

## Holmer and Shelwick NDP Independent Examination

### Delegated Decision Statement

**28 November 2019**

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

Name of neighbourhood area	Holmer and Shelwick Neighbourhood Area
Parish Council	Holmer and Shelwick Parish Council
Submission	30 July to 24 September 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 Holmer and Shelwick 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 Holmer and Shelwick was designated on 23 February 2017. The Neighbourhood Area follows the Holmer and Shelwick parish boundary. The Holmer and Shelwick Neighbourhood Development Plan has been prepared by Holmer and Shelwick 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 February 2017.

- 2.2 The Plan was submitted to Herefordshire Council on 29 July 2019 and the consultation under Regulation 16 took place between the 30 July to 24 September 2019, where the Plan was publicised and representations invited.
- 2.3 In Winter 2019, Rosemary Kidd MRTPI Dip TP was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Holmer and Shelwick 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 Front cover	Show that plan period on the front cover of the HSNP with the start date from the date the plan is made.	To ensure that the lifespan of the plan is on the front cover
Modification 2 New policy	<p>Include a new policy 'Housing Supply' as follows:</p> <p>The HSNP will provide for about 500 new homes in Holmer and 17 new homes in Munstone and Shelwick to meet the housing needs for the parish over the plan period 2011-2031</p> <p>New housing will be supported on sites that lie within the Settlement Boundaries of Holmer, Munstone and Shelwick in accordance with other relevant policies of the development plan.</p> <p>New housing will be delivered through;</p> <ul style="list-style-type: none"> <li>• Dwellings which have planning consent at July 2019</li> <li>• Windfall opportunities in accordance with policies HS1 and HS2 and Core Strategy policies RA2-RA5, H2 and the NPPF.</li> </ul>	To ensure the plan conforms with national policy requirements regarding delivery
Modification 3 Policy HS1	<p>Delete 'or adjacent to' from the first paragraph</p> <p>Add the following after the first sentence; 'New housing development will be supported adjacent to and outside the settlement</p>	<p>To ensure consistency</p> <p>To ensure clarity</p>

	<p>boundaries of Munstone and Shelwick where it delivers rural exceptions housing in accordance with Core Strategy Policy H2 and where it is evidenced through a local housing needs assessment'</p> <p>Delete criteria a) and f)</p> <p>Revise criteria i) to read: 'The proposed homes will not be adversely impacted by existing agricultural or commercial activity'</p> <p>Check the wording and grammar of the criteria. Place 'and' at the end of the penultimate criterion</p> <p>Add explanatory text at the end of paragraph 6.3 on the lines of: 'Small scale housing development outside and adjacent to the settlement boundary will be supported where it delivers a mix of affordable and market housing to meet local needs in accordance with Core Strategy Policy H2'</p>	<p>Delete unnecessary policy wording</p> <p>To correct text</p> <p>To ensure consistency</p>
<p>Modification 4 Policy HS2</p>	<p>Revised the last sentence of the first paragraph to read: 'The proposed homes will not be adversely impacted by existing agricultural or commercial activity'</p> <p>Place the first sentence of the second paragraph in the justification. 'Development sites ...A4103'</p> <p>Revise the last sentence of the policy to read: 'The design and layout of sites must take into account..'</p> <p>Add the following to the justification: 'The housing commitments included in the settlement boundary should deliver about 510 homes, sufficient to deliver the Northern urban Extension of Hereford. A site for the Park and Choose site has been agreed within the settlement boundary to the north of Holmer House Farm adjacent to the A49. Should additional sites be required to help achieve the strategic housing requirement for Hereford, these will be allocated in the Hereford Area Plan and the settlement boundary revised accordingly.</p> <p>Revise the settlement boundary on the policies map for Holmer to include the site at Holmer House Farm that has received planning permission for up to 100 homes.</p>	<p>To ensure clarity and future delivery</p> <p>To the settlement boundary reflects the recent permission at Holmer House Farm</p>
<p>Modification 5</p>	<p>Add a comma after 'garages' in criteria b)</p>	<p>To amend typographical error</p>

Policy HS3	Revise criterion d) to read: 'Scale and height of buildings should vary across the site up to a maximum of three storeys, with landmark buildings occupying key positions, such as corners, on the site'	To ensure clarity
Modification 6  Policy HS4	Delete Policy HS4  Delete the sites from Figure 10	To remove policy which has no local detail or supported by local evidence
Modification 7  Policy HS5	Revise criterion c) to read: 'They safeguard the following views: (i), (ii) and (iii). Delete (iv)  Delete criterion (d)  Delete Figure 10. Show the three views on the policies map  Revise paragraph 6.8 to delete 'local wildlife sites and sites of nature conservation' and add 'The Lugg Meadows (SSSI and SWS), Hereford and Gloucester Canal (Local Wildlife Site) and the disused railway line (Site of Nature Conservation) lie close to but outside the southern border of the plan area'  Add a paragraph to state that 'any development proposals affecting heritage assets will be considered against Core Strategy Policy LD4'	To improve the clarity of the policy
Modification 8  Policy HS6	Revise the first line to read: 'Proposals for the development of businesses that are of an appropriate scale commensurate with their location and setting will be encouraged where...'	To reflect the strategic approach
Modification 9  Policy HS7	Revise Policy HS7 as follows:  Letter the community facilities in the policy in the same format as on Figure 11 and show the sites on the policies map so that the boundaries of the sites can be identified	To add clarity
Modification 10  Policy HS8	Revise Policy HS8 by deleting sites 3, 4, 6, 7, 8 and 9  Show the boundary of site 10. The remaining sites should be renumbered in the policy and Figure 12 and the policies map should be revised  Lost footpath 7 should be deleted from Figure 12,  Figure 13 should be deleted  Revise the final paragraph of Policy HS8 to read: 'Inappropriate development that would be	Site 3 – privately owned, no features of historic or cultural interest. In combination would result in extensive tract of land. Does not meet the NPPF requirements  Site 4 – no distinctive local character, beauty or historical significance. Does not meet the NPPF requirements

	harmful to the Local Green Space will not be supported except in very special circumstances.	<p>Site 6 – affected by the relief road. in combination would result in extensive tract of land</p> <p>Site 7 – affected by the relief road. in combination would result in extensive tract of land</p> <p>Site 8 - in combination would result in extensive tract of land. Do not met the NPPF requirements</p> <p>Site 9 – privately owned grounds of Holmer Court</p> <p>To add clarity to the policy</p> <p>To ensure conformity with the NPPF</p>
Modification 11	Delete the heading of Policy HS100 and the policy wording.	To removed text which is not planning policy
Policy HS10	<p>Replace with the heading of Community Aspirations</p> <p>Include a note to state that the following text does not form part of the policies of the Neighbourhood Development Plan</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. None of the changes are considered to have a significant effect on the overall appraisals. The updated SEA and HRA is 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 Holmer and Shelwick 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 Holmer and Shelwick 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 23 February 2017.

Signed .....  .....

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

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