

## Longtown Group NDP Independent Examination

### Delegated Decision Statement

**28 November 2019**

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

Name of neighbourhood area	Longtown Group Neighbourhood Area
Parish Council	Longtown Group Parish Council
Submission	13 June to 8 August 2019
Examination Date	August to November 2019
Inspector Report Received	22 November 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 Longtown 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 the Longtown Group was designated on 24 April 2013. The Neighbourhood Area follows the Longtown Group parish boundary. The Longtown Group Neighbourhood Development Plan has been prepared by Longtown 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 24 April 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 5 June 2019 and the consultation under Regulation 16 took place between the 13 June to 8 August 2019, where the Plan was publicised and representations invited.
- 2.3 In Winter 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 Longtown 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 LGPC2	<p>Amend criteria a) to read: The scale and nature of development on this site should be informed by a robust Heritage Impact Assessment ensuring that any proposals would not harm the setting of 'The Old Greyhound' Grade 2 Listed Building and respect the highly sensitive landscape of this area with its views of the village, should its historic form, from the Brecon Beacons National Park.</p> <p>Include additional criteria b) to read: There should be tree planting and structural landscaping to protect the setting of the settlement and Longtown Castle.</p> <p>Amend criteria c) and renumber to d) to read: The design of new buildings and materials used should be locally distinctive reflecting existing village character and avoiding an urban appearance.</p> <p>Amend criteria d) and renumber to e) to read: If appropriate the development could provide low-density, single storey housing to suit older people and to protect the view of Hatterall Hill.</p> <p>Delete criteria e)</p>	To ensure any development was sensitive to the historic environment
Modification 2 Para 6.11	<p>Amend the paragraph to read: The assessment of the site identified that it was suitable for development despite a number of constraints, but these can be overcome by</p>	To ensure that any development is sensitive to the historic environment.

	informing the scale and nature of development through a Heritage Impact Assessment and incorporating the conditions listed above.	
Modification 3 Policy LGPC 3	Amend criteria b) to read: If achievable, provision should be made for car parking to relieve additional congestion outside the Village Primary School  Delete criteria c)	Remove elements which are not controlled by planning system and requirements which would impact on viability and deliverability.
Modification 4 Policy LGPC9	Delete Policy LGPC9 and para 6.36 and include within a community project section of the plan	To remove elements which are outside of planning system and a community aspiration
Modification 5 Policy LGPC10	Amend the first sentence of the policy to read:  Proposals affecting community facilities shall be determined in accordance with policy SC1 of the Herefordshire Local Plan, these include....	To conform with policy SC1 of the Core Strategy.
Modification 6 Policy LGPC11	Delete Policy  Include a list of CIL priorities within the supporting text.	To remove elements which are not land use policy
Modification 7 Policy LGPC12	Amend the first sentence of the policy to read: To ensure development will contribute positively to the area's rural character proposals will comply with policies LD1 and LD2 of the Herefordshire Core Strategy and;  Delete criteria b) and c)  Amend criteria d) to read: Where appropriate, use Tree Preservation Orders to protect important trees.  Delete criteria e), f) and g)  Add new criteria c) to read: Preserve the character, appearance and biodiversity of the Commons.	To avoid repetition with Core Strategy policies
Modification 8 Policy LGPC 13	Amend policy to read:  The Longtown Neighbourhood Plan Area is historically importance and the many designated and non-designated heritage assets are highly valued by the community. Their sites and settings should be conserved and enhanced and proposals affecting designated and non-designated heritage assets and their setting including those with archaeological interests must comply fully with the requirements of National Planning Policy and the development plan.  Development proposals which conserve and enhance the character of historic farmsteads through sensitive conversions will be supported.	To remove repetition and policy wording which seeks to introduce additional protection not included in national policy.



Modification 9  Policy LGPC14	Amend policy to read:  Proposals, where required, should include details of how foul and storm water drainage can be accommodated without causing pollution or flooding to other properties or land and how biodiversity will be supported. Developers should utilise Sustainable Drainage Systems and wet systems where this is practicable.	To add clarity
Modification 10  Policy LGPC15	Delete policy	To accord with national policy as no sites have been allocated

#### 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. None of the changes are considered to have a significant effect on the overall appraisals. The updated SEA is available to accompany the final plan. A Habitat Regulation Assessment is not required in this location

#### 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 Longtown 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 Longtown 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 24 April 2013.

  
Signed .....  
Dated ..... 28<sup>th</sup> November 2019 .....

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

