

## **Pembridge NDP Independent Examination**

### **Delegated Decision Statement**

**14 December 2018**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Pembridge Neighbourhood Area
Parish Council	Pembridge Parish Council
Submission	24 July 2018
Examination Date	Autumn 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 Pembridge 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 Pembridge was designated on 3 July 2012. The Neighbourhood Area follows the boundary of Pembridge parish boundary. The Pembridge NDP has been prepared by Pembridge 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 summer 2012.

- 2.2 The Plan was submitted to Herefordshire Council on 24 July 2018, and the consultation under Regulation 16 took place between the 1 August to 26 September 2018, where the Plan was publicised and representations invited.
- 2.3 On 22 October 2018 Ms L Beth BA (2.1 hons) MA MRTPI Dip Design in the Built Environment was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Pembridge 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:

(Modifications with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted shown but struck through. Instructions for alterations are underlined.)

Policy	Modification recommended	Justification
<b>Modification 1:</b> Policy PEM2	<p><u>Policy PEM2 criteria a) and c) to be altered as shown:</u></p> <p><i>a) A settlement boundary is defined for Pembridge incorporating a number of housing sites. <del>and</del> <b>Within this boundary</b> which other appropriate forms of development may take place where this would retain the village's local distinctiveness and the character and appearance of its Conservation Area. <del>In addition, locations are defined where development would only be permitted should proposals involve enhancement measures to the Conservation Area.</del></i></p> <p>.....</p> <p><i>c) Economic development associated with <del>the</del> complex of Shobdon Airfield falling within the <b>Pembridge</b> Parish will be supported provided this does not result in <b>significant</b> increased traffic through Pembridge village.</i></p>	<p>For clarity in line with NPPF (para 154).</p> <p>In order to comply with the Basic Conditions.</p>
<b>Modification 2:</b> Policy PEM3	<p><u>Policy PEM3, the Village Map and its associated justification text is recommended to be amended as shown in order that the Plan meets the Basic Conditions with regard to the clarity and protection of heritage assets requirements of government policy:-</u></p> <p><i>Policy PEM3: Housing Development in Pembridge Village</i></p> <p><i>New housing within Pembridge will primarily be restricted to sensitive infilling within a <b>the settlement boundary defined on the Pembridge Village Map</b> and sites identified for development shown on <b>the Pembridge Village Map</b>.</i></p>	For emphasis and clarity.

	<p><i>Within the settlement boundary infilling will be permitted where it meets appropriate design and other criteria set out within relevant policies contained within this plan, in particular, PEM6 and PEM20, and also address policies set out in Herefordshire Local Plan Core Strategy.</i></p> <p><u>The Pembridge Village Map to be altered so that site 8 (Land to the east of Oak View) and site 9 (Land to the north of Trafford Cottages) are excluded from being within the settlement boundary.</u></p> <p><u>Paragraph 5.7 is to be amended as follows:</u></p> <p><i>A limited number of other areas forming extensions to the previous settlement boundary, although not shown as allocated sites, are also included within the new boundary. These include Land to the east of Oak View and land to the north of Trafford Cottages <b>may be suitable for development under Policy RA2 of the HCS as land adjacent to the settlement of Pembridge.</b> These sites should only be developed however if suitably sensitive access arrangements can be provided and they incorporate measures to enhance the Conservation Area, as discussed in paragraphs 5.8 and 5.9 below.</i></p>	<p>To comply with NPPF section 12.</p>
<p><b>Modification 3: PEM4</b></p>	<p><u>In order that Policy PEM4 meets the Basic Conditions and complies with government guidance with regards to clarity and accuracy of policy, I recommend that it is amended as follows:-</u></p> <p><i>The following areas of land are identified on the Pembridge Village Map where new housing development may take place, provided they meet the requirements set out in relevant design and detailed policies within this plan:</i></p> <ul style="list-style-type: none"> <li><i>i) Land of approximately 1.80 hectares to rear and south of the Village Hall, Bearwood Lane;</i></li> <li><i>ii) Land of approximately 0.8 hectares off Manley Crescent;</i></li> <li><i>iii) Land of approximately <b>0.2 hectares being the continuation of an original allocation of 0.6 hectares off Sandiford Ploc;</b></i></li> </ul> <p>... ..</p> <p><u>The Village Map to be altered to show the reduced allocation outstanding on site iii).</u></p> <p><u>Paragraph 5.2 of the PNDP to be altered if necessary to update the current figure of completions and outstanding planning permissions.</u></p> <p><u>The last two sentences of paragraph 5.13 to be altered as follows:</u></p> <p><i>Developers should note that housing sites ii) <b>Land off Manley Crescent;</b> iii) <b>Land off Sandiford Ploc;</b> v), vi) and vii) <b>Land west of Manley Lane;</b> are within 250m of a known closed landfill site which is a use that may be considered potentially contaminative. Policy PEM23 (f) is especially relevant to these sites.</i></p>	<p>For clarity in regard to site allocations and in order to meet basic conditions.</p>
<p><b>Modification 4:</b>  PEM 9</p>	<p><u>I recommend for clarity criteria e) reads as follows:</u></p> <p>... ..</p>	<p>For clarity and to comply with</p>



	<p>(e) <b>They include dwellings and associated enterprises permitted through Policy PEM8 and Herefordshire Core Strategy policies RA3 and RA4.</b></p>	<p>the basic conditions.</p>
<p><b>Modification 5: Policy PEM11</b></p>	<p><u>Policy PEM11 to be amended as follows:</u></p> <p><i>Proposals for intensive livestock units and associated structures should be sited where:</i></p> <p>a) <i>They do not intrude unacceptably into the landscape or adversely affect important views or landscape character more generally. Proposals seeking to utilise tree screening and choice of materials to reduce <b>adverse visual and landscape</b> the environmental effects should only be permitted where these can achieve <b>effective</b> full mitigation of the adverse impact.</i></p> <p>b) <i>Any traffic generated can be accommodated safely upon the local highway network, should <b>does</b> not adversely affect residential amenity and avoids adverse effects upon the historic environment.</i></p> <p>dc) <i>There are no other potentially polluting effects upon local amenity <b>and the environment</b>, including from outside lighting.</i></p> <p><i>Proposals, including associated earth walled storage compounds or lagoons, should <b>normally</b> be sited no closer than 600 metres from Pembridge village. Elsewhere, such development should be no closer than 400m from a protected building or residential property not associated with the operation, <b>measurements to be taken between the nearest point of the proposed development and the nearest point of the residential property or protected building. Where an operation can be demonstrated to have no impact at a nearer distance due to the small scale of the operation or other site specific factors then this distance requirement may be reduced.</b></i></p> <p><b>Any planning application for an intensive livestock unit should be accompanied by a working method statement that includes clear details on the number and quantity of animals and by-products, methods of dealing with inputs and outputs from the process and pollution controls, transportation requirements and any other aspect of the development specified by the LPA.</b></p> <p>e) <del>Where the disposal of manure waste is proposed within any operational holding through spreading on land then sufficient suitable land should be available for this which is under the applicant's own control in a location where this will not adversely affect residential amenity. The installation and use of an effective purification system will be taken into account when assessing the suitability of available land. Should manure waste disposal be through spreading on land within another ownership or through another means then this should be agreed with the local planning authority whose area is to receive the waste.</del></p> <p>f) <i>Proposals or their related slurry or manure waste spreading areas, should not be sited where they would have a significant adverse effect on the River Lugg SSSI or River Wye Special Area of Conservation, including tributary streams.</i></p> <p><i>The 'in combination effect' of such operations in terms of aerial emissions and deposition, including acid and nitrogen will be a consideration. In all these respects, the cumulative effect of such units upon the environment within the Parish should be taken into</i></p>	<p>For clarity in line with NPPF (para154) and the Basic Conditions.</p> <p>For clarity in line with NPPF (para120) and the Basic Conditions.</p>

	<p><i>account, especially the potential polluting effects on residential amenity and biodiversity.</i></p> <p><u>Para 6.8 to include a summary of the evidence supporting the policy currently quoted at length as an Annex to the Consultation Statement.</u></p>	
<p><b>Modification 6: PEM14</b></p>	<p>... ..</p> <p><i>No sites are identified as suitable within the parish for large or medium scale energy generation through wind power but Individual small-scale turbines serving a local need may be permitted where they meet the above criteria and have a maximum power generation rating no greater than 15kW.</i></p>	<p>For clarity and to meet the requirements of the Basic Conditions with regard to government guidance on policy clarity</p>
<p><b>Modification 7: PEM15</b></p>	<p>The first paragraph of Policy PEM15 is recommended to be altered as shown in order that it complies with the Basic Conditions:</p> <p><i>Existing community facilities listed in this policy shall be retained and protected from development that might restrict unnecessarily their current use unless alternative provision is made in accordance with this policy. The retention of key services will be supported where possible through enabling development that would enhance their viability. <b>Community facilities to be protected are:-</b></i></p> <ul style="list-style-type: none"> <li>• Pembridge Primary School and Play Area</li> <li>• St Mary's Church</li> <li>• The Village Hall and Community Open Space adjacent to the Village Hall</li> <li>• The Kings House High Street</li> <li>• New Inn High Street</li> <li>• Red Lion High Street</li> <li>• The current range of village shops as at December 2018</li> </ul> <p>... ..</p>	<p>For the interests of clarity and justification.</p>
<p><b>Modification 8: PEM16</b></p>	<p><u>Policy PEM16 to be amended as follows:</u></p> <p><i>The following areas also identified upon in the Pembridge village Map are designated Local Green Space. Development that would result in the loss or damage of these sites or unnecessarily restrict reduce their current use or value will not be permitted. Proposals that will benefit their current utility will however be supported provided they comply with all policies in the development plan including this policy. permitted provided there is no significant adverse effect on residential amenity:</i></p> <ul style="list-style-type: none"> <li>i) Churchyard at St Mary's Church.</li> <li>ii) The Millennium Meadow.</li> <li>iii) Pembridge Village Green.</li> <li>iv) Riverside Walk.</li> <li>v) Community Open Space adjacent to the Village Hall.</li> <li>vi) The Green surrounding the War Memorial in West Street.</li> </ul>	<p>For the purposes of clarity and in line with NPPF para77 and para88 and to comply with the basic conditions</p>

<p><b>Modification 9:</b></p> <p>PEM 18</p>	<p><u>In order that the policy complies with government policy with regard to the hierarchy of protection of environmental sites, and the clarity required of policy, I recommend Policy PEM18 is amended as follows:</u></p> <p>... ..</p> <p>b) <i>Contribute towards the wider ecological network within the Parish through measures to enhance the ecological corridors and stepping stones identified by the LPA in the Ecological Network Map 2013. In particular to maintain and of the ecological corridors of the River Arrow's tributaries and stepping stones elsewhere throughout the Parish and within Pembridge Village should be Protected and enhanced wherever possible; through its centre;</i></p> <p>... ..</p> <p>e) <del>In addition,</del> <b>Protect</b> <i>the biodiversity value of local wildlife sites and green infrastructure within the parish, and in particular around and within Pembridge village, should be protected from unacceptable harm to the asset, particularly from the adverse effects of development. New development should also seek to add to the green infrastructure network where possible;</i></p> <p>f) <b>Retain wherever possible</b> <i>important features such as ponds, orchards and hedgerows, and maintain and preferably extend tree cover, adding to the natural assets of the Parish where opportunities are available.</i></p>	<p>For the interests of clarity and in line with NPPF para113.</p>
<p><b>Modification 10:</b></p> <p>PEM19</p>	<p><u>Criteria d) of Policy PEM19 to be amended as follows:</u></p> <p>... ..</p> <p>d) <i>Resisting development that adversely affects features or the setting of Listed Buildings. and other similar heritage assets. In particular, the Market Hall and its setting should be protected, including from the impacts of traffic upon its fabric.</i></p> <p>... ..</p>	<p>For the interests of clarity and in line with NPPD para 133-4 and basic conditions</p>
<p><b>Modification 11:</b></p> <p>paragraph 9.3</p>	<p><u>I recommend the second sentence of paragraph 9.3 of the PNDP is amended as follows in order that the document has the clarity required and complies with the Basic Conditions.</u></p> <p><i>This applies not only in the Pembridge Village where growth is proposed, but also elsewhere in the Parish.</i></p>	<p>For clarity of policy and regard to NPPF.</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.
- 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 Pembridge 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 Pembridge 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 3 July 2012.

Signed .....  .....

Dated ..... 17 / 12 / 18 .....

