

Yarkhill NDP Independent Examination

Delegated Decision Statement

31 May 2018

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Yarkhill Neighbourhood Area
Parish Council	Yarkhill Parish Council
Submission	5 January to 16 February 2018
Examination Date	May 2018
Inspector Report Received	29 May 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 Yarkhill 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 Yarkhill was designated on 5 July 2016. The Neighbourhood Area follows the boundary of Yarkhill parish boundary. The Yarkhill NDP has been prepared by Yarkhill 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 Summer 2016.

- 2.2 The Plan was submitted to Herefordshire Council on 29 December 2017, and the consultation under Regulation 16 took place between the 5 January to 16 February 2018, where the Plan was publicised and representations invited.
- 2.3 On 27 March 2018 Ms Barbara Maksymiw BSc (Hons) MSc MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Yarkhill 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
Recommended Modification 1 BCS and CS	Add the relevant date of production to the basic conditions statement and Consultation Statement.	Interests of accuracy and clarity
Recommended Modification 2 Maps	Delete Map 1 and replace with Yarkhill Neighbourhood Area Map. Consider adding a composite Proposals Map to the NDP.	For clarity
Recommended Modification 3 Information section	Insert "(Herefordshire LPCS" before "(Fig 4.14)" and "Herefordshire 15. LPCS" before "Fig 4.15" in paragraph 3.8	For clarity and accuracy.
Recommended Modification 4 Map 4	Change title of Map 4 on page 21 to "Map 4: Settlement Boundaries and Housing Allocations". Add "Housing" before "Site Allocation" in the key	For clarity and accuracy.
Recommended Modification 5 Policy Y2 and Y3	Delete "Policy Y2" at the end of paragraph 6.24 and substitute "Maps 7 and 8". Change title of plan on page 31 to "Policy Y3 Settlement Boundaries". Re-number Policy Y3 as Y2 and renumber all subsequent policies accordingly	Clarification of text and removal of superfluous text. Interests of consistency and accuracy.
Recommended Modification 6	Delete clause 11 of Policy Y3	Clarification of text and removal of superfluous text.

Policy Y3		
Recommended Modification 7 Policy Y4	Add "rural locations" after "hamlets in" in the fourth paragraph of Policy Y4	Strengthen and clarification of policy. Interests of consistency and accuracy.
Recommended modification 8 Para 7.2	Change "reminder" to "remainder" in line 5 of para 7.2	Interests of accuracy.
Recommended modification 9 Policy Y5	Add a new Map 9 between pages 38 and 39 to show the four locations at Acorn Park, Newtown Cross, Baddy Marsh Farm and Whitwick Manor, using a symbol notation Add "as shown in Map 9" after "Whitwick Manor" in the first paragraph of Policy Y5 Add "where appropriate" after "communications networks" in the last line of Policy Y5.	For clarity, consistency and accuracy. Provide more information about the areas identified in policy Y5.
Recommended modification 10 Policy Y6	Add "appropriate to the scape and type of business use" after "car parking" in the last paragraph of policy Y6	For the interests of clarity, ensuring the policy is not too generic.
Recommended modification 11 Policy Y9	Change title of Policy Y9 to "Water Supply and Sewerage". Delete full stop after "water resources" and change "And" to "and" in third line of first paragraph of Policy Y9	For clarity, consistency and accuracy.
Recommended modification 12 Para 8.18	Add "and" between "control" and "means" in line 4 of para 8.18	For clarity, consistency and accuracy.
Recommended modification 13 Policy Y11	Add "educational" after "health" in the second line and add "health" after "community" in the second last line of Policy Y11.	Interests of accuracy and clarity.
Recommended modification 14 Policy Y12	Delete "special" from the second line of Policy Y12	Interests of accuracy and clarity. To align closer with strategic guidance.
Recommended modification 15 Policy Y13	In second paragraph of Policy Y13 insert "potential impacts in terms of" after "consideration to". In fourth paragraph, delete "in the short term" in the last line. In the sixth paragraph, delete "the siting of" and start the paragraph at "Poly-tunnels,	For clarity, consistency and accuracy. Avoid repetition.

	agricultural units....”.	
Recommended modification 16 Appendix IV	Steering Group to consider deleting Appendix IV from the final version of the NDP and adding a reference to the October Steering Group Meeting to Appendix II	Interests of accuracy, completeness and clarity.

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 Yarkhill 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 Yarkhill 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 5 July 2016.



Signed Richard Gabb

Dated 31.5.2018

Richard Gabb
Programme Officer – Housing and Growth