

## **Peterstow NDP Independent Examination**

### **Delegated Decision Statement**

**19 October 2018**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Peterstow Neighbourhood Area
Parish Council	Peterstow Parish Council
Submission	25 April 2018 to 6 June 2018
Examination Date	September 2018
Inspector Report Received	28 September 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 Peterstow 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 Peterstow was designated on 22 November 2013. The Neighbourhood Area follows the boundary of Peterstow parish boundary. The Peterstow NDP has been prepared by Peterstow 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 winter 2013.

- 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 26 July 2018 Ms Rosemary Kidd BSc (Hons) DipTP MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Peterstow 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
Recommendation 1:	Revise the date of the Plan period to 2018 – 2031.	Interests of accuracy and clarity
Recommendation 2:	revise the Introduction as follows: Revise the fourth sentence of paragraph 1.1 to read: "Once it is adopted it will become part of the <i>Development Plan</i> ....." Revise paragraph 1.2 to read: "The NDP has been prepared in accordance with the Neighbourhood Plan Regulations. The NDP must <i>have regard to the principles</i> of sustainable development set out in the National Planning Policy Framework (NPPF) and <i>support the delivery of the</i> Herefordshire Local Plan Core Strategy."	Interests of accuracy and clarity concerning the procedures for making the NDP.
Recommendation 3: PTS1	Delete " <i>where they meet the principles and policies set out in the NDP</i> " from the first paragraph of Policy PST1.	Ensure this policy meets with Basic Condition 1.
Recommendation 4: PTS2	Revise the first sentence of the first paragraph and the first sentence of the second paragraph of Policy PTS2 to read " <i>protect and enhance</i> " Revise the last sentence of the first paragraph of Policy PTS2 to read: "...retaining <i>and enhancing</i> as many natural features...." Add the following to the end of the final sentence of the second paragraph: "... the	For clarity and accuracy. In accordance with NPPF para 116 guidance.

	following considerations should be taken into account <i>in addition to those in the NPPF:</i> "	
Recommendation 5: Maps	Show the Wells Brook ecological corridor on the Policies Map.	Interests of clarity and consistency.
Recommendation 6: PTS4	Revise Policy PTS4 as follows: Revise paragraph 1 to read "... shall be protected, conserved and where possible enhanced through:"  Revise criterion b) to read "...listed buildings and other heritage assets designated of national importance; and"	Interests of consistency and accuracy. To accord with the approach to Policy LD4.
Recommendation 7: PTS5	Revise Policy PTS5 as follows: Revise the first paragraph to read "Development proposals within Peterstow Conservation Area <i>or affecting its setting should conserve or where possible enhance</i> the character and appearance of the Conservation Area by:" Place the sub-text under points 1 and 2 in the justification to the policy. Revise point 3 to read: "The conservation area setting.....should be <i>conserved</i> ." Place the first sentence under point 3 in the justification and delete " <i>The third main quality is provided by</i> ". Retain the second sentence of point 3 in the policy and revise to read: "Proposals for development should <i>demonstrate that they have been laid out and designed to retain as far as possible</i> the following important views....." Delete the third sentence. Renumber view 3 as two separate viewpoints. Define a single viewpoint for view 4. Clearly define the viewpoints from publicly accessible locations and define the arcs. Show the viewpoints on the Policies Map.  Set out the text under points 4 and 5 as lettered bullet points. Revise point 5 to read "Trees and hedgerows should be <i>retained and planted to enhance</i> the rural village character of Peterstow". Place the sentence under point 5 " <i>Some small or remnant hedgerows.....frontages</i> ." in the justification. Place the first sentence under point 6 in the justification or change it to a Community Aspiration. Place the text under point 7 in the justification or change it to a Community Aspiration. Embolden the bullet points in the policy.	Strengthen and clarification of policy.  Consistency with national and strategic policy.  Clearer justification of the policy.
Recommendation 8: PTS7	Revise second sentence of Policy PTS7 to read "Development that would result <i>in the loss of openness of the area, or the loss or diminution of.....</i> will not be supported <i>other</i>	For clarity and accuracy. In accordance with NPPF para 78 and 87 guidance.  To ensure this policy accords with Basic

	<p><i>than in very special circumstances."</i> Delete last sentence of paragraph 5.13.</p>	Condition 1.
Recommendation 9: PTS10	<p>Delete Policy PTS10 and its justification. Include it as a Community Project revised so that the bullet points are an indication of the measures to be sought to improve traffic in the village as a whole and not as a requirement for specific development proposals.</p>	<p>In accordance with NPPF para 204.</p> <p>This policy is a community project and not a planning policy.</p> <p>Ensure the neighbourhood plan is deliverable and realistic.</p>
Recommendation 10: PTS12	<p>Delete criterion a) of Policy PTS12. Delete the following from paragraph 7.2: <i>"It is understood this definition was sought by the Inspector appointed to consider the Core Strategy."</i></p> <p>Revise paragraph 3.7 to read:  <i>"3.7. .... the period 2011 to 2031 (the "Plan Period"). Herefordshire Council has confirmed that between April 2011 and 2018 some 8 dwellings had been completed and a further 3 had outstanding planning permissions. A further dwelling has been granted planning permission since April 2018. In addition, an area of land is committed for residential park homes following the grant of a Certificate of Lawful Existing Use or Development (CLEUD) in April 2016 for the use of an area of land at Yew Tree Residential Park Homes site which effectively allows further residential park homes in this area to the north-east of Peterstow village. This commitment enables additional residential park homes to be brought onto the site and works to provide the necessary infrastructure. One of these has recently been erected. Although the site owner has been advised this could accommodate 17 park homes, for the purposes of the contribution the site may make to the required level of proportional growth, a figure of 10 dwellings is suggested during the plan period to reflect a modest rate of plot take up, previous occupancy, the density on the adjacent park area, infrastructure requirements and the need for landscape measures."</i></p> <p>Revise the first sentence of paragraph 3.8. to refer to "at least a further 5 dwellings".  Revise the 6th sentence of paragraph 3.8 to read: <i>"Planning permissions for 9 dwellings, excluding the unit brought forward on the residential park homes site, were granted for sites within the rural parts of the parish outside of Peterstow village between 2001 and 2017."</i></p> <p>Add the following to the final sentence of paragraph 3.8: ".....required level of</p>	<p>For the interests of clarity and justification.</p> <p>Remove superfluous information.</p> <p>Ensure consistency and accordance with the Core Strategy.</p> <p>Ensure the plan meets the Basic Conditions 1 and 3.</p>



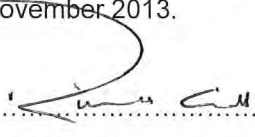
	<p>proportional growth <i>in addition to the units envisaged upon the residential park homes site.</i>"</p> <p>Revise Table 1.</p> <p>Revise Table 2 to read "Outstanding Housing Requirement 2011 -2031: 5 dwellings"</p>	
Recommendation 11: PTS13	<p>Revise Policy PTS13 as follows: Revise the first paragraph to read "...are <i>allocated for housing development</i> in the plan period."</p> <p>Incorporate the development requirements for each site allocation from paragraphs 7.5 to 7.7 into the policy itself by revising the final paragraph of the policy to read: "Housing development on these sites should <i>incorporate the following design principles: XXXX</i>"</p>	For clarity, consistency and accuracy.
Recommendation 12: PTS14	<p>Revise Policy PTS14 as follows Delete "services" from all paragraphs of the policy and justification. Replace with "<i>businesses serving the local community</i>"</p> <p>Delete "including open space" from the first paragraph of the policy.</p> <p>Show the location of the community facilities and businesses serving the local community listed on the Policies Map.</p>	<p>For clarity, consistency and accuracy.</p> <p>To better reflect and support Core Strategy policies SC1 and OS3.</p> <p>Ensure this policy meets Basic Condition 3.</p>
Recommendation 13: PTS16	Delete the second paragraph of Policy PTS16.	<p>Interests of accuracy and clarity.</p> <p>To align closer with strategic guidance.</p>
Recommendation 14: PTS17	<p>Revise Policy PTS17 as follows: Delete the following from criterion a) "unless they meet the requirements for exceptions set out in Policy PTS2".</p> <p>Update the last sentence of paragraph 9.4 to refer to the 2018 Polytunnels SPD.</p>	Interests of accuracy and clarity.
Recommendation 15: PTS18	<p>Revise the last paragraph of Policy PTS18 as follows: ".....will not be supported <i>except in exceptional circumstances and where it can be demonstrated they are in the public interest and they do not adversely impact upon the natural beauty and scenic qualities of the AONB.</i>"</p>	<p>For clarity, consistency and accuracy.</p> <p>In accordance with NPPF para 115 and para 116.</p> <p>To align closer with strategic guidance and policy SD2.</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 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. 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. In response to the examiner's recommendation 5, to show the Wells Brook ecological corridor on the Policies Map. The NDP group have produced a separate map to showing the Wells Brook ecological corridor, instead of incorporating this within the existing policies maps. Recommendation 7 to show the important views on the policies map, has been modified by the NDP group and still integrated into the plan rather than on a separate policies map. These changes have been made to ensure consistency with Herefordshire Council's standard approach of what features on a policies map.
- 5.2 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 Peterstow 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 Peterstow 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 22 November 2013.

Signed .....  .....

Dated ... 19.10.18 .....

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