

Wellington Heath NDP Independent Examination
Delegated Decision Statement
25 July 2018

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Wellington Heath Neighbourhood Area
Parish Council	Wellington Heath Parish Council
Submission	5 January to 16 February 2018
Examination Date	June/July 2018
Inspector Report Received	11 July 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 Wellington Heath 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 Wellington Heath was designated on 26 January 2015. The Neighbourhood Area follows the boundary of Wellington Heath parish. The Wellington Heath NDP has been prepared by Wellington Heath 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 autumn 2015.
- 2.2 The Plan was submitted to Herefordshire Council on 20 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 9 April 2018 Ms Liz Beth BSc (Hons) MA MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Wellington Heath 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
Modification 1 Section 16	Add the following additions to Section 16 of the WHNDP: <ul style="list-style-type: none"> • 'Wellington Heath Settlement Boundary Options' V4.03 November 2016 • 'Proposed Green Spaces in Wellington Heath' V5.0 November 2016 • 'Options for a safe route between Ledbury and Wellington Heath' 2016 	Interests of accuracy and clarity To meet the basic conditions with regards to robust and proportionate evidence base.
Modification 2 Section 8.1 Policy WH2 Maps Evidence base	Amend the first sentence of Section 8.1 to read "A Local Green Space is an area of land with locally special and significant attributes on which development will not generally be allowed." Include more detailed maps of each of the areas to be designated in order that the boundaries have adequate clarity. The sites to be listed individually within Policy WH2. The Evidence document "Proposed Green Spaces in Wellington Heath" v 5.0 20th November 2016 to be extended with a discussion of each area to be designated. The text to give reasons for the designation, using answers given to my question about the designations during this examination, text in the LSCA2016 and other evidence as available.	For clarity and accuracy. To conform to national policy and National Planning Policy Guidance. Further detail and robust information.
Modification 3 Policy WH3	Throughout the WHNDP and in Policy WH3 references to a 'Strategic <i>Green Gap</i> ' are altered to 'Settlement <i>Green Gap</i> '.	For clarity and accuracy. In order that it is clear the policy is not a strategic policy To conform to national and local policy.

<p>Modification 4</p> <p>Policy WH4</p>	<p>Lines 537–540 of the text to be deleted</p> <p>Policy WH4 to be amended as follows:</p> <p>“1 - New housing should be designed to meet the needs of the community in terms of size, type and tenure. Development on all sites other than allocated Site 19a south should provide a mix of houses in order to address the needs identified in the most recent Local Housing Market Assessment for the Ledbury (Rural) Area. There is currently an over provision of 4 or more bedroomed dwellings in the neighbourhood area, and new dwellings are expected to be smaller with 3 or less bedrooms in order to contribute to a better balance of dwelling sizes in the parish. Planning applications for new dwellings should demonstrate how the proposals meet current housing need assessment particularly in terms of house sizes.</p> <p>2 - Where residential development is acceptable in principle, it should be designed and extended or converted to standards which allow adaptation to a variety of changing lifetime and mobility needs of occupiers including home working.”</p>	<p>For clarity and accuracy.</p> <p>Interests of flexibility.</p> <p>To conform to national and local policy.</p> <p>To adhere to the ministerial statement in march 2015.</p>
<p>Modification 5</p> <p>Policy WH5</p>	<p>Amend paragraphs 1 and 9 of Policy WH5 as follows:</p> <p>1- The village has a landscape character type of Forest Smallholdings and Dwellings and is substantially included within the Malvern Hills AONB where the AONB Building Design Guide [14] applies and should be complied with.. All development proposals should demonstrate that they have positively taken account of this guidance, including those dwellings outside but immediately adjacent to the AONB boundary.</p> <p>9 - The retention of pre-1900 dwellings is supported. The renovation, modernisation, and extension of such dwellings done sympathetically and appropriately is supported. This includes the addition of wall and roof space insulation. When pre-1900 dwellings cannot be economically improved, any replacement should respect the scale and mass of the original building.</p>	<p>Interests of consistency and accuracy.</p> <p>To conform to government guidelines.</p>
<p>Modification 6</p> <p>Policy WH6</p>	<p>Amend the second paragraph of Policy WH6 as follows:</p> <p>2 The Malvern Hills AONB Building Design Guide [14], the AONB Colour Guide and the AONB Keeping Horses Guide[16] are to apply to all development in the neighbourhood area by reason of overall similarity of character and proximity to the AONB of those parts not actually included within it. All development proposals should demonstrate that they have positively taken account of this AONB guidance.</p> <p>15 Proposals for new polytunnels that would have a significant effect on any of the listed criteria below must be accompanied by a Landscape Visual Impact Assessment. Polytunnels should not be located where</p>	<p>Clarification of text and removal of superfluous text.</p> <p>Removal of unreasonable requirements to ensure the policy is not too restrictive in line with national policy (NPPF para 173).</p>

	hedgerows or trees would have to be removed or where there will be adverse impact on, or visual detriment to:	
Modification 7 Policy WH7	Delete point 7	Interests of consistency and accuracy. To conform to NPPF.
Modification 8 Policy WH8	Delete Bullet point 4	Interests of accuracy.
Modification 9 Policy WH9	Policy WH9 to be altered as follows: 1. Access to the site is expected to be from The Common and loss of trees and 5. For safety, vehicles must be able to enter and leave the site in a forwards direction. Delete Bullet Point 6	For clarity and accuracy. To ensure the policy is not too prescriptive in line with national policy (NPPF para 173).
Modification 10 Policy WH10	Amend Point 1.4 to read "have safe and suitable access to the site for all transport modes" Amend new paragraph 2 to read: 2. Development will not be permitted where noise, odour or other forms of pollution or adverse impact generated by the development would cause nuisance or loss of amenity to adjacent properties or community facilities.	For the interests of clarity as required in the NPPF.
Modification 11 Policy WH11	Amend Policy WH11 to read; : Policy WH11 - Improvement and Retention of Community Facilities and Open Space (Relevant to achievement of Objectives 6, 7, 10, and 12) 1 New developments where appropriate will be expected to support the enhancement of community infrastructure and facilities by sharing resources such as green space or other land or equipment. Financial benefits to the Parish Council derived from a Community Infrastructure Levy or other financial contributions arising from the planning process will be used to maintain, provide and improve community facilities and infrastructure. 2 Development that fails to adequately protect or that seeks to change the use of an existing community facility will not be acceptable unless it can be demonstrated that it is no longer required or viable, and has been marketed for community use without success. The community facilities covered by this policy are:- 1 The Farmers Arms public house; 2 Wellington Heath Memorial Hall; 3 Christ Church.	For clarity, consistency and accuracy.

	<p>Areas of Open Space used by the community are expected to be retained for that use and where appropriate enhanced. The areas of open space covered by this policy are:-</p> <p>4 the parking area at the Farmers Arms; 5 Wellington Heath cemetery; 6 Pool Piece and The Plecks public green spaces; 7 The Ledbury Allotment Association allotments at Burtons Lane.</p>	
<p>Modification 12</p> <p>Policy WH16</p>	<p>Amend Policy WH16 as follows:</p> <p>Paragraph 3 to read "The creation of a safe walking and cycling route from Wellington Heath village to Ledbury will be encouraged should the opportunity arise during the plan period. Development that would prejudice this proposal, set out in 'Options for a safe route between Ledbury and Wellington Heath' without enabling a feasible alternative, will be resisted."</p> <p>A new paragraph 4 to be added as follows: "The rights of way network is a valued community resource and it should be protected and extended where possible and appropriate".</p>	<p>For clarity, consistency and accuracy.</p>
<p>Modification 13</p> <p>Policy WH18</p>	<p>Amend Paragraph 2 of Policy WH18 as follows:</p> <p>2 A significant improvement to broadband services and internet connection is of major importance across the parish and development proposals where appropriate should make provision to enable connection of such services by the laying of suitable underground ducting from the site boundary to the dwelling or primary building to be constructed.</p>	<p>Interests of accuracy and clarity.</p> <p>Interests of viability and impact on potential development.</p>

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. None of the changes are considered to have a significant effect on the overall appraisals. The updated SEA and addendum is available to accompany the final plan. The parish does not require a HRA as confirm within the scoping report December 2014.

Decision

- 3.2 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.
- 3.3 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.
- 3.4 Following the modifications made, the Wellington Heath 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.
- 3.5 It is recommended that the Wellington Heath 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 26 January 2015.

Signed 

Dated 25.07.18

Richard Gabb
Programme Officer – Housing and Growth