

## Wigmore Group NDP Independent Examination

### Delegated Decision Statement

7 June 2019

### Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Wigmore Group Neighbourhood Area
Parish Council	Wigmore Group Parish Council
Submission	16 January to 27 February 2019
Examination Date	March to May 2019
Inspector Report Received	29 May 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 Wigmore Group 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 was designated on 17 January 2013. The Neighbourhood Area follows the Wigmore Group parish boundary. The Wigmore Group Neighbourhood Development Plan has been prepared by Wigmore Group 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 17 January 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 14 January 2019 and the consultation under Regulation 16 took place between the 16 January to 27 February 2019, where the Plan was publicised and representations invited.
- 2.3 In Spring 2019, Deborah McCann BSc MRICS MRTPI dip Arch Con Dip LD was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Wigmore Group 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 Policy WG1	<p>Review policy introduction to read:</p> <p>WG1 – Conserving and Enhancing the Natural Environment and Local Landscape Character</p> <p>The historic landscape setting and natural environment of Wigmore Group villages should be conserved and enhanced for future generations.</p> <p>Delete criteria a to c</p> <p>Amend sentence to read: 'Development proposals will only be supported where they....'</p> <p>Amend criteria a to read: The locally significant views identified on map 6 and 7 should be retained. Development proposals should be supported by an appropriate level of landscape impact assessment.</p> <p>Add 'and conserve' after Enhance in criteria b</p> <p>Replace 'incorporate' with 'Retain' in criteria e</p> <p>Replace 'Preserve' with 'Conserve' within criteria f</p> <p>Add 'Where appropriate development proposals should include details for the provision of high</p>	

	quality...’ at the beginning of criteria g and delete ‘design and deliver’	
Modification 2 Policy WG1a	<p>Add new policy</p> <p>Policy WG1a – Sustaining and enhancing Heritage Assets and their settings</p> <p>Development affecting a designated or non-designated heritage asset or its setting in the Wigmore Group Neighbourhood Plan Area must be in conformity with National Policy and the Development Plan. Great weight will be given to the conservation of the asset.</p>	
Modification 3 Policy WG3	<p>Amend title to read:</p> <p>Policy WG3 ‘Settlement boundary and New housing development in Wigmore’</p> <p>Add the following to the start of the policy ‘This policy establishes a new settlement boundary for Wigmore Village’</p> <p>Delete criteria b and renumber accordingly</p> <p>Add ‘including provision for pedestrians and cyclists’ to the end of criteria h</p>	
Modification 4 Policy WG4	<p>Amend the title to read: ‘Settlement boundary and new housing development in Leinthall Starkes’</p> <p>Add the following to the start of the policy ‘This policy establishes a new settlement boundary for Leinthall Starkes.’</p> <p>Replace ‘considered’ with ‘supported’</p> <p>Delete criteria b and renumber accordingly</p> <p>Add the following to the end of criteria c ‘including provision for pedestrians and cyclists’</p>	
Modification 5 Policy WG6	<p>Delete the second sentence of the policy ‘The proposed reuse of local community facilities will only be permitted for other health, education or community type uses.’</p>	
Modification 6 Policy WG8	<p>Delete criteria e and renumber accordingly</p> <p>Add ‘where appropriate’ after (SUDs)</p> <p>Reword criteria g to read ‘Landscaping schemes include plans species native to Herefordshire’</p>	

<p>Modification 7</p> <p>Policy WG9</p>	<p>Amend the policy title to read: Wigmore Conservation Area</p> <p>Amend the opening statement of the policy to read: Within the Wigmore Conservation Area development will only be supported where it is in conformity with National Policy and the Development Plan. In addition to the criteria of Policy WG8 and where planning permission is required. New development within the Conservation Area should..;'</p> <p>Replace 'maintains' with 'reflects' in criteria a</p> <p>Add 'where possible' to the end of criteria e</p>	
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#### 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 Wigmore 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
  - The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 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 Wigmore Group 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 January 2013.

Signed  .....

Dated 7.6.19 .....

**Richard Gabb**  
**Programme Officer – Housing and Growth**

