

## **Whitchurch and Ganarew Group NDP Independent Examination**

### **Delegated Decision Statement**

**25 September 2019**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Whitchurch and Ganarew Group Neighbourhood Area
Parish Council	Whitchurch and Ganarew Group Parish Council
Submission	16 January 2019
Examination Date	August- September 2019
Inspector Report Received	12 September 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 Whitchurch and Ganarew 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 Whitchurch and Ganarew Group was designated on December 4 2013. The Neighbourhood Area follows the boundary of Whitchurch and Ganarew Group Parish boundary. The Whitchurch and Ganarew Group NDP has been prepared by Whitchurch and Ganarew 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 winter 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 16 January 2019, and the consultation under Regulation 16 took place between the 18 January to 1 March 2019, where the Plan was publicised and representations invited.
- 2.3 On 12 April Ann Skippers BA (Hons) DipTP MRTPI was appointed by Herefordshire Council, with the consent of the Group Parish Council, to undertake the examination of the Whitchurch and Ganarew Group 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
Issues	Change the penultimate sentence in paragraph 3.4.2 on page 15 of the Plan to read:  "Major development should be refused <i>except in exceptional circumstances and where it can be demonstrated to be in the public interest.</i> "	Conform to the revised NPPF. Interests of accuracy and clarity.
WG1	Add " <i>and other documents which comprise the development plan</i> " at the end of the first sentence of the policy.	Interests of accuracy and clarity.
WG2	Change the word "limited" in criterion d) to " <i>appropriate</i> "	Interests of accuracy and clarity.
WG3	Change the words "...but on its edge..." in the third paragraph of the policy to " <i>...but adjacent or in close proximity to the settlement boundary...</i> "	Interests of accuracy and clarity.
WG5	Change criterion ii) to read:  "Utilise <i>clearly perceptible</i> infill plots when viewed in relation to the character of the frontage, bearing in mind the <i>grain, rhythm and density that predominates</i> in that part of the settlement."	Ensure policy is more robust and clear.
WG7	Change the word "should" in the first sentence of the policy to " <i>is encouraged to</i> "	Interests of accuracy and clarity. In line with the written ministerial statement of 25/3/15. In this, they announced that it is now not appropriate to refer to any additional local technical standards or requirements relating to the

		construction, internal layout or performance of new dwellings in neighbourhood plans.
WG8	<p>Reword the policy to read:</p> <p>“An integrated approach to achieve a high standard of sustainable design <i>is encouraged</i> to achieve the maximum possible reduction in the carbon footprint of any development. Development proposals <i>are encouraged to</i> contain a coordinated package of design measures which, in addition to regulatory requirements, include:</p> <p>a) Utilising physical sustainability measures associated with buildings that include orientation of buildings, the provision of energy- and water conservation measures, storage for bicycles and storage for waste including provision for recycling, broadband infrastructure and renewable energy infrastructure such as photovoltaic or photo-thermal panels, air source and ground-source heat pumps, where these do not detract from any historic fabric or settings.</p> <p><i>New development should:</i></p> <p>b) <i>Provide</i> tree-planting and other forms of green infrastructure to provide shade and shelter <i>and maximise use</i> of permeable surfaces;</p> <p>c) <i>Support</i> infrastructure to promote sustainable travel <i>wherever possible</i>;</p> <p>d) <i>Enable</i> a sustainable drainage system to serve a wider range of properties where <i>such</i> opportunities exist;</p> <p>e) <i>Ensure that an assessment is carried out to establish the extent and nature of any contamination where there is good reason to believe that contamination of land may exist on any site, including through agricultural processes and make sure</i> that effective measures are taken to ensure that potential occupiers and the wider environment are not put at unacceptable risk;</p> <p>f) <i>Minimise</i> construction traffic and <i>reduce</i> waste; <i>and</i></p> <p>g) <i>Ensure</i> that where external lighting is required, it is appropriate to its purpose and supported by a lighting plan that demonstrates that it will not have an adverse effect through unnecessary glare, light-trespass, scenic intrusion or sky-glow.</p> <p><i>New homes must be</i> fully integrated into the existing neighbourhood and support a <i>pedestrian-friendly</i> environment through convenient links to local facilities and public transport connections which are suitable for those with pushchairs, in wheelchairs, walking with aids or using mobility scooters.</p> <p>Where new innovative sustainable design or features are incorporated, they should fit sensitively within the street scene and incorporate a number of locally distinctive features to maintain the Parish's cohesive character.”</p>	<p>In line with the NPPF. In line with the written ministerial statement of 25/3/15.</p> <p>Ensure this policy helps to promote sustainable development.</p>

WG9	<p>Add a new criterion to the policy that reads:</p> <p><i>"Particular regard will be had to conserving the landscape and scenic beauty in the Area of Outstanding Natural Beauty."</i></p> <p>Add a new criterion to the policy that reads:</p> <p><i>"Any development will need to take account of the site's location within a Flood Zone in accordance with the NPPF, CS policies and Policy WG19."</i></p> <p>Add the words <i>"as identified on the Whitchurch Policies Map"</i> after "...adjacent to the River Wye..." in the first sentence of the policy</p>	<p>Additional criteria added to help clarify the policy.</p> <p>Accurately reflect the stance of the NPPF.</p> <p>Better reflection of CS policies SS5, RA6 and E4.</p>
WG11	<p>Revise the policy to read:</p> <p>"The change of use of large country houses and farmsteads, the re-use of rural buildings, and extensions to or intensification of use in such buildings, including through associated <i>small-scale and well designed</i> new buildings, that enable rural business or enterprise, including live/work units, will be supported provided:</p> <p>a) The nature and scale of the use reflects the rural landscape and <i>has an acceptable impact on the</i> highway network;</p> <p>b) Where the use requires external storage to support the rural-based activity, external screening is provided to fully mitigate the effects upon the local landscape from all publicly visible locations;</p> <p>c) The residential amenity of adjacent properties is not <i>adversely affected from the operation of the enterprise itself or any associated traffic movements</i>;</p> <p>d) Limited additional buildings may be provided to support the enterprise or reduce external storage where these <i>are well designed and</i> reflect small scale traditional agricultural or rural buildings within the landscape; <i>and</i></p> <p>e) Where the rural buildings involved comprise a historic farmstead, such buildings under d) should be informed by an analysis of these historic settlements."</p>	<p>Strengthen and clarify the policy.</p>
WG13	<p>Add the word <i>"necessarily"</i> before "...comply with..." in the fourth sentence of paragraph 7.6.2 on page 46 of the Plan</p> <p>Delete the fifth and subsequent sentences of paragraph 7.6.2 Delete criterion a) of the policy</p> <p>Delete the words "Where proposals do not amount to major development, they..." from criterion b) and replace with <i>"Proposals"</i> Change the last paragraph of the policy to read: "Where proposals amount to major development, protecting the <i>scenic</i> beauty and landscape of the AONB will be given priority and such proposals will not be acceptable <i>except in exceptional circumstances and it can</i></p>	<p>Accurately reflect the stance of the NPPF.</p> <p>Interests of accuracy and clarity.</p>

	<i>be satisfactorily demonstrated that the proposal is in the public interest, there is no viable alternative location outside of the AONB, and the environmental effects can be mitigated to an acceptable degree.</i>	
WG14	<p>Add the words “<i>except in exceptional circumstances and where</i>” after “...major development...” in the third sentence of the policy deleting the word “unless” from the same sentence.</p> <p>Delete the sentence that begins “In determining whether a proposal is major development...” and the five criteria a) to e) that follow from the policy.</p>	<p>Accurately reflect the stance of the NPPF.</p> <p>Better reflection of the Core Strategy.</p> <p>Help achieve sustainable development.</p>
WG15	Change the last sentence of the policy to read: <i>“There should be no net loss of biodiversity and the loss of any features, including those which potentially reduce the coherence and effectiveness of the ecological network of sites, will only be permitted in exceptional circumstances and where satisfactory offset and compensatory measures can be brought forward.”</i>	<p>In accordance with the Core Strategy and NPPF.</p> <p>To help achieve sustainable development.</p>
WG16	Change the last sentence of the policy to read: <i>“...Herefordshire Local Plan Core Strategy policies RA3 (6) and RA5.”</i>	<p>In accordance with the Core Strategy and NPPF.</p> <p>To help achieve sustainable development.</p>
WG19	Add the words “ <i>Small scale</i> ” at the start of the first sentence of the policy	<p>Interests of clarity and accuracy.</p> <p>To help achieve sustainable development.</p>
WG20	Delete Policy WG20 and its supporting text at paragraphs 9.2.1, 9.2.2 and 9.2.3	Removal of policy as the policy is aspirational and non land use.
WG21	<p>Change the title of the policy to “<i>Transport related requirements</i>”</p> <p>Change the first sentence of the policy to read:  <i>“Development proposals should ensure.”</i></p> <p>Change criterion a) to read: “<i>Satisfactory access is provided for vehicles, cyclists and pedestrians;</i>”</p> <p>Change criterion b) to read: “<i>That satisfactory off-street parking is provided including, where appropriate, provision for cycle parking and storage, in accordance with Herefordshire Council’s car parking standards and, where appropriate, take every available opportunity to address or improve parking problems that exist in the vicinity of the site. In addition, off road parking spaces should be constructed using permeable materials;</i>”</p> <p>Reword criterion c) to read: “<i>The volume of traffic generated is acceptable in relation to the capacity and nature of the local road network;</i>”</p>	<p>In accordance with the Core Strategy and NPPF.</p> <p>Interests of clarity, precision and accuracy.</p> <p>To help achieve sustainable development.</p>
WG22	<p>Delete the word “key” from the second and last sentences of the policy.</p> <p>Add the words “<i>or where a replacement facility or service of equivalent or better provision is provided is provided in</i></p>	<p>In accordance with the Core Strategy and NPPF.</p> <p>Improve flexibility of the policy.</p>

	<i>a suitable location.</i> " at the end of the policy.	
Glossary	<p>Change "Conservation Area" to "An area <i>designated as being</i> of special architectural or historic interest, the character or appearance of which <i>should be preserved or enhanced</i>"</p> <p>Add "A series of statutory documents" at the start of the definition of "Development Plan"</p> <p>Update the definition of "Local Plan" using the definition in the most recent NPPF.</p> <p>Update "National Planning Policy Framework" to refer to the most recent NPPF.</p> <p>Delete the sentence which begins "Sometimes developers can self impose obligations..." from "Planning Obligations"</p> <p>Update "Presumption in Favour of Sustainable Development"</p> <p>Delete "Public Inquiry" or add definition [as there is no "Inquiry" definition]</p> <p>Delete "Sequential Test"</p> <p>Delete the sentence which begins "An approach to development..." from "Sustainable Development"</p> <p>Add the word "<i>usually</i>" after "Planning permission must..." in "Use Classes Order"</p>	<p>Interests of accuracy and clarity.</p> <p>Removal of repetition and avoid confusion.</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 Whitchurch and Ganarew Group 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 Whitchurch and Ganarew 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 examiners conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 4 December 2013.

  
Signed .....

Dated 26.9.2019 .....

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

