

Linton Group NDP Independent Examination

Delegated Decision Statement

23 November 2020

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Linton Neighbourhood Area
Parish Council	Linton Parish Council
Submission consultation	27 May to 8 July 2020
Examination Date	July – October 2020
Examiner's Report received	28 October 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, Linton 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 Linton was designated on 2 January 2018. The Neighbourhood Area follows the boundary of Linton parish boundary. The Linton NDP has been prepared by Linton 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 summer 2018.

2.2 The Plan was submitted to Herefordshire Council on 4 May 2020, and the consultation under Regulation 16 took place between the 27 May 2020 to 8 July 2020, where the Plan was publicised and representations invited.

2.3 On 25 August 2020, Rosemary Kidd was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Linton 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 Paragraph 1.1	Revise the date of the Plan and paragraph 1.11 from the date the plan is made to 2031 on the front cover.	For clarity.
Modification 2 Objectives	Revise the objectives as follows: Objective 1: environment and heritage To conserve and enhance the distinctive natural and historic environment of the parish, in particular its designated areas, sites and buildings; and its landscape character, especially views and vistas, ensuring access to these through the public footpath network; and to ensure that development avoids undue loss of visual amenity. Objective 2: housing To provide new housing which is proportionate to the strategic requirements of the Herefordshire Local Plan Core Strategy, sensitively located and with a range and choice to meet the needs of all sections of the community. These homes should be built at a scale and	For clarity

Policy	Modification recommended	Justification
	<p>density designed to respect and enhance the character of the parish.</p> <p>Objective 4: social and community facilities</p> <p>To ensure that social and community facilities are retained and enhanced as much as possible, promoting and enabling new provision, and that community spirit and involvement is actively encouraged.</p> <p>Objective 5: economic development and employment</p> <p>To support and encourage the development or expansion of small and home-based businesses and farming which are compatible and in scale with the rural nature of the Neighbourhood Area.”</p>	
<p>Modification 3</p> <p>Policy BGL1</p>	<p>Delete Policy BGL1.</p>	<p>For clarity, as required by the NPPF and to comply with the Basic Conditions. It is considered that Policy BGL1 is unnecessary and provides no locally specific guidance on the application of the presumption in favour of sustainable development.</p>
<p>Modification 4</p> <p>Policy BGL3</p>	<p>Revise Policy BGL 2 as follows:</p> <p>Revise point 4 to read: “carrying out a Landscape and Visual Impact Assessment or similar study where a development proposal within the Plan area lies within sight of one of the following public views, or could affect it; the assessment should be carried out to demonstrate that levels of effects are acceptable, and that the scheme has been sited and designed sensitively and appropriately reflecting, respecting, and where possible, enhancing the landscape context within which it is situated.” List of sites A – F.</p> <p>Show the location of the viewpoints on the Policies Map.</p>	<p>For clarity and understanding of the context of views in the plan.</p>
<p>Modification 5</p> <p>Policy BGL3</p>	<p>Revise Policy BGL3 as follows:</p>	<p>For clarity and to correct typographical errors</p>

Policy	Modification recommended	Justification
	<p>Revise line 1 of the policy: “....possible enhance the historic environment....”</p> <p>Insert a comma after assets in point 3 of the policy.</p> <p>Revise the second sentence in paragraph 4.11 to read: “.....unregistered park and garden....”</p>	
<p>Modification 6</p> <p>Policy BGL4</p>	<p>Revise Policy BGL4 as follows:</p> <p>Revise criterion 5 to read: “5. Being capable of being safely accessed from the local road network without undue local environmental impacts.</p> <p>Proposals which cannot satisfactorily mitigate such impacts will not be supported. The arrangements for access ...”.</p> <p>Revise the final sentence of paragraph 4.19 to read: “Proposals should seek to mitigate such adverse impacts.”</p>	<p>In order for clarity and avoiding repetition.</p>
<p>Modification 7</p> <p>Policy BGL6</p>	<p>Revise Policy BGL6 as follows:</p> <p>“Settlement boundaries are defined for Bromsash (Plan 5), Gorsley (Plan 6) and Linton (Plan 7) to help ensure that new housing represents sustainable development and is proportionate to the strategic requirements of the Local Plan Core Strategy. Proposals for housing inside the settlement boundaries will be supported where they are in accord with other development plan policies (including policy BGL2 in respect of landscape character and views of the village and policy BGL4 on design) and can be shown to be of a size and type to meet local requirements in accordance with policy BGL9 on housing mix.”</p> <p>Revise the settlement boundaries for Bromsash (Plan 5), Gorsley (Plan 6) and Linton (Plan 7) in accordance with the revised maps submitted on 27 October 2020.</p>	<p>In order to comply with NPPF.</p>
<p>Modification 8</p> <p>Policy BGL8</p>	<p>Revise Policy BGL8 as follows:</p> <p>Delete “services and” from the title and line 1 of the policy.</p>	<p>For clarity</p>
<p>Modification 9</p> <p>Section 8</p>	<p>Revise section 8 as follows:</p>	<p>For clarity and to better reflect the means of delivery for the plan and</p>

Policy	Modification recommended	Justification
	<p>Revise paragraph 8.1 to read: "...up to 2031 with the aim of delivering the sustainable development of the Neighbourhood Area."</p> <p>Place paragraph 8.4 after paragraph 8.2 and revise it to read: "...and the local planning authority to support proposals for development that improves....."</p> <p>Revise paragraph 8.3 to read: "When responding to consultations on planning applications, the Parish Council will support proposals that meet the policies of the NDP and oppose proposals which do not."</p>	accordance with NPPF.
Modification 10 Section 9	<p>Set out the Community Actions as a new section 9 and renumber paragraph 8.5 as 9.1.</p> <p>Add a new paragraph 9.2: "The Community Actions do not form part of the LNDP and do not constitute planning policy."</p>	For clarity and to reflect accordance with NPPF.

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. 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.

5.2 Following the modifications made, the Linton 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.

5.3 It is recommended that the Linton 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 2 January 2018.



Signed

Dated

23 November 2020

Richard Gabb
Programme Director Housing and Growth