

Dinedor NDP Independent Examination

Delegated Decision Statement

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Dinedor Neighbourhood Area
Parish Council	Dinedor Parish Council
Submission	10 August to 5 October 2020
Examination Date	January- February 2021
Inspector Report Received	26 February 2021

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 Dinedor 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 Dinedor was designated on 4 October 2013. The Neighbourhood Area follows the boundary of Dinedor parish boundary. The Dinedor NDP has been prepared by Dinedor 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 autumn 2013.
- 2.2 The Plan was submitted to Herefordshire Council on 31 July 2020. The consultation under Regulation 16 took place between the 10 August and 5 October 2020.

- 2.3 On 3 December 2020 Ms Liz Beth MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Dinedor 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 Throughout the plan	All policies in the Plan to be clearly defined within a box or other clearly distinguishing feature, and to be set out on one page wherever possible. Section 7 to be replaced with an Appendix listing the Parish Council Supporting Actions listed after paragraph 5.6 in the submission version of the Plan.	For clarity and accuracy.
Modification 2 Policy A	Policy A to be amended as follows: <i>POLICY A - NEW HOUSING DEVELOPMENT WITHIN THE SETTLEMENT BOUNDARY OF IN DINEDOR VILLAGE Small scale proposals (up to 2 dwellings) for new market and affordable housing will be supported within the village settlement of Dinedor and a settlement boundary is defined for the village as shown on (see Figure 6a, Policies Map. providing that it is proportionate to the existing number and form of housing in the immediate area of the village. Such proposals will be assessed against the following criteria and will be required to:</i> <i>a. relate well to the existing built-up area of the village;</i> <i>b. meet, or exceed, the highest possible sustainable design and construction standards prevailing at the time;</i> <i>c. do not have an unacceptable adverse impact on residential amenity of existing and future occupiers, heritage assets and local infrastructure; and</i> <i>d. do not erode the existing character and setting of the village area.</i>	To comply with the Core Strategy Local Plan and NPPF in the interest of accuracy and clarity.

Policy	Modification recommended	Justification
	<p>The concluding text of Policy A from this point to be deleted.</p> <p>Figure 6a to show only the settlement boundary and protected community facilities (modification 6 refers), and the settlement boundary to be amended as shown below to incorporate recent planning permissions and a coherent boundary definition in line with the criteria and guidance from the LPA. (The example settlement boundary can be found in the examiner's report).</p>	
Modification 3 Policy C	The current alphabetic identification from a) to d) in the first set of criteria in Policy C to be replaced with the numbers 1) through to 4) identifying each of them.	To confirm with NPPF and to ensure policy is clear.
Modification 4 Policy D	<p>The last sentence of Policy D criteria b) to read:... ... <i>Development proposals leading to loss or breaks in this network of routes will not be supported, unless an acceptable adequate or better replacement is provided.</i></p> <p>Figure 3 to be amended so that only rights of way improvements within the parish are shown and the indication of improvements and additions desired are properly distinguished from the existing public rights of way network shown in Figure 3 by the addition of a key detailing added detail.</p>	For clarity and in accordance with NPPF.
Modification 5 Policy E	<p>Policy E to be amended as follows: <i>Proposals for the development of small-scale business enterprises suitable to a rural area will be encouraged when they comply with other policies in the development plan and do not significantly adversely affect the rural character, environment and landscape of Dinedor or existing residential amenities. They may include but not exclusively the following development proposals:</i> and are for the following:</p> <ul style="list-style-type: none"> a. for the conversion or reuse of an existing building; b. homeworking proposals; c. live/work units; d. diversification of an existing rural business; e. the proposal is in accordance with Policy C in terms of its design. 	For clarity and in accordance with NPPF. Minor grammatical alterations are recommended for clarity.
Modification 6 Policy F	<p>Policy F to be amended as follows: <i>Development proposals should protect or and enhance the rural environment and landscape of the area. Proposals should:</i></p> <ul style="list-style-type: none"> a. have a be designed in terms of scale, form and siting so as to that retains rural character; b. protect and enhance or <i>protect the landscape setting of Dinedor village;</i> c. <i>conserve or and enhance biodiversity and heritage</i> 	To avoid ambiguity and to ensure policy is clear and in accordance with NPPF. Minor grammatical alterations are recommended for clarity.

Policy	Modification recommended	Justification
	<p><i>assets;</i></p> <p><i>d. protect or enhance the natural and scenic beauty of Dinedor;</i></p> <p><i>e. incorporate, where necessary, landscaping schemes and future on-going management arrangements to ensure the proposal integrates into the surrounding landscape and rural environment;</i></p> <p><i>f. in suitable locations, maintain and extend woodland and hedgerows by using native species; and</i></p> <p><i>g. should not have an adverse impact on the environmental quality of the parish's rivers, streams and brooks.</i></p>	
<p>Modification 7</p> <p>Policy G</p>	<p>Policy G to be amended as follows:</p> <p><i>Development proposals should conserve or and enhance the local heritage assets, including those listed below, ...</i></p> <p>Proposals for new development should consult the Historic Environment Record. Where there is an indication or potential that there may be assets of heritage or archaeological interest appropriate suitable desk-based and site investigations should be carried out. Site investigations must follow the appropriate professional practices so that there is no detriment to the rural environment.</p>	<p>For clarity and for the policy to reflect NPPF para 16d.</p>
<p>Modification 8</p> <p>Policy H</p>	<p>Policy H to be amended as follows:</p> <p>Dinedor Camp is designated as a The Local Green Space as shown identified below and on the Dinedor Policies Map figure (Figures 6a and 6b. below will be protected. Development of these space will only be supported in very special circumstances.</p> <ul style="list-style-type: none"> • the Village Green • Dinedor Camp 	<p>To ensure this policy complies with the policies in the NPPF, para 100.</p>
<p>Modification 9</p> <p>Policy J</p>	<p>Policy J to be amended as follows:</p> <p>POLICY J – TRANQUILLITY LOCAL RESIDENTS' ENJOYMENT OF THE PARISH</p> <p><i>All new development proposals should respect Dinedor's rural environment and tranquillity.</i></p> <p><i>Proposals should include suitable measures to mitigate any impact on residential amenity and proposals that are considered to have an significant adverse impact on residential amenity will not be supported. To preserve the area's rural environmental quality and relative tranquillity, proposals will only be supported where they retain or enhance that environmental quality and retain the parish's tranquillity.</i></p>	<p>For clarity and to better reflect NPPF and NPPG.</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 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.

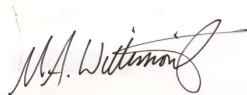
5.2 The draft plan will be altered in line with Table 1 above and also the points set out in paragraph 3.2, in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.

5.3 Following the modifications made, the Dinedor 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 Dinedor Neighbourhood Plan progress to referendum. Herefordshire Council concur with examiners conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 4 October 2013.

Signed



Dated 26th March 2021

Marc Willimont
Assistant Director Regulatory, Environment and Waste