

## **Titlely Group NDP Independent Examination**

### **Delegated Decision Statement**

**08 January 2020**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Titlely Group Neighbourhood Area
Parish Council	Titlely Group Parish Council
Submission	21 May to 2 July 2019
Examination Date	8 July 2019
Inspector Report Received	December 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 Titlely 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 Titlely Group was designated on 14 July 2016. The Neighbourhood Area follows the boundary of Titlely Group parish boundary. The Titlely Group NDP has been prepared by Titlely 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 summer 2016.

- 2.2 The Plan was submitted to Herefordshire Council on 15 May 2019, and the consultation under Regulation 16 took place between the 21 May to 2 July 2019, where the Plan was publicised and representations invited.
- 2.3 On 22 August 2019, Ann Skippers was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Titley 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
Policy TG4	<p>Change the first sentence of the policy to read: "Land at Titley Farm as shown on Plan 4 is allocated for a <i>mixed use scheme</i> of housing development for around six dwellings and recreational open space."</p> <p>Change criterion 7. to read: "<i>the provision of the recreational open space and its maintenance will be satisfactorily secured prior to any grant of planning permission.</i>"</p> <p>Add the words "<i>or otherwise suitable legal mechanism</i>" after "planning obligation" in paragraphs 5.5 and 5.6 on pages 17 and 18 of the Plan</p>	For clarity of land use
Policy TG5	Change the extent of the settlement boundary for Titley on Plan 4 by including the site with planning permission at Balance Farm, Eywood Lane (reference P160381/O) and the adjacent site subject to reference P162824/O [please note	For consistency of settlement boundary and clarity



	<p>the use of the planning application number simply to identify the extent of the land to be included within the settlement boundary]</p> <p>Delete paragraph 5.9 on page 19 of the Plan</p> <p>Consequential amendments will be needed including to Plan 4 and the Policies Maps</p>	
Policy TG6	<p>Change criterion 3. to read: "the new dwellings are sited to the <i>north east</i> of the site..." [retain the remainder of the criterion as is]</p> <p>Change criterion 9. to read: "<i>the provision of the community open space and its maintenance will be satisfactorily secured through an appropriate legal mechanism prior to any grant of planning permission.</i>"</p> <p>Add the words "<i>or otherwise suitable legal mechanism</i>" after "planning obligation" in paragraphs 6.8 and 6.9 on pages 21 and 22 of the Plan</p>	For clarity
Policy TG7	<p>Change the policy to read: "Proposals for the development of the following sites for <i>carefully designed small scale housing development of high quality that respects and reflects the character of the settlement and surrounding context as shown on Plan 5 will be supported:</i></p> <p>[retain numbered list as is]"</p>	To ensure the policy is precise and reflects national guidance
Policy TG9	<p>Delete the word "redundant" from criterion 1. of the policy</p> <p>Add the words "<i>...and well designed new buildings...</i>" after "<i>...rural buildings...</i>" in the first criterion of the policy</p>	To ensure the policy will help to achieve sustainable development and meet the basic conditions.

#### 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 in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.
- 5.3 Following the modifications made, the Titley 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 Titley 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 14 July 2016.

Signed .....  .....

Dated ..... 10.1.20 .....