

Shobdon NDP Independent Examination

Delegated Decision Statement

4 January 2019

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Shobdon Neighbourhood Area
Parish Council	Shobdon Parish Council
Submission	28 August to 23 October 2018
Examination Date	November – December 2018
Inspector Report Received	3 January 2019

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 Shobdon 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 Shobdon was designated on 17 July 2012. The Neighbourhood Area follows the Shobdon parish boundary. The Shobdon Neighbourhood Development Plan has been prepared by Shobdon 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 July 2012.

- 2.2 The Plan was submitted to Herefordshire Council on 17 August 2018 and the consultation under Regulation 16 took place between the 28 August to 23 October 2018, where the Plan was publicised and representations invited.
- 2.3 In November 2018, Liz Beth BA 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 Shobdon 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 the report along with the justification:

Policy	Modification recommended	Justification
Modification 1 Para 1.3 to 1.5	Update paragraph 1.3 to refer to the adopted Herefordshire Local Plan Core Strategy 2015 Update para 1.4 into the present tense Delete para 1.5 and replace with 'This is a resubmission version of the plan, drawn up after a second regulation 14 consultation and submitted to Herefordshire Council in August 2018'	To ensure the introductory text is up to date
Modification 2 Policy S1	Amend the last paragraph of S1 to read: Development proposals must comply with the policies in this Neighbourhood Plan. Where this plan does not cover a proposal, any decision should reflect the community's sustainable development priorities set out above and policies within Herefordshire Core Strategy, in particular Policy SS1.'	To remove the unnecessary text from the Policy
Modification 3 Policy S2	Amend criteria a to read: 'a) To allow for residential development and controlled growth in Shobdon, a settlement boundary is defined on the Shobdon Village Policies Map within which infilling complying with policy may take place. In addition, a number of small housing sites have been identified. Development associated with the village's service and facilities will be supported. Amend para 3.14 by deleting ' carry greater	For clarification and to remove unnecessary text

	<p>weight' and replacing with 'are likely to be more relevant'</p> <p>Delete from the second sentence of para 9.4 'for this and phasing of development'</p>	
Modification 4 Policy S4	<p>Delete the following from the last sentence of the first paragraph of Policy S4 'defined upon Shobdon Inset Map'</p> <p>Within paragraph 5.2 replace 'At the time this plan was drafted' with the actual month and year date. Alternatively substitute the information from the SNDP Housing Need Report 2018 para 1.2 which quotes figures from July 2017</p>	For clarity
Modification 5 Policy S5	<p>Amend criteria a to read: 'The proven local need for affordable housing including for the elderly should be up to date and identified in consultation with Shobdon Parish Council</p> <p>Delete the following from criteria d 'In additional, developments within Shobdon village should include an element of older person's housing accommodation unless there is clear evidence that such housing is not required at this time'.</p> <p>Add 'Affordable' to the beginning of criteria e</p> <p>Delete criteria f</p>	<p>To ensure that the policy is based on robust and proportionate evidence</p> <p>Remove unnecessary cross referencing</p>
Modification 6 Policy S7	<p>Amend the first sentence to read: 'The enhancement of existing employment land in and around Shobdon Airfield and within the parish of Shobdon will be encouraged....'</p>	To ensure that it is clear that the policy is only relating to the airfield land within the neighbourhood area
Modification 7 Policy S8	<p>Amend the final sentence of Policy S8 to read: 'Individual small scale turbines with a power output no higher than 50kW and serving a local need may be permitted where they meet the above criteria'</p>	To ensure that small scale is defined
Modification 8 Policy S10	<p>Expand the first paragraph of Policy S10 to read: 'Existing community facilities and services listed below shall be retained and protected from development that might restrict unnecessarily their current use unless alternative provisions is made in accordance with this policy. Existing Community Facilities are:-</p> <p>Shobdon Primary School and Community Hall Shobdon Village Shop Methodist Chapel Hanbury Green Bateman Arms Public House St John the Evangelist Church</p>	For clarity
Modification 9 Policy S12	<p>Replace 'inset map' with 'Village Policies Map' in the first paragraph</p>	To remove areas of land which do not meet the requirements

Policies maps	<p>Delete criteria iii</p> <p>Amend criteria iv to read 'The open area of important landscape to the east side of the stream passing under Shobdon Bridge on the north side of the main road (B4362)</p> <p>Amend the Shobdon Village Map as follows:</p> <ul style="list-style-type: none"> • Identify the areas of Local Green Space and Open Space with numbers used within the policy • Remove the designation shown in front of Moor Meadow • Remove the designation shown to the west of the stream by Shobdon Bridge • Redraw the settlement boundary to exclude the land to the north of the B4362 that was previous designated as Local Green Space iv but to include the vacant dwelling and immediate curtilage fronting onto the B4362 and adjacent to the stream 	of the NPPF.
Modification 10 Policy S13	Amend criteria c to read: 'Maintain opportunities for vista and panoramas characteristic of and associated with the Mortimer Trail where it passes through the parish'.	As specific views have not been identified
Modification 11 Map and key	<p>Amend the key to show the historic site boundary and shading to ensure that the historic site is clearly distinguished from the proposed housing site</p> <p>Ensure the shading for protected open space is as shown on the key and can be clearly distinguished from 'land liable to flood'</p>	To ensure 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.
- 5.2 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 in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.
- 5.3 Following the modifications made, the Border Group Neighbourhood Development 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 Shobdon 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 Examiner's conclusion that nothing has been suggested which would require an extension of the area beyond that designated on 17 July 2012.

Signed 

Dated 4 . 1 . 2017

Richard Gabb
Programme Officer – Housing and Growth

