

Garway NDP Independent Examination

Delegated Decision Statement

14 September 2020

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Garway Neighbourhood Area
Parish Council	Garway Parish Council
Submission	14 February to 27 March 2020
Examination Date	April to August 2020
Inspector Report Received	25 August 2020

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 Garway 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 Garway was designated on 22 November 2012. The Neighbourhood Area follows the boundary of Garway parish boundary. The Garway NDP has been prepared by Garway Parish Council. Work on the production of this

plan has been undertaken by members of the local community through a Neighbourhood Plan Steering Group since winter 2012.

- 2.2 The Plan was submitted to Herefordshire Council on 10 February 2020, and the consultation under Regulation 16 took place between the 14 February to 27 March 2020, where the Plan was publicised and representations invited.
- 2.3 On 3 April 2020, Rosemary Kidd DipTP MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Garway 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
Modification 1 Front cover	Include the dates of the Plan '2020 -2031' on the front cover of the Garway NDP	For clarity
Modification 2 Introductory text	<p>Include the following introductory text.</p> <p>'The parish of Garway lies 14 miles south of Hereford. The parish lies on the hillside above the River Monnow on land rising from 42 to 366 metres. The population was 430 in 2011 in two main communities.</p> <p>The larger village of Garway is a linear village with a mixture of housing of various ages and types. Within the village there is a school, a pub, two churches and a large area of common land used for recreational purpose. It is also a Local Wildlife Site.</p> <p>The hamlet of Broad Oak contains mainly detached housing clustered around a crossroads, with a garage and shop.</p>	To set the context of the area

	<p>There is a significant area of common land at Garway Hill Common in the north west of the parish.</p> <p>There are 6 Local Wildlife Sites at Burnt House Wood; Garway Hill Common; Castlefields and Little Corras Wood; Garway Common; Cockshoot Wood; Daren Brook; Daren Wood; Nantywain Wood and 3 Scheduled Ancient Monuments at Garway Dovecote, the churchyard cross is St Michael's churchyard and the Iron Age farmstead enclosure on Garway Hill. A small part of Kentchurch Court Registered Park and Garden lies in the northwest of the parish. There are 30 listed buildings in the parish'.</p>	
<p>Modification 3</p> <p>Policies Maps</p>	<p>Include the policies maps in the plan and delete the proposal maps.</p> <p>Number the site allocations and commitments and link to Policy GAR1 in the key</p> <p>Include reference to the relevant Core Strategy policies in the justification to each policy, where appropriate</p>	<p>For clarity</p>
<p>Modification 4</p> <p>Vision and Objectives</p>	<p>Delete the following from the Vision:</p> <p>'Development in the parish of Garway will be within the settlement boundaries of Garway village and Broad Oak village as shown in this plan. All'</p> <p>Revise Objective 1 to read: 'To see to locate most development within the settlement of Garway and Broad Oak'</p> <p>Revise Objective 2 to read: 'To conserve and enhance the rural character of the villages and local landscape of the countryside'</p> <p>Revise Objective 3 to read: 'To ensure that new development is well integrated into its setting in the village or countryside'</p> <p>Revise Objective 4 to read: 'To ensure that development is designed to have minimal impact on the distinctive character and environment of the area'</p> <p>Revise Objective 5 to read: To ensure that development is located to take account of the layout of the village'</p>	<p>To ensure the objectives are clear</p>

	<p>Revise Objective 6 to read: 'To ensure that development has adequate access and does not unacceptably impact on road safety'</p> <p>Revise Objective 7 to read: 'To ensure that development makes adequate provisions for rainwater and sewerage drainage'</p> <p>Revise Objective 8 to read: 'To seek to preserve the dark skies by minimising light pollution'</p> <p>Combine Objective 9 and 10 to read: 'To support the needs of the local community and safeguard community facilities'</p> <p>Add a new objective ' To support the development of new and expanded business appropriate to the rural area'</p>	
<p>Modification 5 Policy GAR1</p>	<p>Add the following at the beginning of the policy 'The following sites are allocated for housing development:</p> <ul style="list-style-type: none"> a) Land adjacent to the Old School, Garway for 2 dwellings b) Land at Little Newlands, Garway for 5-6 dwellings' <p>Revise the policy as follows: 'Settlement boundaries are defined for Garway Village on Policies Map 1 and for Broad Oak on Policies Map 2. Within the settlement boundaries, new housing development will be supported where they;'</p> <p>Delete criteria K</p> <p>Revise the settlement boundary for Garway and Broad Oak to include commitments adjacent to the boundary shown on the policies map.</p> <p>Update the tables in para 3.3 and 3.4</p> <p>Revise the final sentence of paragraph 3.5 to read: '.. and therefore, everywhere outside the two settlements is considered to be countryside where proposals for new housing development will have to demonstrate that they satisfy the exceptional circumstances set out in the NPPF paragraph 79'</p> <p>Revise para 3.7 to read: '...and includes current commitments'</p> <p>Delete paragraphs 3.8 - 3.10</p>	

	<p>Revise paragraph 3.12 to read: 'In total 18 sites...'</p> <p>Place the final version of the Sites Assessment Report on the website</p> <p>Correct the typographical errors:</p> <ul style="list-style-type: none"> • Delete the apostrophe and add a semicolon at the end of criterion g) • Add 'and' at the end of criterion j) • Replace the semi-colon and at the end of criterion 1) with a full stop. 	
<p>Modification 6</p> <p>Policy GAR2</p>	<p>Delete 'All' from the first paragraph of the policy.</p> <p>Revise criterion a) to read: ' It contributes to conserving and enhancing ...'</p> <p>Revise criterion f) to read: '...natural slate for roofing...is encouraged; otherwise, wall and roofing material should reflect the character of the local area'</p> <p>Delete the following from criterion h) 'permissive pedestrian rights of way and cycle paths and provisions of safe pedestrian road crossings'</p>	<p>Ensure policy accords with national policy and is not too prescriptive</p>
<p>Modification 7</p> <p>Policy GAR3</p>	<p>Delete 'All' from the first and third paragraph of the policy</p> <p>Add the following to paragraph 4.8 of the justification: 'Further advice can be obtained from Herefordshire Council's Sustainable Drainage Systems Handbook'</p>	<p>To include reference information within the justification for the policy</p>
<p>Modification 8</p> <p>Policy GAR4</p>	<p>Revise policy to read:</p> <p>'Development proposals should protect and enhance the local landscape character and should demonstrate that:</p> <ol style="list-style-type: none"> a) Designated buildings or areas protected, conserved and enhanced; b) Priority habitats and ancient woodlands are safeguarded; c) Non-designated assets are retained and enhanced; d) Watercourses and riverside habitats are conserved, Where necessary, for the improvement and enhancement of water quality and habitats; e) The design, scale, form and siting of the development has taken account of the local landscape character and the setting of the village and 	<p>Elevate the safeguarding of designated assets and conform with Policy LD1 and LD2 of the Core Strategy.</p>

	<p>f) An appropriate landscaping scheme is incorporated into the scheme which helps to integrate the development into the surrounding landscape. The landscaping scheme should incorporate native tree species, existing trees and hedgerows and make provision for the on-going management of the scheme.'</p> <p>Add the following to the justification to the policy: 'Designated buildings and areas include listed buildings, scheduled monuments, a registered historic park and garden and Special Wildlife Sites. Non designated assets include stone boundary walls, ancient and veteran trees and commons.</p>	
Modification 9 Policy GAR5	<p>Revise policy to read: 'Development proposals that include external lighting and significant openings that would allow internal lighting to be seen externally should be designed to minimise light pollution. Proposal should demonstrate the following:</p> <p>a) They have undertaken an assessment of the need for lighting and can demonstrate the need for the lighting proposed; and'</p> <p>No change to criteria b)</p>	To ensure clarity and consistency and accords with Policy SD1 of the Core Strategy.
Modification 10 Policy GAR6	<p>Revise policy to read: 'Business and tourism development proposals will be supported where they do not give rise to unacceptable adverse impacts on the tranquillity of the rural environment of the plan area or residential amenity. Where such a proposal is likely to give rise to an impact on tranquillity or residential amenity, a Noise Impact Assessment will be required as part of the planning application. Where necessary, mitigation measures will be included in planning conditions to reduce any adverse impacts'</p> <p>Add the following to the justification; 'Mitigation measures may include control of the nature, scale, type of activity and the opening hours'</p> <p>Revise the title of Policy GAR6 to 'Tranquillity'</p>	To ensure consistency and clarity
Modification 11 Policy GAR7	<p>Revise the first line of the policy to read: 'The following community facilities are protected:'</p> <p>Include the names of the churches in the list:</p> <ul style="list-style-type: none"> • Garway Methodist Church • St Michael's Church 	For clarity

	All the community facilities listed to be should on the policies map.	
Modification 12 Policy GAR8 and GAR9	Combine Policies GAR8 and GAR 9 as follows: 'Proposals for new and expanded rural businesses, new or improved tourism development and homeworking will be supported where: a) They are appropriate within the local landscape setting; b) They would not have a significant adverse impact on tranquillity or residential amenity; c) They would not result in a detrimental impact on road safety or traffic congestion and include suitable access and on site car parking' Add an explanation in the justification giving examples when planning permission for homeworking is likely to be required.	Combine similar policies for clarity
Modification 13 Policy GAR10	Revise the first paragraph to read: 'Development proposals should include appropriate measures to minimise their impact on the local highway network. The following should be provide.' Delete the following from criterion a) 'by focussing development on the main road that forms the spine of the linear Garway village' Revise criterion c to read: 'Car and vehicle parking should be appropriately sited and screened within the landscape and should be surfaced with materials appropriate to the rural location' Include a statement in the justification to explain the types of materials that are preferred for hardstanding.	To remove unnecessary text and add clarity.

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 Garway 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 Garway 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 22 November 2012.



Signed

Dated 14 September 2020

Richard Gabb
Programme Director Housing and Growth