

## How Caple Sollers Hope and Yatton NDP Independent Examination

### Delegated Decision Statement

**18 December 2018**

Neighbourhood Planning (General) (Amendment) Regulations 2012

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|----------------------------|--|
| Name of neighbourhood area | How Caple Sollers Hope and Yatton Group Neighbourhood Area |
| Parish Council             | How Caple Sollers Hope and Yatton Group Parish Council     |
| Submission                 | 9 April to 21 May 2018                                     |
| Examination Date           | Summer 2018  |
| Inspector Report Received  | 17 December 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 How Caple Sollers Hope and Yatton 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 How Caple Sollers Hope and Yatton was designated on 10 October 2013. The Neighbourhood Area follows the boundary of How Caple Sollers Hope and Yatton parish boundary. The How Caple Sollers Hope and Yatton NDP has been prepared by How Caple Sollers Hope and Yatton 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 6 June 2018, and the consultation under Regulation 16 took place between the 9 April to 21 May 2018, where the Plan was publicised and representations invited.
- 2.3 On 6 July 2018 Ms Ann Skippers BSc (Hons) MRTPI FRSA AoU was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the How Caple Sollers Hope and Yatton 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 her report along with the justification:

| Policy      | Modification recommended  | Justification   |
|-------------|---|---|
| Policy ENV1 | <p>Delete "Ref: NPPF sections 109, 111, 113 Herefordshire Council Core Strategy (in particular appx 8)" from the policy [the reference to the NDP objectives can be retained]</p> <p>Reword the policy to read:</p> <p>"All development must protect or safeguard the character and natural amenities of the three parishes whilst ensuring the parishes thrive through support for sustainable development. Proposals within the Wye Valley Area of Outstanding Natural Beauty must conserve its landscape and scenic beauty in line with national policy and the Core Strategy.</p> <p>Proposals will be assessed against all of the following criteria:</p> <ul style="list-style-type: none"> <li>i) Woodlands and hedgerows will be protected and new planting using native species will be encouraged in appropriate locations;</li> <li>ii) All new development must protect or enhance the natural features of the area including views and view corridors, river meadows, orchards as well as footpaths and comply with Core Strategy Policies LD1 and LD2;</li> <li>iii) The reuse of redundant rural buildings, farm expansion and tourism development will be encouraged in appropriate locations;</li> <li>iv) Heritage assets will be protected in a manner appropriate to their significance and enhanced wherever possible. Appropriate and increased accessibility to those heritage assets listed on pages [x] of the Plan will be particularly encouraged;</li> <li>v) For changes of use development, careful consideration will be given to the</li> </ul> | <p>Interests of accuracy and clarity.</p> <p>Conformity to the NPPF and Core Strategy</p> |

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|                    | <p>impacts on noise, smell, pollution, traffic generation and impact on rural roads and visual appearance. Development will not be permitted where such impacts singly or cumulatively result in any harm;</p> <p>vi) Individual development of renewable energy sources for private use will be encouraged. The provision of community-led energy generation, including bio-digesters, will be sympathetically considered as will some limited commercial development of water power and ground heat capture for community benefit where these accord with Core Strategy Policy SD2;</p> <p>vii) Installation of large scale photo-voltaic arrays or large installations of wind turbines or fracking will be supported only if they have an acceptable individual or cumulative impact on the landscape and visual appearance of the area and biodiversity and, where applicable, the Wye Valley Area of Outstanding Natural Beauty;</p> <p>viii) Redevelopment, alteration or extension of historic farmstead and agricultural buildings within the Parishes must be sensitive to their distinctive character, materials and form and</p> <p>ix) The promoters of new housing development should ensure that the living conditions of future occupiers will not be adversely affected by pre-existing agricultural or commercial activities.”</p> <p>Ensure that the heritage assets referred to in [new] criterion iv) are referenced fully and clearly on the relevant pages of the Plan and should only include the Village Church of St Andrew and St Mary, How Caple, How Caple Court and Gardens, Village Church of St Michael, Sollershope and the Village Church of All Saints, Yatton.</p> <p>Move the community action sections that appear after Environment Policy ENV-1, Economy Policy ECON-1 and Infrastructure Policy INF-1 to appear after the supporting information sections on each of these policies.</p> |   |
| <p>Policy HSG1</p> | <p>Add new sentences/paragraph [as preferred] after the sentence that begins “The first four criteria...” on page 18 of the Plan that reads: “It is however recognised that in order to meet the basic conditions, this Plan needs to be in general conformity with the strategic policies of the Core Strategy. Proposals for rural exception housing, houses of innovative design and provision for the needs of gypsies or travellers are satisfactorily addressed by policies in the Core Strategy.”</p> <p>Reword the policy to read: “How Caple, Sollershope and Yatton neighbourhood plan area is classified as open countryside where new housing is restricted to avoid unsustainable patterns of development in the rural areas. The following criteria guide new housing development:</p> <p>i) Homes which meet an agricultural or forestry need or other farm diversification or rural enterprise need will be supported in line with Core Strategy Policies RA3 and RA4;</p> <p>ii) Proposals for the reuse of genuinely redundant or disused rural buildings including barns and the replacement of existing dwellings will be supported provided they are of a similar size and scale and have an acceptable impact on the area’s character and appearance;</p>   | <p>Interests of accuracy and clarity.</p> <p>Conformity to the NPPF and Core Strategy</p> |

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|              | <p>iii) Where new homes are provided, preference will be given to local people and those with local connections, to dwellings suitable as starter homes or for older people or for smaller homes of up to three bedrooms;</p> <p>iv) New homes should ensure that sufficient garden area and parking spaces are provided;</p> <p>v) The use of traditional building materials e.g. stone, brick and slate will be encouraged;</p> <p>vi) Development must ensure that it does not adversely affect the living conditions of the occupiers of nearby properties</p> <p>vii) Development must protect or enhance the character and appearance of How Caple, Sollershope and Yatton. Particular regard will be given to conserving the landscape and scenic beauty of the Wye Valley Area of Outstanding Natural Beauty.”</p>  |  |
| Policy ECON1 | <p>Delete criterion ECON-1A in its entirety.</p> <p>Reword criterion 1B to read: “The change of use of redundant or disused rural buildings for small business uses will generally be supported in line with Core Strategy Policy RA5;</p> <p>Reword criterion 1C to read: “The development of serviced workshops, work units attached to dwellings and small stand-alone businesses (e.g. information technology) are particularly encouraged and will generally be supported where they meet the criteria outlined in Core Strategy Policy RA5;</p> <p>Reword criterion 1D to read: “Tourism related development will be supported where it benefits the local economy and safeguards the natural and built environment of the parishes. Particular regard will be given to conserving the landscape and scenic beauty of the Wye Valley Area of Outstanding Natural Beauty.”</p> <p>Remove the brackets from the paragraph that begins “(The main economic contributor within...” on page 23 of the Plan</p> | <p>Interests of accuracy and clarity</p> <p>Conformity to the NPPF and Core Strategy</p> |
| Policy CF1   | <p>Move criteria CF-1A and CF-1C to a new Community Action section to be located after the supporting information for this policy.</p> <p>Move supporting text for CF-1A on page 26 and CF-1C on page 27 to the new Community Action section alongside the criteria</p> <p>Reword [existing] criterion CF-1B to read: “Proposals for farm shops or other small trading outlets will be encouraged where they accord with the relevant policies of the development plan.</p>   | <p>Interests of accuracy and clarity</p> <p>Conformity to the NPPF and Core Strategy</p> |
| Policy INF1  | <p>Move criteria INF-1A and INF-1B to the Community Action section [which is to be relocated after the supporting information for this policy]</p> <p>Move the paragraph on page 28 of the Plan which begins: “We will maintain pressure...” to the Community Action section as it relates to criterion INF-1B</p> <p>Move the header to and the paragraph on page 28 of the Plan which begins: “There are several “dead” spots...” and its two accompanying paragraphs on page</p>   | <p>Interests of accuracy and clarity</p> <p>Conformity to the NPPF and</p>               |

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|       | <p>29 to the Community Action section as it relates to criterion INF-1A</p> <p>Move the header to and the paragraph on page 29 of the Plan which begins: "This question in the survey (Q39)..." and its six accompanying paragraphs on page 30 to the Community Action section</p> <p>Change [existing] criterion INF-IC to read: "Proposals for the establishment of cycle paths and footpaths in appropriate locations will be considered subject to their relationship to existing footways and other cycle ways."</p> | Core Strategy                     |
| Annex | Add a sentence that reads: "Users of the Plan are advised to seek the most up to date information available from the relevant agencies and organisations." to Annexes 6 and 14  | Interests of accuracy 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. 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. 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 How Caple Sollers Hope and Yatton 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 How Caple Sollers Hope and Yatton 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 10 October 2013.



Signed ..... Richard Gabb .....

Dated ..... 18.12.18 .....

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