

# Walford NDP Independent Examination

## Delegated Decision Statement

### Neighbourhood Planning (General) (Amendment) Regulations 2012

<b>Name of neighbourhood area</b>	Walford Neighbourhood Area
<b>Parish Council</b>	Walford Parish Council
<b>Submission date</b>	27 June 2022
<b>Examination date</b>	November 2022-January 2023
<b>Examiner's Report Received</b>	13 January 2023

## 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 Walford 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 Walford was designated on 14 November 2012. The Neighbourhood Area follows the boundary of Walford parish boundary. The Walford NDP has been prepared by Walford 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 early 2013.
- 2.2 The Plan was submitted to Herefordshire Council on 27 June 2022, and the consultation under Regulation 16 took place between the 6 July 2022 and 31 August 2022, where the Plan was publicised and representations invited.
- 2.3 On 14 November 2022, Barbara Maksymiw BSc (Hons) MSc MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Walford 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	Reword third sentence of paragraph 3.9 to read "Herefordshire Council has confirmed that between April 2011 and April 2022, 17 dwellings had been built and a further 48 had been granted planning permission". Delete last two sentences of paragraph 3.9. Add new sentence to read " Details are set out on the Table on Page 63"	For clarity and accuracy, providing up to date housing figures.
Modification 2	Reword table 2 on Page 63 to read : Table 2 : Achieving the Housing Target 2011-2031	Update housing figures for clarity and accuracy.
Modification 3	In Policy WALF1g), add "and support and encourage walking and cycling as the mode of choice."	Amend in light of HC Active travel comments.
Modification 4	In first paragraph of Policy WALF2, change "promoted" to "supported"; add "and site allocations" after "infilling". Change "proposed" to "allocated" after "a site is" in second sentence.	Ensure consistency with other policies of the NDP.
Modification 5	In policy WALF3c), delete "or close" and add "boundary" after "settlement"	To comply with national guidance. To give more precise guidance for the decision maker.
Modification 6	In last paragraph of Policy WALF6, delete "favourable" in the second sentence. In the third sentence, add "measures "after "mitigation". In the final sentence, add "in making any assessment" after "and associated guidance"	For clarity and accuracy. Removal of superfluous information.
Modification 7	Delete "the significance of" at the start of Policy WALF7. In clause e) delete "the effects of works will fit sensitively into" and replace with "works will sensitively reflect the existing garden design"	For clarity and accuracy.
Modification 8	Add "and on the site allocated for development" after "sensitive infilling" in the first sentence of Policy WALF18	In the interest of clarity and consistency.

Policy	Modification recommended	Justification
Modification 9	Delete “identified for development “in the second line of Policy WALF20	For clarity and accuracy.
Modification 10	In line 2 of Paragraph 7.12 , change “4” to “5”. In second sentence add “, Walford and Coughton” after “Bishopswood “ and change “16” to “21”	Update housing figures for clarity and accuracy.
Modification 11	In fourteenth line of paragraph 7.20, delete “a” and replace with “an informal”	For clarity and accuracy.
Modification 12	In second line of Policy WALF 23 add “seasonal” before “workers”. Add a new Clause i) to read “All proposals should be accompanied by a full landscape assessment”	To strengthen policy and align with national and local plan policies.

## 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 Walford 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 Walford 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 14 November 2012.

Signed

A handwritten signature in black ink that reads "Tracey Coleman". The signature is written in a cursive style with a large initial 'T' and 'C'.

Dated 30.01.2023

**Tracey Coleman**

**Service Director – Economy and Environment**