

Llangarron Parish NDP Independent Examination

Delegated Decision Statement

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Llangarron Parish Neighbourhood Area
Parish Council	Llangarron Parish Council
Submission	29 March to 11 May 2021
Examination Date	September to November 2021
Inspector Report Received	12 November 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 Llangarron Parish 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 Llangarron Parish was designated on 6 December 2012. The Neighbourhood Area follows the boundary of Llangarron Parish Council. The

Llangarron Parish NDP has been prepared by Llangarron 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 winter 2012.

- 2.2 The Plan was submitted to Herefordshire Council on 22 March 2021 and the consultation under Regulation 16 took place between the 29 March 2021 to 11 May 2021, where the Plan was publicised and representations invited.
- 2.3 On 26 August 2021 Mr Nigel McGurk was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Llangarron Parish 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:

Modification	Policy	Modification recommended	Justification
Modification 1	Introductory Section - Page 1	Delete page 1	Interests of accuracy and clarity.
	Introductory Section - Para 1.5	Update reference to “National Planning Policy Framework, 2021)”	Interests of accuracy and clarity.
	Introductory Section - Para 1.5	Change last sentence to “...which the NDP was considered at examination...”	Interests of accuracy and clarity.
	Introductory Section - Para 2.1	Delete second sentence (“The Submission...residents.”)	Interests of accuracy and clarity.
	Introductory Section - Para 3.5	There were no Listed Buildings in 1372, Delete last six words of para (“though...buildings”) and replace with “...Llangarron. Llangrove has seven listed buildings.”	Interests of accuracy and clarity.
	Introductory Section - Para 4.1	Change sentence below Vision to “...up to 2031 the Neighbourhood Plan aims to deliver this Vision through the following Objectives:”	Interests of accuracy and clarity.
	Introductory Section - Pages 11 and 12	Remove the Policy “delivery” references underneath each Objective	Interests of accuracy and clarity. The Objectives are repeated in the Policy section of the Neighbourhood Plan
	Introductory Section - Para 5.1	Delete first sentence (“The following...Parish.”) and change second sentence to “Each of the following policies has...”	Interests of accuracy and clarity.
	Introductory Section - Para 5.3 and 5.4	Delete the Neighbourhood Plan does not need to set out what it does not include	Interests of accuracy and clarity.
	Introductory Section - Para 5.5	Delete the last two sentences (“Where aconsiderations.”) which are imprecise	Interests of accuracy and clarity.

Modification	Policy	Modification recommended	Justification
Modification 2	Policy SUS1	Delete Policy SUS1 and supporting text (pages 14-16)	Interests of accuracy and clarity. Help to achieve sustainable development.
Modification 3	Policy ENV1	Change first paragraph to "New proposals for development should seek to protect and enhance the biodiversity and the natural, historic and scenic beauty of important landscapes in the Neighbourhood Area. In so doing, proposals should consider their impacts on: 1. Important views...River Wye."	Better reflect policies Policy LD1 and LD2
	Policy ENV1	Change second paragraph to "Development proposals that impact on green infrastructure, including trees, hedges and woodland, should demonstrate how they will protect and enhance biodiversity. The creation of new habitats will be supported, for example the planting of orchards as part of...enhance biodiversity."	Better reflect policies Policy LD1 and LD2
	Policy ENV1	Delete last paragraph ("The priority...provided.")	Interests of accuracy and clarity.
	Policy ENV1 - Para 7.1	delete quote and replace with the revised Paragraph 174 of the Framework	Update In line with revised NPPF
	Policy ENV1 - Para 7.2	Delete Paragraph 7.2, which does not relate to the Policy	Removal of inaccurate and outdated information.
	Policy ENV1 - Para 7.12	Change first sentence to "...policy commitment to existing green infrastructure and to the creation of habitat as a resource for the community..."	Interests of accuracy and clarity. Help to achieve sustainable development.
Modification 4	Policy ENV2	Delete the bullet points 1.,2. and 3. and replace with: "Development proposals must conserve designated and non designated heritage assets and their settings in a manner appropriate to their significance	Removal of inaccurate and conflicting information. Conformity with NPPF
	Policy ENV2	Change bullet point 4. to "Development proposals must respect local character. They should take opportunities to use designs and building materials...window frames is preferred." (delete reference to light pollution)	Interests of accuracy and clarity. Conformity with NPPF

Modification	Policy	Modification recommended	Justification
	Policy ENV2	Delete bullet point 5	Removal of inaccurate and conflicting information. Conformity with NPPF
	Policy ENV2 - Para 7.13	Delete quote and replace with revised Paragraph 190 from the Framework	Removal of inaccurate and outdated information. Conformity with NPPF
	Policy ENV2 - Para 7.16	Change to "...local importance and this should be protected in a manner appropriate to its significance."	Interests of accuracy and clarity. Conformity with NPPF
	Policy ENV2 - Page 26	Change line two to "...existing character and that any new development should include suitable..."	Interests of accuracy and clarity. Conformity with NPPF
	Policy ENV2 - Page 26	Third para, line four, change to "asset. Parishioners are keen to ensure that any new development in Llancloudy reflects the...half storey dwellings and that any new development includes suitable..."	Interests of accuracy and clarity. Conformity with NPPF
	Policy ENV2 - Page 27	Second para, line six, change to "...character to the village and Parishioners consider that these should be retained. Parishioners are also concerned that new development should take...the skyline and that any new development includes suitable..."	Interests of accuracy and clarity. Conformity with NPPF
	Policy ENV2 - Page 27	Fourth para, line five, change to "...plots. Parishioners expect new development to reflect...area and to include suitable boundary..."	Interests of accuracy and clarity. Conformity with NPPF
Modification 5	Policy ENV4	Policy ENV4, delete the first two paras ("Development...1990")	Interests of accuracy and clarity.
	Policy ENV4	Change the title of the Policy to "Sewerage"	Interests of accuracy and clarity.

Modification	Policy	Modification recommended	Justification
	Policy ENV4 - Para 7.23	Para 7.23, replace with Paragraph 152 of the Framework	Interests of accuracy and clarity. Conformity with NPPF
	Policy ENV4 - 7.28 and 7.29	Delete Paras 7.28 and 7.29	Interests of accuracy and clarity. Conformity with NPPF and Core Strategy
Modification 6	Policy EMP1	Delete the wording of Policy EMP1 and replace with: “The growth and expansion of rural businesses through conversions and through well-designed new buildings that respect the character of the countryside will be supported. Development proposals must respect the amenity of neighbours, with regards to noise, odour and outlook. New buildings should be sited to minimise visual and landscape impacts and larger buildings should be “broken up” via the sensitive use of materials, colour or ridge height. Natural materials, including wood and the use of neutral, earth tones should be used to help blend new buildings into their surroundings. Proposals for new buildings should demonstrate the use of energy and resource efficiency measures.”	Removal of inaccurate and conflicting information. Conformity with NPPF
	Policy EMP1	Change title of Policy EMP1 to “Rural business development including agricultural buildings and poly tunnels requiring planning permission”	Removal of inaccurate and conflicting information. Interests of accuracy and clarity.
	Policy EMP1 - Para 8.1	Replace quotes with Paragraphs 81 and 84 of the Framework	Removal of inaccurate and conflicting information. Interests of accuracy and clarity.
	Policy EMP1 - Para 8.10	Delete last sentence (“Development...Strategy”)	Removal of inaccurate and conflicting information. Interests of accuracy and clarity.
	Policy EMP1 - Para 8.12	Delete second sentence (“Proposals...Strategy”)	Removal of inaccurate and conflicting information. Interests of accuracy and clarity.

Modification	Policy	Modification recommended	Justification
	Policy EMP1 - Para 8.14	Change last sentence to “...local industry and the Policy below is intended to provide an appropriate, positive policy framework for such development.”	Removal of inaccurate and conflicting information. Interests of accuracy and clarity.
	Policy EMP1 - Para 8.14	Change to “...used to inform the Policy below.”	Removal of inaccurate and conflicting information. Interests of accuracy and clarity.
Modification 7	Policy EMP2	Change first sentence to “...tourist economy will be supported. Such...”	Removal of inaccurate and conflicting information. Conformity with NPPF
	Policy EMP2	Delete bullet points (1. to 4.) and change second para to “Proposals for new, sustainable tourism facilities or the enhancement of existing visitor facilities will be supported where they respect local character, residential amenity and highway safety. Such proposals should also seek to promote sustainable patterns of movement.”	Removal of inaccurate and conflicting information. Conformity with NPPF
	Policy EMP2	Retain final para	Conformity with NPPF
	Policy EMP2 - Para 8.15	Change to “...home-working. The Parish Council will seek to encourage the provision of this facility where possible and will seek to promote collaborative working with...growth. The Parish Council will also support proposals...parish. A Communication Policy, COM1, is set out later in the Neighbourhood Plan.”	Removal of inaccurate and conflicting information. Conformity with NPPF
Modification 8	Policy HOU1	Change second sentence to “New residential development should take account of the following:”	Interests of accuracy and clarity. Conformity with NPPF
	Policy HOU1	Delete Criteria 1, 2, 7, 10 and 11	In the interests of national policy and guidance. Avoiding unnecessary duplication

Modification	Policy	Modification recommended	Justification
	Policy HOU1	Provide a new Criterion 1, “Sites of ten or more dwellings should support a mix of house types and tenures, with an emphasis upon smaller starter homes and affordable family accommodation;”	Conformity with NPPF support for housing of different sizes, types and tenures to meet the needs of different groups in the interests of national policy and guidance.
	Policy HOU1 - Para 9.1	Replace quote with Paragraph 79 of the Framework	Update In line with revised NPPF
	Policy HOU1 - Para 9.36	Last sentence, change to “...agreed for inclusion in the NDP.”	Interests of accuracy and clarity.
Modification 9	Policy HOU2	Delete Policy HOU2 and supporting text (Paras 9.45 and 9.46)	Removal of inaccurate and repetitive information. Conformity with NPPF and Core strategy
Modification 10	Policy HOU3	Delete Policy HOU3 and supporting text (Paras 9.47 and 9.48)	Removal of inaccurate and repetitive information. Conformity with NPPF and Core strategy
Modification 11	Policy HOU4	Delete Policy HOU4 and supporting text (Para 9.49)	Removal of inaccurate and repetitive information. Conformity with NPPF and Core strategy
Modification 12	Policy TRA1	Change title to “Sustainable Patterns of Movement”	Interests of accuracy and clarity.

Modification	Policy	Modification recommended	Justification
	Policy TRA1	Delete wording and replace with “Improvements to public rights of way and access throughout the Neighbourhood Area will be supported. Development must respect highway safety and new car parks should respect local character, include permeable surfaces to reduce surface water run-off and provide electric charging points.”	Interests of accuracy and clarity.
	Policy TRA1	Create a new paragraph of supporting text after Para 10.14 comprising the final ten lines of the deleted Policy, changed to “The Parish Council will seek to encourage developers to support improvements in public transport...and beyond.” NB, delete the numbers “10. 11. 12.”	Interests of accuracy and clarity.
	Policy TRA1 - Para 10.1	Delete Para 10.1	Removal of inaccurate and conflicting information.
	Policy TRA1 - Para 10.3	Change to “...different communities and paragraph 105 sets out that...”	Interests of clarity and accuracy. Conformity with NPPF and Core strategy
	Policy TRA1 - Para 10.10	Para 10.10, delete last sentence (“None...pandemic.”)	Interests of clarity and accuracy.
	Policy TRA1 - Para 10.11	Change to “...countryside. The Parish Council considers that wherever...enhanced and that cycling should be...”	Interests of clarity and accuracy. Conformity with NPPF and Core strategy
Modification 13	Policy CSU1	First sentence, delete “and protected”	Interests of clarity and accuracy.
	Policy CSU1	Second paragraph, change to “...where it has been clearly demonstrated, following at least 12 months open marketing at a price reflective of market value, that the use is no longer viable, or it will be replaced by an equivalent or enhanced community use in an equally accessible location.”	Interests of clarity and accuracy.

Modification	Policy	Modification recommended	Justification
	Policy CSU1	Change third paragraph to “...services available within the Neighbourhood Area will be supported subject to development respecting local character, residential amenity and highway safety. Such proposals...charging points.”	Interests of clarity and accuracy.
	Policy CSU1	Delete final two paras (“Provision...the Plan”)	Removal of inaccurate and conflicting information.
	Policy CSU1	Delete Para 11.1	Removal of inaccurate and conflicting information.
	Policy CSU1 - Para 11.2	Para 11.2, replace with the precise excerpts from Paragraphs 92 and 93 of the Framework	Removal of inaccurate and outdated information. Conformity with NPPF
	Policy CSU1 - Para 11.3	Para 11.3, change to “Core Strategy Policy SC1 – Social...”	Removal of inaccurate and outdated information. Conformity with Core Strategy
	Policy CSU1 - Para 11.21	Para 11.21, delete second sentence	Removal of inaccurate and conflicting information.
Modification 14	Policy COM1	Change to “Proposals for new dwellings and business uses should allow for the provision of a high speed broadband network within the site	In the interests of national policy and guidance.
	Policy COM1	Change to “Proposals for new dwellings and business uses should allow for the provision of a high speed broadband network within the site. Proposals for well-designed...throughout the Neighbourhood Area will be supported subject to proposals respecting local character and residential amenity and demonstrating that mast sharing is not feasible.”	In the interests of national policy and guidance.

Modification	Policy	Modification recommended	Justification
	Policy COM1 - Para 12.1	Para 12.1, change to "Paragraph 114 of the..."	In the interests of national policy and guidance.
	Policy COM1 - Para 12.3	Para 12.3, change to "...is welcomed and the Parish Council is keen to ensure that where possible, new development incorporates suitable	In the interests of national policy and guidance.
	Policy COM1 - Para 12.6	Para 12.6, change to "The Parish Council will seek to encourage collaborative working between Herefordshire Council and other agencies to support the delivery of high speed..." (NB, this change recognises that the Neighbourhood Plan cannot impose a requirement upon the Local Authority)	In the interests of national policy and guidance.
Modification 15	Policy ENG1	Change to "The use of renewable energy technologies in new development will be supported. Such technologies could include...future"	Interests of accuracy and clarity. Conformity with National Policy and Core strategy
	Policy ENG1 - Para 13.1	Change to "Paragraph 153 of...paragraph 156 that..."	Interests of accuracy and clarity. Conformity with NPPF and Core strategy
Modification 16	Policy ENG2	Change to "Community-led renewable energy or low carbon energy proposals that respect local character, residential amenity and highway safety will be supported."	Interests of accuracy and clarity. Conformity with NPPF and Core strategy

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 Llangarron 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 Llangarron Parish Neighbourhood Plan progresses 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 6 December 2012.



Signed

Dated2 December 2021.....