

Aymestrey NDP Independent Examination

Delegated Decision Statement

11 March 2019

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Aymestrey Neighbourhood Area
Parish Council	Aymestrey Parish Council
Submission	27 June to 22 August 2018
Examination Date	September – February 2019
Inspector Report Received	5 March 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 Aymestrey 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 Aymestrey was designated on 7 January 2016. The Neighbourhood Area follows the Aymestrey parish boundary. The Aymestrey Neighbourhood Development Plan has been prepared by Aymestrey 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 January 2016.

- 2.2 The Plan was submitted to Herefordshire Council on 19 June 2018 and the consultation under Regulation 16 took place between the 27 June to August 2018, where the Plan was publicised and representations invited.
- 2.3 In September 2018, Ann Skippers MRTPI FRSA AoU was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Aymestrey 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 The plan	Update references made to the draft NPPF throughout the document to refer to the NPPF published in February 2019	To ensure the references are up to date
Modification 2 Issues and options	Change 'manoeuvres' in para 3.9 on page 14 of the plan to 'manoeuvres'	Correct typographical error
Modification 3 Policy AYS1	Delete the first paragraph of the policy Delete the word 'limited' from the (existing) third paragraph of the policy so that this paragraph begins 'New housing...' Delete the final paragraph of the policy Delete everything after 'This NDP will form part of the Local Development Framework and as such its policies will guide development ..' from paragraph 4.5 of the Plan. Change the first sentence in paragraph 4.7 to read: 'Consequently, for many forms of development within the Parish, a proportionate landscape assessment may be required when a planning application is submitted' Delete the sixth sentence of paragraph 4.7	To ensure that the policy reflects a positive approach to development and recognises where the NDP role in the development plan.
Modification 4	Delete the word 'including the restriction on housing numbers' from the first paragraph of the	To remove the restrictive cap on

Policy AYS2	<p>policy</p> <p>Delete the words ' in accordance with the NPPF paragraph 59' from paragraph 4.9 on page 21 of the plan.</p>	<p>development</p> <p>To remove inappropriate reference to the NPPF</p>
Modification 5 Policy AYEnv1	<p>Change the word 'will' to 'may' in the second paragraph of the policy before points 1, 2 of the policy</p> <p>Change the word 'will' to 'may' in point 1</p> <p>Delete point 2</p> <p>Delete everything after the first sentence in paragraph 5.5</p>	<p>To remove the prescriptive elements of the policy regarding the AONB</p>
Modification 6 Policy AYEnv2	<p>Delete criterion g</p> <p>Delete paragraph 5.7 on page 24 of the plan</p>	<p>To remove references to the AONB</p>
Modification 7 Policy AYEnv3	<p>Change criterion a) to read: 'Refusing development proposals that would lead to substantial harm or total loss of significance of any designated heritage asset unless it can be demonstrated that the development would offer substantial public benefits'</p> <p>Change criterion b) to read: Requiring robust evidence of the public benefits of any proposal that would result in less than substantial harm to the significance of a designated asset or its setting'</p> <p>Change criterion c) to read: Ensuring the conservation of Aymestrey's Grade 1 listed church and the Grade II* listed church at Leinthall Earls and their settings. Development proposals should conserve the openness and character of the settings and preserve or enhance views to and from the Churches, which make an important contribution to their significance'</p> <p>Change criterion d) to read: Ensure the conservation of Scheduled Monuments and their settings. Development proposals shall conserve important ...and conserve their settings and character'</p> <p>Change criterion e) to read 'Conserving Registered Parks and Gardens and their settings'</p> <p>Reword criterion j) to read: 'Protecting ancient hedgerows and associated hedgerow patterns from loss or deterioration unless the public benefits of development clearly outweigh such loss or deterioration'</p>	<p>To reflect national policies</p> <p>To ensure the criterion take account of the NPPF</p> <p>To ensure precision</p>

Modification 8 Policy AYEnv4	Delete Policy AYEnv4 Consequential amendments to the supporting text on page 29 of the Plan will be required	The criterion are covered elsewhere within the plan
Modification 9 Policy AYEnv5	Change the word 'should' in the first sentence of the policy to 'are encouraged to' Delete the words 'where development does not comply with this a reasoned justification will be required' from criteria a) Change the word 'must' in the last paragraph of the policy to 'should'	To ensure compliance with the Ministerial Statement of 25 March 2015
Modification 10 Policy AYEnv7	Reword the first paragraph of the policy to read: 'The following areas are designated Local Green Spaces. Development that would result in the loss of or significant harm to these sites will not be permitted. Proposals that enhance or extend the purpose or purposes for which they are designated will be permitted provided there are no significant adverse effects' (retain existing points a) to b)	For clarification
Modification 11 Policy AYEn7a	Change the policy number to be consistent with the plan's presentation for the final version of the plan Number the map on page 34 of the plan Add view 7 (Leinthall Earls Church) on the map on page 34 of the plan Delete the words ' This is not intended as an exhaustive list of all the valued views within the parish as the nature of the parish lends itself to many other unspoilt views and vistas not listed here' from page 34 of the plan or any replacement map. Add photographs of view 6 (Views to Croft Ambrey and Yatton Hill) and 7 (Leinthall Earls Church) as provided in the answers to the examiners query on this matter to the plan Change criterion c) to read: 'Views from School Wood and Pokehouse Wood across Aymestrey valley (view 2)' Reword Policy AYEnv7a to read: 'The following views which are identified on Map x shall be protected. Any development or alteration to an area within the identified views must ensure that key features of the view can continue to be enjoyed including distant buildings, areas of landscape and the juxtaposition of village edges and countryside' (retain criteria a) to d) taking into account any	To ensure that all views within the policy are shown on the map To ensure consistency and completeness To ensure accuracy and clarity of wording

	other modifications relating to them)	
Modification 12 Policy AYT1	<p>Delete the word 'measures' from the policy title</p> <p>Change the policy to read: 'Development proposals will, where relevant, ensure that their impact on the road network is acceptable. This will include increasing transport choices through different modes of travel. Consideration should be given to (retain existing criteria c), f) and g) and renumber)</p> <p>Add to the supporting text a new section that reads: 'Aymestrey Parish Council will work with Herefordshire Council to introduce measures to improve the road network, in particular to ensure greater safety and reduce the impact of vehicles including through (retain existing criteria a), b), d), and e) renumbering them)</p>	Ensure the policy related to development and land use and the non-planning elements are clear.
Modification 13 Policy AYJE1	Delete policy AYJE1 and its supporting text set out in paragraph 7.2 on page 41 of the plan in its entirety	To remove duplication with other policies within the development plan
Modification 14 Policy AYJE2	<p>Add the words 'add other land based rural businesses' after 'farm diversification' in the first sentence of the policy</p> <p>Add the word 'and' at the end of criteria a)</p> <p>Change 'They' at the start of criteria b) to 'it'</p> <p>Add the word 'on' after 'no significant adverse effects' in criteria c)</p> <p>Add the word 'that it' after ' there is safe access to the highway and' in criteria c)</p>	To ensure clarity of wording and compliance with the Core Strategy
Modification 15 Policy AYJE3	<p>Delete criteria c) in its entirety</p> <p>Delete criteria d) in its entirety</p> <p>Add the word 'and' at the end of criteria a)</p>	<p>No evidence provided to support ban on larger scale developments</p> <p>To ensure clarity</p>
Modification 16 Policy AYH1	<p>End the first sentence in paragraph 8.4 on page 44 of the plan at 'a call for sites was undertaken'</p> <p>Start a new sentence that reads: 'The results of the site analysis are available at (insert website)' and change Appendix 3 into a standalone document'</p> <p>Delete the words 'a maximum of' from the first sentence of the policy and insert the words 'for around'</p> <p>Change the reference to 'Housing Site Design</p>	<p>To make reference to the site analysis work</p> <p>To remove the cap from the policy to ensure consistency with the Core Strategy</p> <p>To ensure consistency and clarification</p>

	<p>Guide and Concept Statement' in the policy to 'Development Brief and Design Guide'</p> <p>Ensure that the references to Policies AYEnv6 and AYEnv8 remain correct.</p>	
<p>Modification 17</p> <p>Policy AYH3</p>	<p>Delete the word 'only' from the first sentence of the policy</p> <p>Add the words 'all of' after 'where it meets' in the first sentence of the policy</p> <p>Change the word 'preserve' in criteria a) of the policy to 'conserve'</p> <p>Delete the words 'rather than more recent and less sympathetic development' from criteria c)</p> <p>Change the words ' provided materials are carefully matched to nearby properties' to 'taking account of the local context'</p> <p>Delete criteria e)</p> <p>Delete criteria g)</p> <p>Add at the end of criteria f) 'and that local agricultural and commercial activity does not adversely affect the amenity of future occupants'</p> <p>Delete ' and this should be given significant weight' from the fourth sentence of paragraph 8.14 on page 48 of the plan</p> <p>Change the words 'must also be given significant weight' in the fifth sentence of paragraph 8.14 to 'must also be considered'</p> <p>Delete paragraph 8.29 and 8.20 on page 49 of the plan.</p>	<p>To ensure the policy is positively framed and gives certainty</p> <p>Remove inappropriate text regarding apportioning weight</p>
<p>Modification 18</p> <p>Policy AYH4</p>	<p>Change the title of the policy to 'Exception Sites for Affordable Housing'</p> <p>Change the second sentence of the policy to read: 'Such sites will not have an unacceptable adverse impact on any of the following (retain existing criteria a), b) and c))</p> <p>Create a new paragraph from existing fourth criteria (which is labelled as another c) retaining the existing wording but deleting the last sentence</p>	<p>To ensure compatibility with the Core Strategy</p> <p>To ensure clarity</p>
<p>Modification 19</p> <p>Policy AYH5</p>	<p>Change the first sentence of criteria a) to read: 'The building is of permanent and substantial construction capable of conversion without major or complete reconstruction'</p>	<p>To ensure compliance with the Core Strategy</p>

<p>Modification 20</p> <p>Environmental Report</p>	<p>Change 'complimentary' to 'complementary' on page 60 of the Plan</p> <p>Add reference to 'map x' in the first paragraph on page 66</p>	<p>To correct minor errors</p>
<p>Modification 21</p> <p>Appendix 1</p>	<p>Delete the word 'detailed' from the second sentence of the first paragraph in section 1</p> <p>Delete the final sentence of the first paragraph in section 1</p> <p>Amend the first paragraph of section 2 to read: 'Allocation of this site for housing in Aymestrey Neighbourhood Development Plan means that any planning application should take account of this Development Brief and Design Guide'</p> <p>Change Section 2 to read as follows: 'Outline Stage</p> <p>Should applicants consider certain matters need to be determined in advance of fully detailed submission, an outline application could be submitted, but it should be recognised that this Development Brief and Design Guide sets out the local community's wishes for the site</p> <p>Detailed Stage</p> <p>Applicants should submit plans and particulars showing detailed proposals for the following aspects of development that may not have been submitted at an outline stage where relevant and when required by the local planning authority:</p> <ul style="list-style-type: none"> i) A proportionate flood risk assessment indicating the extent of the allocated site that can be developed and any requirement for flood protection of properties, including those located off site affected by any schemes: ii) The layout, including position and width of roads and footways (if proposed) and the details of design and materials for paved areas: iii) Layout of foul and surface water drainage, including sustainable drainage measures: iv) Landscaping and biodiversity protection and enhancement measures. An adjoining area comprises water meadow and appropriate ecological studies should inform measures to retain important features, enhance biodiversity and the arrangements for the permanent maintenance of landscaped areas: v) Means of access to building: vi) Siting and design: vii) Provision for parking of vehicles: viii) Sufficient information to demonstrate 	<p>To ensure clarity and remove reference to unnecessary text</p> <p>To make reference to the water meadow</p>

	<p>the effect of the development on the landscape and adjoining development is acceptable'</p> <p>Delete the last sentence on page 77 of the plan which read: Development should also comply with all relevant policies within the Neighbourhood Development Plan'</p> <p>Replace the last paragraph under Section 4.1 on page 79 of the plan with a new paragraph that reads: 'The preservation of the water meadow and other biodiversity net gains may be achieved in association with any SUDs scheme provide under paragraph 4.1 above. This habitat creation may be achieved within an enlarged site incorporating land to the west as a local compensatory and net gain 'off site' measures'</p> <p>Change the words ' a maximum of between 10-12 and dwellings' in paragraph 4.3.4 on page 80 of the plan with 'appropriate 12 dwellings'</p> <p>Change the words 'which has been identified through a local housing needs survey' in paragraph 4.3.5 on page 80 of the plan with 'or as otherwise evidenced through up to date local housing needs data or survey'</p> <p>Delete criterion ix) on page 81 of the plan</p> <p>Delete the last sentence of the first criterion x) on page 81 which reads: 'To assist this, dwellings should provide appropriate space standards including provision for storage'</p> <p>Amend the second criterion x) on page 81 so the numbering is in sequence and change the word 'top' to 'to'</p> <p>Delete the last sentence of page 82 of the plan which reads: 'The housing needs survey carried out as part of the NDP process identified a need for smaller sized dwellings either as starter homes or offering downsizing options'</p>	
Modification 22 Appendix 2	Move Appendix 2 to be after the Environment Report and rename appropriately with the Development Brief and Design Guide for the site subject of Policy AYH1 to appear as Appendix 1	To ensure the document reads logically


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 Aymestrey 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 Aymestrey 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 7 January 2016.


Signed

Dated 12. 3. 19

Richard Gabb
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