

## Wyeside Group NDP Independent Examination

### Delegated Decision Statement

2 July 2018

### Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Wyeside Group Neighbourhood Area
Parish Council	Wyeside Group Parish Council
Submission	24 January to 7 March 2018
Examination Date	March
Inspector Report Received	8 June 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 Wyeside 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 Wyeside Group was designated on 25 January 2013. The Neighbourhood Area follows the Wyeside Group parish boundary. The Wyeside Group Neighbourhood Development Plan has been prepared by Wyeside 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 January 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 18 January 2018 and the consultation under Regulation 16 took place between the 24 January to 7 March 2018, where the Plan was publicised and representations invited. This was the second submission as the previous NDP was withdrawn following the previous examiner's report in October 2017.
- 2.3 In March 2018, Robert Bryan BA MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Wyeside 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 WH01	At the end of the first paragraph of Policy WH01 insert the following sentence to form part of the policy;  'Housing development which only abuts new development granted since this plan was made or updates and not shown on the plan's policies maps as existing development will not be allowed.'	Add sufficient clarity to how the policy will limit incremental ribbon development.
Modification 2 Policy WH01 Figure 7	Replace figure 7 in the plan with the relevant text and three components of figure 7 forwarded by Wyeside Group Parish Council in the response to my question titled 'Clarification of Herefordshire Council's responses and plan changes to comply with the Examiner's requests of 4 June 2018'  For the avoidance of doubt this includes all the text and diagrams and map in this response document from ' A diagram and plan layout – showing a Phase 1 and 11 New Housing Development ... etc' on page 4 of the document to 'out in policies WH03, WH04, and WH05 below' on page 5	To ensure clearly where development will be acceptable and unacceptable.
Modification 3 Policy WH02	In the second sentence of Policy WH02 delete 'in Bredwardine and Preston-on-Wye'	In order to avoid confusion with the interpretation of policy H1.

Modification 4 Policy WHD01	In the second part of Policy WHD01 delete 'if prior approval exists within permitted development' and replace by 'where prior approval is required under the provisions of the General Permitted Development Order'	To assist with clarity and provide an accurate representation of the prior approval process.
Modification 5 Policy WE04	Alter the second bullet point of Policy WE04 as follows;  'Solar panels, including ground based panels, are permitted on the roofs or curtilages of listed buildings if it can be proved there is no harm to the building or its setting. In the case of buildings considered to be non-designated heritage assets a balance judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'	To ensure the term 'historical building' is precise and reflects the NPPF advice on non-designated heritage assets.

#### **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 Wyeside 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 Wyeside 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 25 January 2013.



Signed .....

Dated ..... 02/07/2018 .....

**Richard Gabb**  
**Programme Officer – Housing and Growth**