

Aston Ingham NDP Examination

Delegated Decision Statement

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Aston Ingham Group Neighbourhood Area
Parish Council	Aston Ingham Group Parish Council
Submission consultation	3 November to 15 December 2022
Examination date	March- April 2023
Examiner's Report Received	14 April 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 the review.
- 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 revised Aston Ingham Neighbourhood Plan has been amended taking into account the modifications, and that the plan may proceed to referendum.

2 Background

- 2.1 The Neighbourhood Area of Aston Ingham was designated on 12 July 2019. The Neighbourhood Area follows the boundary of Aston Ingham parish boundary. The Aston Ingham NDP has been prepared by Aston Ingham 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 summer 2019.

- 2.2 The Plan was submitted to Herefordshire Council on 26 October 2022, and the consultation under Regulation 16 took place between 3 November 2022 to 15 December 2022, where the Plan was publicised and representations invited.
- 2.3 The modifications suggested to the adopted/made Plan included minor rewording of 3 policies and amendment to a policy map, to ensure conformity with national policies.
- 2.4 On 27 January 2023, Liz Beth MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the revised Aston Ingham NDP and to prepare a report of the independent examination.
- 2.5 The examiner’s report concludes that subject to making the minor modifications recommended by the examiner, the reviewed plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.6 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 made plan referred to in Section 3 below to ensure that the revised 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: The third paragraph of Policy AST1	<i>“... Where a development proposal within the Neighbourhood Area would have a significant visual impact on lies within sight of one of the key views (KV) listed below and shown on Plan 4 and the accompanying photographs, a Landscape and Visual Impact Assessment or similar study should be provided to demonstrate that the levels of effects are acceptable, and that the scheme has been sited and designed sensitively and appropriately reflecting, respecting, and where possible, enhancing its landscape context: ...</i>	To comply with national policy and guidance.
Modification 2: The first paragraph of Policy AST2	<i>“Development proposals should protect, conserve and where possible enhance the biodiversity of the Neighbourhood Area.</i> The second paragraph of Policy AST2 to be deleted.	Removal of contradictory information and to comply with national policy and guidance.
Modification 3: Policy AST8	A plan is to be provided showing the location of the 5 community facilities listed in Policy AST8.	In the interests of clarify ensuring the reader understands where the community facilities are.

Modification 4: Clause 5 of Policy AST13	5. biodiversity is conserved and enhanced and <i>there are no unacceptable impacts on biodiversity heritage assets or the utility and enjoyment of public rights of way. The provision of safe off-road active travel links within developments is encouraged; and</i>	Conformity to national and strategic policy, in accordance with the Environment Act.
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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 Aston Ingham 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 revised Aston Ingham NDP progressed to referendum. Consideration has been given as to whether the area should be extended beyond that of the neighbourhood area. Herefordshire Council concur with the examiner that nothing has been suggested which would require an extension of the area beyond the designated on 12 July 2019.

Signed

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

Tracey Coleman

Interim Service Director – Economy and Environment

Dated: 19 May 2023