

Tarrington NDP Independent Examination

Delegated Decision Statement

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Tarrington Neighbourhood Area
Parish Council	Tarrington Parish Council
Submission dates	28 September to 9 November 2020
Examination date	January– December 2021
Examiner's Report Received	30 December 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 Tarrington 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 Tarrington was designated on 9 January 2014. The Neighbourhood Area follows the boundary of Tarrington parish boundary. The Tarrington NDP has been prepared by Tarrington 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 2014.
- 2.2 The Plan was submitted to Herefordshire Council on 16 September 2020, and the consultation under Regulation 16 took place between the 28th September to 9 November 2020, where the Plan was publicised and representations invited.
- 2.3 On 5 January 2021, John Mattocks BSc DipTP MRTPI FRGS was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Tarrington 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 his report along with the justification:

Policy	Modification recommended	Justification
Modification 1 Throughout the plan Policy TAR5	<p>Replace '2011' by '2019' in the first line of paragraph 1.11 in the plan text, in the plan title on the front sheet and at the foot of each page in the document.</p> <p>In Policy TAR5, delete the words 'between 2011 and 2031' in the first line of the policy.</p>	Clarification
Modification 2 Policy TAR2	<p>Delete Policy TAR2 and replace with the following:</p> <p>Proposals for development must demonstrate that they protect, conserve and enhance the natural environment in accordance with the principles in Local Plan Core Strategy policies SD3, SD\$, LD1 LD2 and LD3 or their replacements. This includes the following requirements:</p> <ol style="list-style-type: none"> 1) The development would not have an adverse effect on the River Wye Special Area of Conservation (SAC) and species of European importance. In particular, planning permission will only be granted if clear and convincing evidence is provided which shows that the proposed development would not increase nutrient inputs to the SAC. This could include through the delivery of mitigation measures to make a proposal nutrient neutral. Reference should be made to Herefordshire Council's Phosphate calculator and associated guidance, and 2) The development should: <ol style="list-style-type: none"> a) conserve, restore and enhance sites and features of biodiversity interest in accordance with their status, including those identified in the Priority Habitats Inventory, Local Wildlife Sites, woodlands, veteran trees, hedgerows, roadside verges, ponds and watercourses; b) maintain, restore and, where possible, enhance the contribution of habitats to the coherence and connectivity of the Herefordshire Ecological Network, and taking into account their role as green infrastructure; 	<p>Ensure there are no likely significant effect on the River Wye SAC</p> <p>Signposting to ongoing phosphate management advice</p>

Policy	Modification recommended	Justification								
	<p>c) ensure that proposals respect the prevailing landscape character, as defined in the County Landscape Character Assessment, including associated important views, trees and hedgerows and local features of interest;</p> <p>d) protect and enhance the setting and character of Tarrington and Little Tarrington, including settlement pattern, tree cover and topography.</p>									
<p>Modification 3</p> <p>Paragraph 4.6 and 5.24</p>	<p>Expand the plan text in paragraph 4.6 (Policy TAR2) and 5.24 (Policy TAR8) to make appropriate references to the guidance notes on the necessary mitigation measures required to make the development 'nutrient neutral'</p>	<p>Ensure there are no likely significant effect on the River Wye SAC</p> <p>Signposting to ongoing phosphate management advice</p>								
<p>Modification 4</p> <p>Paragraph 5.3</p>	<p>Update the statistic on housing provision in paragraph 5.3 to include the following revised Table 1</p> <table border="1" data-bbox="379 1214 1216 1541"> <thead> <tr> <th data-bbox="379 1214 603 1400">Number of new houses required to 2031 (min)</th> <th data-bbox="603 1214 810 1400">Housing completions (net) 2011 2021</th> <th data-bbox="810 1214 1034 1400">Housing commitments (net) as at 1 April 2021</th> <th data-bbox="1034 1214 1216 1400">Housing remaining to be delivered</th> </tr> </thead> <tbody> <tr> <td data-bbox="379 1400 603 1541">43</td> <td data-bbox="603 1400 810 1541">10</td> <td data-bbox="810 1400 1034 1541">32</td> <td data-bbox="1034 1400 1216 1541">1</td> </tr> </tbody> </table>	Number of new houses required to 2031 (min)	Housing completions (net) 2011 2021	Housing commitments (net) as at 1 April 2021	Housing remaining to be delivered	43	10	32	1	<p>To update plan to latest figures</p>
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<p>Modification 5</p> <p>Policy TAR8</p>	<p>Modify Policy TAR8 as follows:</p> <p>In the first paragraph, delete the words 'for around six dwellings'</p> <p>Replace criteria 3 by the following: 'Materials are specified which reflect the local character and vernacular, including the appropriate use of stone, timber and brick; and'</p> <p>Revise the wording of criteria 4 to read: 'provision of hedgerows to the western and northern boundaries of the site which protect the rural character of public right of what TR3; and';</p> <p>Delete the word 'translocation' in the second line of criteria 5 and replace by 'retained as far as possible, with new hedgerow planting';</p>	<p>To ensure the criteria are justified, clear and implementable</p>								

Policy	Modification recommended	Justification
	Delete the first and third bullet points in criteria 6 with revised criteria to read; 'safe and suitable access for all users is provided to village facilities and to assist integrated transport to include upgrading of public right of way TR3 to provide access to the bus stops on the A438, as shown on the policies maps; and'	
Modification 6 Paragraphs 5.5, 5.7, 5.17, 5.18, 5.20, 5.21 5.22 and 5.23	Make revisions to paragraphs 5.5, 5.7, 5.17, 5.18, 5.20, 5.21 and 5.22 to take account of the modifications to Policy TAR8 and delete the third bullet point in paragraph 5.23. Add a new paragraph to following paragraph 5.23 explaining the position with regards to a possible footpath link to the Tarrington Parish Council carpark and making clear that it is not part of the statutory plan	To ensure the text is justified, clear and implementable
Modification 7 Policies Map	Amend the policies map to show public right of way TR3 annotated to reference Policy TAR8(6)	To ensure clarity
Modification 8 Appendix A	In Appendix A to the plan, add references to the comments made by the Historic Building Officer (September 2018); the Landscape Officer (September and November 2018) and the Area Engineer (Highways) (September 2019)	To ensure clarity
Modification 9 Paragraph 5.6	Replace the third sentence in paragraph 5.6 by the following: 'Such dwellings may arise within the settlement boundaries on suitable infill sites, defined as sites for one or two dwellings within a substantially built-up frontage, or outside the boundaries where they meet the requirements of Local Plan Core Strategy policies RA3, RA4 and RA5'	To ensure clarity and remove ambiguity
Modification 10 Policies Map	Amend the policies map to show the settlement boundary at Little Tarrington as on the extract included as Appendix A of the examiner's report	To ensure clarity
Modification 11 Policy TAR7	Replace Policy TAR7 by the following: Proposals for new housing must demonstrate, subject to viability considerations that they provide dwellings of a type, size and tenure that positively contribute to meeting the latest assessment of housing needs, and include affordable housing in accordance with the requirements of the Local Plan Core Strategy policy H1 or its replacement. There is a particular requirement in the neighbourhood area for: <ul style="list-style-type: none"> • market housing with three bedrooms and affordable housing with one, two or three bedrooms 	To ensure clarity

Policy	Modification recommended	Justification
	<ul style="list-style-type: none"> housing designed to meet the needs of older people including bungalows starter homes and other affordable routes to home ownership 	
Modification 12 Paragraph 5.12	Update paragraph 5.12 to include statistics on housing need take from the 2021 HMA level Housing Needs Assessment and amend footnote 9 to reference that document	To bring the plan up to date
Modification 13 footnote	Add a footnote to paragraph 5.12 referring to policy H£ in the Herefordshire Local Plan Core Strategy	For clarity
Modification 14 TAR13	Insert the word 'inappropriate' before 'development' in the first line of policy TAR13	To ensure clarity
Modification 15 Paragraph 7.12, 7.13 and 8.1	Remove references to a Community Infrastructure Levy from paragraphs 7.12, 7.13 and 8.1 of the plan text	To ensure clarity
Modification 16 TAR15	Delete the last sentence of policy TAR15	To ensure 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 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 Tarrington 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 Tarrington 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 9 January 2014.



Signed

Dated 18 January 2022

Flo Churchill

Service Director – Economy and Regulatory