

Titley Group NDP Independent Examination

Delegated Decision Statement

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Titley Group Neighbourhood Area
Parish Council	Titley and District Group Parish Council
Submission date	15 January 2023
Examination date	19 January to 2 March 2023
Examiner's Report Received	7 July 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 Titley Group 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 Titley Group was designated on 14 July 2016. The Neighbourhood Area follows the boundary of Titley and District Group parish boundary. The Titley Group NDP has been prepared by Titley and District Group 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 mid 2016.
- 2.2 The Plan was submitted to Herefordshire Council on 15 January 2023, and the consultation under Regulation 16 took place between the 19 January to 2 March 2023, where the Plan was publicised and representations invited.

- 2.3 On 7 March 2023, John Slater BA (Hons) DMS MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Titley Group 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 Policy TG1	In criteria 6 - Replace 'requiring' with 'encouraging' and omitting all text after 'energy generation'	To reflect the wording of the Written Statement and be consistent with national policy
Modification 2 Policy TG2	Renumber the policy In criteria 4 (to be renumbered 3) - At the end of the first sentence, insert 'or where the development is in accordance with Policy TG9' In criteria 6 (to be renumbered 5) – change 'Title' to 'Titley' and after 'settlement' insert 'under Section 157 of the Housing Act 1985' In the final paragraph, delete 'exception' in the penultimate sentence and delete the last sentence	To correct topographical error and to make the policy clearer
Modification 3 Policy TG3	Add at the end of the policy 'Such a scheme may include a small proportion of market housing if it can be shown to be necessary for the delivery of the scheme as affordable housing'	To reflect national policy
Modification 4 Policy TG4	In the first sentence after 'allocated for' insert 'a mixed use' In criteria 5 replace 'Council's design guidance' with 'Highway Guide for New Development'	To ensure clarity

Policy	Modification recommended	Justification
Modification 5 Policy TG5	After 'heritage asset' insert 'The area shown as hatched within Table 4 will be deemed to be within the settlement boundary if a residential development which has been granted planning permission (including outline planning permission where all reserved matters have been approved) and all pre commencement conditions have been discharged, has been commenced on site'	To add flexibility regarding the settlement boundary in relation to Balance Farm application
Modification 6 Policy TG6	That reference to 'Green space' throughout the policy should be replaced by 'recreational green space'	To add clarity
Modification 7 Policy TG7	Delete 'sympathetically designed'	To add clarity
Modification 8 Policy TG9	Replace criteria 1 with 'the reuse of rural buildings and well-designed new buildings for business use and the provision of live/work units and' In criteria 4 – delete 'proportionate' and after 'rural businesses' insert 'that are of a scale commensurate with its locations and setting' Delete the final paragraph	To reflect national policy and add clarity
Modification 9 Policy TG13	Replace the policy with: 'Development proposals should protect and enhance the valued landscape by designing, siting and locating development in ways that secure a positive landscape and visual impact and where harm to the landscape cannot be avoided, it must be fully mitigated through sympathetic landscape planting'	To aid clarity
Modification 10 Policy TG14	After 'development proposals should' insert 'where appropriate,' At the end of criteria 2 insert 'Their loss will not be allowed except in exceptional circumstances' Delete criteria 4 and renumber	To reflect national policy and add clarity
Modification 11 Policy TG15	After 'Titley Group' insert 'In considering the impact of proposed development on heritage assets, account should be taken of their significance (including any contribution made to their setting' in accordance with the National Planning Policy	To reflect national policy and the NPPF

Policy	Modification recommended	Justification
	<p>Framework and Herefordshire Local Plan Core Strategy Policy LD4'</p> <p>At the end of criteria 1 insert 'For non-designated heritage assets including parks, gardens and archaeological sites, balancing the scale of harm or loss against their significance'</p> <p>Replace criteria 4 with 'Developments proposals that result in substantial harm to or the loss of significance to a designated heritage asset will not be allowed unless the tests set out in paragraph 202 of the National Planning Policy Framework (or its equivalent provision) are met. Development which leads to less than substantial harm will be assessed by weighing the identified harm against the public benefit of the proposal.'</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 HRA are available to accompany the final plan.

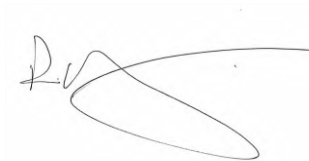
5 Decision

- 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 Titley Group 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 Titley Group 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 designated on 14 July 2016.

Signed

A handwritten signature in black ink, appearing to read 'R. Allonby', with a large, sweeping flourish extending to the right.

Dated 11.08.23

Roger Allonby

Service Director – Economy and Growth