, up until and including "...through consultation." The inclusion of this is unnecessary and has been overtaken by events. I also note that it is the purpose of Examination to consider the Neighbourhood Plan against the basic conditions.</p> <ul style="list-style-type: none"> • Move Table on page 17 to below the second paragraph of the second column on page 17. Change text at the end of the second paragraph to "...shown <i>in the Table below.</i>" • Replace the plans on pages 22, 23 and 24 of the Neighbourhood Plan with legible plans. All relevant boundaries and text should be clearly visible, allowing no scope for confusion. This may require several plans, rather than one. It is essential that the information provided can be seen, clearly. In relation to any site allocations referred to in Policies, the plans should show precise site boundaries and ensure that each site is clearly referenced. • Delete last para on Page 17 and first two paras on Page 18 • Change title of the plan on page 19 to "Much Marcle – <i>Land Uses</i>" 	NPPF conformity.
<p>Recommended Modification 6</p> <p>Policy HO2</p>	<p>Policy HO2, change to "Development proposals... will be supported, <i>subject to their respecting local character and residential amenity.</i>" (delete rest of Policy)</p> <ul style="list-style-type: none"> • Supporting text, page 18, penultimate para, change to "However, it is important that all new infill development proposals demonstrate that they will <i>respect the amenity of neighbouring occupiers.</i>" • Delete last para of supporting text on page 18 	<p>Lack of supporting information</p> <p>In the interests of precision and accuracy.</p>
<p>Recommended Modification 7</p> <p>Policy HO3</p>	<ul style="list-style-type: none"> • Delete Policy HO3 • Delete supporting text on page 20 	<p>Does not contribute to sustainable development.</p> <p>Interests of consistency and accuracy.</p>
<p>Recommended modification 8</p> <p>Policy HO4</p>	<ul style="list-style-type: none"> • Policy HO4, change the first para to "<i>The following sites, identified on the plans on pages 23 and 24, are allocated for housing:</i>" • Footnote to Policy HO4, delete "(as per Policy NE2)" which does not relate directly to the Footnote 	<p>Remove superfluous information.</p> <p>Interests of clarity</p>
<p>Recommended modification 9</p> <p>Policy HO5</p>	<p>Policy HO5, change title to "<i>Housing Sites Outside the Much Marcle Settlement Boundary</i>"</p> <ul style="list-style-type: none"> • Policy HO5, change to "<i>Development that will assist in meeting a proven local need for</i> 	<p>In the interests of precision and accuracy.</p> <p>Lack of evidence to prove viability or deliverability.</p>

	<p><i>affordable housing in perpetuity will be supported at each of the sites listed below and shown on the plan on page 22 (approximate number of dwellings shown in brackets):</i></p> <ul style="list-style-type: none"> • Policy HO5, delete “Rye Meadows” site • Footnote to Policy HO5, delete “(as per Policy NE2)” which does not relate directly to the Footnote • Delete para of supporting text below Policy HO5 on page 21 	Conformity to the NPPF.
Recommended modification 10 Policy HO6	<ul style="list-style-type: none"> • Policy HO6, change to “<i>The conversion and re-use for housing of the redundant or disused buildings identified on the plan on page 24 will be supported, subject to such development respecting local character and residential amenity.</i>” • Replace the plan on page 24 with a plan or plans clearly identifying the location of each building 	Ensure the policy has a better reflection of relevant legislation in the NPPF.
Recommended modification 11 Policy EM1	<p>Policy EM1, change to “<i>Development proposals for... will be supported where they respect local character and residential amenity</i>”</p> <ul style="list-style-type: none"> • Supporting text, last sentence on page 25, delete “...and development proposals for these uses will be supported where they comply with other Plan policies as outlined above” 	Interests of viability and deliverability. Conformity to the NPPF.
Recommended modification 12 Policy EM2	<ul style="list-style-type: none"> • Policy EM2, change to: “<i>Change of use requiring planning permission of existing shops, services, restaurants, cafes and pubs will not be supported unless it can be demonstrated, further to at least six months active marketing of the premises at market value, that the existing use is no longer viable.</i>” • Supporting text, delete everything after “...crucial to the vitality of the area.” 	Interests of viability and deliverability. Interests of sustainable development. Conformity to the NPPF.
Recommended modification 13 Policy BE1	<ul style="list-style-type: none"> • Delete Policy BE1 • Supporting text, second column, page 27, change to “<i>Herefordshire Council has a duty to protect heritage assets from inappropriate development and this is reflected in...assets.</i>” 	Not in conformity with the NPPF, C12. Does not meet the basic conditions as it is contrary to national policy.
Recommended modification 14 Policy NE1	<ul style="list-style-type: none"> • Policy NE1, change to “<i>Development proposals should respect important landscape views, taking into account the list of views indicated below and on the plan on page 31.</i>” • Change last sentence of supporting text in first column on page 29 to “...streamlines) are important measures to maintain local landscape character.” 	For clarity and accuracy in policy wording. Lack of detail of what all open views to surrounding countryside comprise of.

Recommended modification 15 Policy NE2	<ul style="list-style-type: none"> • Change Policy NE2 to "<i>Development should minimise impacts on biodiversity and provide net gains in biodiversity where possible.</i>" • Supporting text, delete all supporting text below Policy NE2 on page 32 after "...distinctive character of the area." The text to be deleted reads as though it comprises a Policy, which it does not • Replace plan on page 33 with a plan where all text and designated areas are clearly legible 	<p>Conformity to the NPPF and Core Strategy.</p> <p>Interests of accuracy and clarity.</p>
Recommended modification 16 Policy CS1	<ul style="list-style-type: none"> • Policy CS1, change to "...will be supported, subject to demonstrating that they respect local character and residential amenity." • Supporting text, below Policy CS1 on page 35, delete "However, new facilities...within this Plan." 	Conformity to the NPPF and Core Strategy.
Recommended modification 17 Policy CS2	<ul style="list-style-type: none"> • Policy CS2, change to "<i>The change of use of community facilities to non-community uses will only...or where equivalent or better alternative provision exists or will be provided.</i>" • Delete para of supporting text below Policy CS2 on page 35 	For further clarification, precision and accuracy.
Recommended modification 18 Policy CS3	<p>Policy CS3 change to "<i>The sites in the Table below and identified on the plan on page 37 are designated as Local Green Space, where development is ruled out, other than in very special circumstances.</i>"</p> <ul style="list-style-type: none"> • Supporting text, last para on page 36, delete everything after "...public access." The text to be deleted is confusing and unclear as it introduces a new, unsubstantiated or evidenced concept in relation to "<i>the most important local green spaces.</i>" 	<p>Conformity to the NPPF and Core Strategy.</p> <p>For further clarification, consistency and accuracy.</p>
Recommended modification 19 Policy TI1	<p>Delete Policy TI1</p> <ul style="list-style-type: none"> • Delete para of supporting text below Policy TI1, which reads as though it is a Policy, which it is not 	No regard to national policy. Conformity to the NPPF and Core Strategy.
Recommended modification 20 Policy TI2	<p>Delete Policy TI2</p> <ul style="list-style-type: none"> • Delete Objective MM14, which would stand in isolation given the recommended changes • Delete all supporting text below Policy TI2, which is not something that is addressed by the Neighbourhood Plan 	Conformity to the NPPF and Core Strategy.
Recommended modification 21 Other matters	<ul style="list-style-type: none"> • Page 41, change last sentence to "<i>The Parish Council will undertake a formal review of the Neighbourhood Plan within 5 years of it being made.</i>" 	For further clarification and accuracy.

<p>Recommended modification 22</p> <p>Glossary</p>	<ul style="list-style-type: none"> • Delete the Glossary • Update the Contents and page numbering, taking into account the recommendations contained in this Report. 	<p>For further clarification, consistency and accuracy.</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 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 Much Marcle 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 Much Marcle 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 11 September 2013.

Signed 

Dated *22nd May 2018.*

Richard Gabb
Programme Officer – Housing and Growth