

## Almeley NDP Independent Examination

### Delegated Decision Statement

**30 January 2019**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Almeley Neighbourhood Area
Parish Council	Almeley Parish Council
Submission	29 August to 3 October 2018
Examination Date	Winter 2018
Inspector Report Received	16 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 Almeley 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 Almeley was designated on 17 July 2012. The Neighbourhood Area follows the boundary of Almeley parish boundary. The Almeley NDP has been prepared by Almeley 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 2017.

- 2.2 The Plan was submitted to Herefordshire Council on 19 June 2018, and the consultation under Regulation 16 took place between the 29 August to 3 October 2018, where the Plan was publicised and representations invited.
- 2.3 On 12 October 2018 Barbara Maksymiw was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Almeley 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
ALM1	Reword ALM1 (c) to read "Support local economic development appropriate to the capacity of the highway network, the local landscape and the existing settlement pattern"	To improve clarity
ALM2	Delete ALM2 and paragraphs 5.9 and 5.10. Renummer subsequent policies accordingly	In order to meet the requirements of the NPPF at para 154 and avoid overlaps in policy criteria and for clarity.
ALM3	Replace "and reinforce" with "restore and enhance" in first line of ALM3. Add "to enhance landscape character" after "schemes" in ALM3(c).	To improve clarity

	<p>Delete “Ensure the integrity of the views by protecting the foreground” and add “Protect landscape views” before “across” in ALM3(d).</p> <p>Add after “traditional orchards” in fifth sentence of paragraph 6.2 “; these are described and mapped in the Almeley Parish Biodiversity Conservation and Enhancement Plan: June 2018.”</p> <p>Amend Footnote 10 on page 26 to read <a href="http://almeleypc.org/wp-content/uploads/2018/07/Almeley-Parish-Council-NatureConservation-Plan-June-2018.pdf">http://almeleypc.org/wp-content/uploads/2018/07/Almeley-Parish-Council-NatureConservation-Plan-June-2018.pdf</a></p>	
ALM4	<ul style="list-style-type: none"> <li>• Add “affecting heritage assets” after “proposals” in line 1 of ALM4 (b) and delete “elsewhere”. Add “a Heritage Impact Assessment or” after “accompanied by” in ALM4(b). Add “the significance of” after “affect” in ALM4(f). Delete maps on pages 52 and 53 and substitute Almeley Policies and Woonton Policies Maps prepared by Herefordshire Council. Add list of Natural Assets to Appendix 2 and change title of Appendix 2 to “List of Heritage and Natural Assets”.</li> <li>• Delete ALM4(h) and renumber ALM4(i) as ALM4(h). Move paragraph 6.4 to become the first paragraph under Policy ALM14 and renumber as paragraph 8.6. Renumber remaining affected paragraphs in sections 6 and 8 accordingly</li> </ul>	<p>To improve clarity</p> <p>To ensure clarity and remove superfluous text</p>
ALM5	<p>Add new sentence at start of paragraph 6.6 to read. “The Steering Group carried out an assessment of potential areas for inclusion as Local Green Space in the NDP and this is set out in <a href="http://almeleypc.org/local-green-space-assessments/">http://almeleypc.org/local-green-space-assessments/</a>”</p> <p>Delete ALM5(b) from Policy ALM5 and Almeley Village Policies Map. Renumber ALM5(C) as ALM5(b) and amend Woonton Village Policies Map accordingly. Delete para 6.6(ii) and move Figure 10 to Appendix 2 . Renumber 6.6 (iii) as 6.6(ii) and renumber Figure 11 as Figure 10 and renumber all subsequent Figures</p>	<p>To ensure direct reference is made to the green space, for clarity</p> <p>In the interest of appropriate allocation of green space and to improve clarity</p>



	<p>accordingly. Reword third sentence of ALM5 to read “Proposals for any development on these sites will be resisted unless they are directly related to the retention, management or enhancement of the green space and there is no significant adverse effect on residential amenity.”</p>	
ALM6	Delete “Appearance “from title of policy ALM6.	For purposes of clarity
ALM9	<p>Add as new sentences at the end of paragraph 3.11, “Public consultations, including in relation to the NDP, revealed considerable community concern over the potential harmful effects of intensive livestock operations to public health and the environment. Support for traditional farming is, however, strong.”</p> <p>Delete “General purpose agricultural buildings requiring planning permission,” from the first sentence of ALM9 and from the title of ALM9.</p> <p>Delete “the environmental” and substitute “adverse visual and landscape” and delete “full mitigation” and substitute “effective mitigation of the adverse impact” in second sentence of ALM9(a).</p> <p>Delete ALM9 (c) and replace with “proposals involving intensive livestock units and/or associated walled storage compounds or lagoons should be sited no closer than 400m from a protected building or residential property which is not associated with the operation. Where it can be demonstrated that a small-scale operation will have no impact at a closer distance due to the size of the operation or other factors, then this distance requirement may be reduced”</p>	<p>In the interests in clarity and identification of key issues in the parish.</p> <p>For clarity and to avoid repetition of Policy RA6 of the HLPCS and the NPPF which provided guidance on general agricultural buildings</p> <p>To improve clarity</p> <p>Amendments due to lack of evidence to justify distances in policy.</p>

<p>Supporting text of ALM9</p>	<p>Delete ALM9(d) (iii) and replace with “Require the location of manure disposal or manure spreading areas for waste arising from intensive livestock units to be located where they would not have an adverse effect on the River Wye Special Area of Conservation. The in-combination effects of a number of such operations will also be a consideration”. Delete ALM9(d) (iv) and (v).</p> <p>Delete ALM9 (d) (i), (ii), (vi) and (vii). Insert new final clause to read “Require any planning application for an intensive livestock unit to 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 relevant matters as specified by the local planning authority. The in-combination effects of a number of such units on the environment should also be considered.” Renumber all clauses of ALM9 accordingly</p> <p>Delete “Protection zones .... settlement areas” and “These distances .....plan making process” from paragraph 7.4. After “and lighting.” add “A working method statement setting out provisions and appropriate agreements is necessary to ensure the provisions of NPPF paras 120-124 are taken into account and this should cover all forms of pollution including noise, emissions to air and light pollution.”</p> <p>Delete last sentence of para 7.4.</p> <p>In first sentence of para 7.5 change “these protection zones” to “this protection zone”.</p> <p>Delete first and second sentences of paragraph 7.6.</p> <p>Add as new sentence at end of paragraph 7.7 “In addition, it is important that any proposals do not harm the parish’s heritage assets or its community facilities and services in accordance with other policies in this NDP”.</p>	<p>To provide clarity and to meet the basic conditions</p> <p>Deletion as outside the scope of a neighbourhood plan.</p> <p>For purposes of clarity.</p>
<p>ALM10</p>	<p>Delete “a site identified for development upon Almeley Village Policies Map” from the first sentence of ALM10</p>	<p>To improve clarity.</p>

	<p>and substitute with “the site allocated to the north of West View (ALM11)”</p> <p>Redraft second sentence of para 8.2 to read “That proposed in this NDP reflects those previous boundaries and a site identified as suitable and available through the assessment if sites put forward within the local “Call for Sites””</p>	To improve clarity.
ALM11	In first sentence of ALM11 substitute “allocated” for “proposed” and delete “additional”	To improve clarity.
ALM12	Delete “the retention of sites already granted planning permission and the redevelopment of a site shown upon Almeley Woonton Policies Map” from the first sentence of ALM12 and substitute with “sites already granted planning permission and the site allocated at Woonton Farm (ALM13)”	To improve clarity.
ALM13	Delete “may be redeveloped” and substitute “is allocated for redevelopment”	To improve clarity.
ALM14	<p>Delete last sentence of para 8.8.</p> <p>Move Paragraph 8.9, 8.10 and Table 1 and insert as introductory paragraph under Section 8 Housing Policies on Page 38.</p> <p>Re-number all subsequent policies in Section 8 accordingly</p>	To improve clarity.
ALM15	Add “provided or” after “dwellings are” in first line of Policy ALM15	To improve clarity and meet basic conditions.
ALM17	In second line of ALM17, delete “development, sites” and replace with “the development of sites”. In second sentence of ALM17, add “be required to” after “Developers may”	To improve clarity and strengthen requirements on developers.
ALM18	Add “and Herefordshire LPCS Policy SD3” at end of first sentence of ALM18. Delete second sentence of ALM18	To improve clarity and meet basic conditions.

#### 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 Almeley 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 Almeley 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 17 July 2012.

Signed  .....

Dated 30/1/19 .....

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