

Lea NDP Independent Examination

Delegated Decision Statement

18 December 2018

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Lea Neighbourhood Area
Parish Council	Lea Parish Council
Submission	3 January to 14 February 2018
Examination Date	27 February 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 Lea 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 Lea was designated on 13 May 2014. The Neighbourhood Area follows the boundary of Lea parish boundary. The Lea NDP has been prepared by Lea 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 spring 2013.
- 2.2 The Plan was submitted to Herefordshire Council on 12 December 2017, and the consultation under Regulation 16 took place between the 3 January to 14 February 2018, where the Plan was publicised and representations invited.

- 2.3 On 26 March 2018 Ms Ann Skippers BSc (Hons) MRTPI FRSA FHEA AoU was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Lea 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
Introduction	<p>Reword the second paragraph on page 1 of the Plan to read:</p> <p>"Such NDPs allow a 'local say' in terms of future development proposals in the area, but the plan must <i>generally conform to the strategic policies in the development plan at local authority level and have regard to the National Planning Policy Framework (NPPF).</i>"</p> <p>Reword the third paragraph on page 1 of the Plan to read:</p> <p>"Once the plan has been made, following a favourable referendum, <i>the</i> Lea Neighbourhood Development Plan will have force of law and <i>will become part of the development plan. As such it will be used by those making decisions on planning applications</i> for deciding what development should and should not take place in the parish."</p>	Interests of accuracy and clarity updating information.
Section 7	<p>Change "Local Development Framework" in the third paragraph on page 20 of the Plan to "<i>planning policy context</i>"</p> <p>Update the housing figures in paragraph six on page 20 of the Plan replacing "...290 properties in 2011..." with "307 properties in 2014..."</p>	Interests of accuracy and clarity.
Policy Lea 1- Housing in the right place	<p>Delete the first bullet point of the policy in its entirety</p> <p>Delete the words "Further applications for" from the (existing) second bullet point of the policy which should begin "New housing development..." Add at the beginning of the (existing) third bullet point of the policy: "<i>A settlement boundary for Lea has been defined and is shown on page [21] of the Plan.</i> [retain all of existing criterion] Delete "as specified in the NPPF" from (existing) bullet point 13 of the policy. Delete (existing) bullet point 15 of the policy in its</p>	<p>Interests of accuracy and clarity. Clarification of the text and to add more detail/certainty.</p> <p>Change to meet basic conditions.</p>

	entirety.	
Policy Lea 2- Surface and foul water drainage	Change “settled farmlands” on page 28 of the Plan to <i>“Principal Settled Farmlands”</i>	Interests of accuracy and clarity. In line with the NPPF.
Policy Lea 3- A valued environment in which to live	<p>Replace Appendix D of the Plan with the map and accompanying photographs of the views to be protected sent in response to my questions of clarification. Ensure that all the viewpoints referred to in the photographs are mapped on the map.</p> <p>Reword the second bullet point to read:</p> <p><i>“Development must protect or enhance the key features of the panoramic views identified in Appendix D and the area’s landscape quality.”</i></p> <p>Reword the third bullet point to read:</p> <p><i>“Development must conserve mature trees and hedgerows wherever possible and appropriate to do so, incorporating these features into a landscaping scheme.”</i></p> <p>Reword the sixth bullet point to read:</p> <p><i>“New development should sustain local habitats and support biodiversity. The creation and maintenance of green infrastructure is particularly encouraged as it is important for bats.”</i></p> <p>Delete the seventh bullet point in its entirety</p>	<p>Interests of accuracy and clarity.</p> <p>Ensure policy is more flexible and ensure the policy will not prevent the achievement of sustainable development.</p>
Policy Lea 4- Large scale polytunnels	<p>Delete Policy Lea 4 in its entirety</p> <p>Add the words: <i>“A new document was produced by Herefordshire Council in June 2018 called ‘Polytunnels Planning Guide’. This guide will provide invaluable planning advice and is a material consideration in the determination of planning applications.”</i></p>	Policy does not meet the basic conditions. Requires further justification and explanation.
Policy Lea 5- Sustaining open green spaces	<p>Amend the Policies Map and map on page 36 of the Plan to exclude the Village Hall and car park from the Local Green Space designation.</p> <p>Change the first bullet point of the policy to read: <i>“The five areas listed below and shown on the map are designated as Local Green Spaces. Within the Local Green Spaces any new development will be managed in line with national policy on green belts.”</i></p> <p>Delete bullet point two of the policy in its entirety.</p> <p>Delete bullet point three of the policy in its entirety.</p>	<p>Interests of accuracy and clarity.</p> <p>Removal of repetition.</p> <p>Ensure policy provides a practical framework.</p> <p>Improve conformity with the NPPF and Core Strategy.</p>

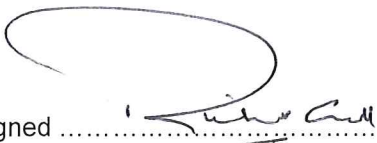
	Delete bullet point four of the policy in its entirety.	
Policy Lea 6- Supporting a thriving rural economy	<p>Remove bullet point one from the policy and add it to the supporting text as a new paragraph.</p> <p>Delete bullet point three of the policy in its entirety.</p> <p>Combine bullet points four and five to read: "Conversion of existing buildings to employment uses will be supported <i>where the impact on the local environment is acceptable. Sustainable</i> tourism opportunities <i>including</i> the provision of sensitively located small-scale B and B or self catering tourist accommodation <i>will be encouraged.</i>"</p> <p>Reword bullet point six to read: "<i>In considering any development proposals, the impact on the landscape and historic environment of the area, flooding and drainage, access and highway safety, ecology and residential amenity must be acceptable.</i>"</p> <p>Delete bullet point seven of the policy in its entirety</p>	<p>Interests of accuracy and clarity.</p> <p>Help achieve sustainable development.</p> <p>Removal of superfluous information.</p> <p>Improve conformity with the NPPF and Core Strategy.</p>
Appendix A	Add to Appendix A: " <i>Readers are encouraged to seek the most up to date list of heritage assets and information about listed buildings in the Parish from Historic England or the local planning authority.</i> "	Interests of accuracy and clarity.
Glossary	Change "(SSI)" on page 64 of the Plan to "(SSSI)"	Interests of accuracy.

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
- 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 Lea 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 Lea 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 13 May 2014.

Signed 

Dated 18.12.18

Richard Gabb
Programme Officer – Housing and Growth

