

## **Callow and Haywood Group NDP Independent Examination Delegated Decision Statement**

**24 May 2016**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Callow and Haywood Group Neighbourhood Area
Parish Council	Callow and Haywood Group Parish Council
Submission	22 May 2015 to 3 July 2015
Examination Date	December 2015 – May 2016
Inspector Report Received	16 May 2016

### **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 Callow and Haywood 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 Callow and Haywood Group was designated on 25 November 2013. The Neighbourhood Area follows the Callow and Haywood Group

parish boundary. The Callow and Haywood Group NDP has been prepared by Callow and Haywood Group 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 November 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 18 May 2015, and the consultation under Regulation 16 took place between the 22 May 2015 to 3 July 2015, where the Plan was publicised and representations invited.
- 2.3 Within September 2015 Ann Skippers BSc (Hons) Dip Mgmt (Open) PGC(TLHE)(Open) MRTPI FHEA FRSA AoU was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Callow and Haywood 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 his report along with the justification:

Policy	Modification recommended	Justification
Modification 1 Contents page	Add " <i>and Neighbourhood Plan Area</i> " to the title and/or notation on the Parish Area map on page 4	For clarity that the Parish area is the same as the Neighbourhood Plan area
Modification 2 Introduction	<ul style="list-style-type: none"> <li>• Refer to Maps 3a and 3b in the text explaining what they show</li> <li>• Add a notation to Map 3b that the flood zone information is correct as at [insert date] but reference should always be made to the most up to date information available from the Environment Agency</li> <li>• Update references to the Core Strategy as necessary throughout the Plan including revision of "14%" to "18%" in paragraph 1.17</li> <li>• Update any references to the South Wye Transport Package / link road as necessary</li> </ul>	<p>To cross reference for completeness and clarity</p> <p>Ensure the most up to date information is always referred too</p> <p>Update the information following the passage of time</p>
Modification 3	Update as necessary	Following the Plans

Section 2.0		evolvment
Modification 4 Section 3	<ul style="list-style-type: none"> <li>• Delete the words "...eg the route of the proposed Southern Link Road should be designed as a green corridor with a profound zone of tree planting on either side of the road and a minimum of urban features such as lighting." From objective 4 in Aim 1</li> <li>• Move objective 5 in Aim 1 to a separate section or annex of the Plan clearly labelled as a community aspiration</li> <li>• Ensure that any references to objectives 4 and 5 in Aim 1 in other parts of the Plan are also changed to reflect these modifications</li> </ul>	To ensure that only land use and planning is represented within the aims
Modification 5 Paragraph 4.1	Delete "(see above)" and the first "Grafton" in paragraph 4.1.12	For the interests of clarity
Modification 6 Policy CH1	<p>The following modifications are therefore suggested:</p> <ul style="list-style-type: none"> <li>• Add the word "<i>and</i>" to the first sentence of the policy so that it reads "landscape <i>and</i> design principles"</li> <li>• Correct spelling of "tranquillity" to "<i>tranquillity</i>" in criterion 1</li> <li>• Delete the words "currently heavily over used" at the end of criterion 1</li> <li>• Change the word "styles" in criterion 2 to "<i>design and form</i>"</li> <li>• Update criterion 3 references to the emerging Core Strategy to reflect the relevant policies in the adopted Core Strategy including the addition of a reference to CS Policy RA1</li> <li>• Split criterion 6 into two separate criteria with the first sentence being one criterion and the second becoming another</li> <li>• Reword the second sentence in criterion 9 to read: "Development which involves the removal of existing local orchards or <i>areas of woodland will be strongly resisted unless it can be clearly demonstrated that the need for, and the benefits of, the development in that location clearly outweigh the loss of these habitats.</i>" For the avoidance of doubt the first and third sentences of this criterion are retained</li> <li>• Reword criterion 12 to read: "<i>Developer provision or contributions will be sought, where appropriate, or Community</i></li> </ul>	<p>For the interests of clarity and to use a more precise form of words.</p> <p>Ensure that orchards, woodlands and ancient woodland have the protection needed</p> <p>To avoid ambiguity and to provide more detailed information</p>

	<p><i>Infrastructure Levy used, when available, for the provision of infrastructure for specific new developments and for wider use in the Parishes.</i></p> <ul style="list-style-type: none"> <li>• Reword criterion 13 to read: <i>"Development proposals must ensure that key features of any views can continue to be enjoyed including distant buildings and natural features or features of importance, areas of landscape and the juxtaposition of settlement edges and open countryside."</i></li> <li>• Renumbering of the criteria will be needed</li> </ul>	
<p>Modification 7 Policy CH2</p>	<p>The following modifications are therefore recommended:</p> <ul style="list-style-type: none"> <li>• Change "within design and access statements" at the end of criteria 1 and 2 to read <i>"through the submission of a design and access statement or similar evidence."</i></li> <li>• Change the word "display" in criterion 2 to <i>"demonstrate"</i></li> <li>• Add at the end of criteria 4 and 5 <i>"or any successor guidance."</i></li> <li>• Add the words <i>"where appropriate"</i> after "sustainable and" and before "use low carbon technology" in criterion 7</li> <li>• In criterion 7 insert a full stop after "low carbon technology" and reword the rest of the criterion so that it reads: <i>"Development proposals must be accompanied by appropriate evidence to show that the proposal will have a satisfactory impact on the road network in the area and on the living conditions of residents particularly arising from noise generated by traffic movements."</i></li> <li>• Delete the words "...and in particular the new southern link road..." from criterion 8</li> <li>• Delete sub-criterion ix. in its entirety from criterion 8</li> <li>• Reword criterion 9 as follows: <i>"Appropriate proposals for the introduction of quiet lanes and traffic management schemes including traffic calming and the introduction of lower speed limits will be supported throughout the Parish."</i></li> <li>• Add the words <i>"and taken"</i> after "will be encouraged" in criterion 10</li> </ul>	<p>Ensure that the use of the phrase does not unduly restrict the application of the policy.</p> <p>Ensure the policy is future proofed</p> <p>Provide more precision to the wording</p> <p>To remove the specific reference to the southern link road</p> <p>Ensure flexibility within the policy</p>
<p>Modification 8</p>	<p>Change the reference to "Appendix</p>	<p>To correct a misprint error</p>

Paragraph 4.1.27	III" to "Appendix II" in paragraph 4.1.27, but note that if my suggestion on page 30 is implemented this appendix will become Appendix I	
Modification 9 Policy CH3	<p>Therefore the following modifications are recommended:</p> <ul style="list-style-type: none"> <li>• Delete the words "Once the local heritage list for Callow and Haywood has been adopted by Herefordshire Council" from the start of Policy CH3</li> <li>• Add at the end of the first paragraph of the policy "<i>taking account of the significance of the heritage asset.</i>"</li> <li>• Delete the sentence "This policy applies to all other significant but unlisted historic buildings." from the third paragraph of the policy</li> <li>• Reword the final sentence of the policy so that it reads: "<i>The whole or partial loss of any locally listed building or structure will normally be resisted.</i>"</li> </ul>	To enhance clarity and precision
Modification 10 Supporting statement to Policy CH3	<p>As a result the modifications suggested are:</p> <ul style="list-style-type: none"> <li>• Renumber the objectives which appear as 6 – 10 in Aim 1 and 6 – 7 in Aim 2 in paragraph 4.1.32 to be consistent with how they appear in Section 3.0</li> <li>• Undertake the recommended modifications for any of the relevant objectives as detailed in Section 3.0 earlier in this report</li> <li>• Update references to Core Strategy and its policies in paragraph 4.1.33 as necessary</li> <li>• Update the information relating to the Unitary Development from the box in paragraph 4.1.33 as appropriate</li> <li>• Clearly identify / label the section that paragraphs 4.1.34 to 4.1.38 inclusive make up as community aspirations or move this section to a separate annex or document clearly labelled community aspirations</li> </ul>	<p>Update the information with the passage of time and the adoption of the Core Strategy</p> <p>For clarity and consistency</p>
Modification 11 Policy CH4	<p>The recommended modifications are:</p> <ul style="list-style-type: none"> <li>• Reword Policy CH4 to read: "<i>Applications for development which affect or would potentially affect the landscape character and assets in areas of high-medium and high landscape sensitivity identified on Map 6 should be accompanied by an appropriate landscape impact analysis. This will include details of how the proposal would preserve or</i></li> </ul>	<p>For the interests of clarity and more precise wording.</p> <p>Update over the passage of time and the adoption of the Core Strategy.</p>



	<p><i>enhance the landscape character and its assets as well as taking local topography and skyline into account and demonstrate it would not contribute to the urbanisation of the rural area.</i></p> <p><i>In addition consideration should be given to the River Wye Special Area of Conservation and development should include appropriate landscape designs to ensure that any potential impacts on local wildlife habitats are minimised. Development that would have an adverse effect on the River Wye SAC will not be permitted.</i></p> <p><i>Development will only be permitted when it does not compromise the ability of the Nutrient Management Plan to deliver the necessary overall nutrient reductions along those stretches of the River Wye SAC which are already exceeding water quality targets, or are at risk of doing so.”</i></p> <ul style="list-style-type: none"> <li>• Update references to Core Strategy and its policies in paragraph 4.2.12 as necessary</li> <li>• Update the information relating to the Unitary Development Plan from the box in paragraph 4.2.12 as appropriate</li> </ul>	
<p>Modification 12 Paragraph 4.3.3</p>	<p>Delete the words “... Further development would exacerbate...” to the end of this sentence in paragraph 4.3.3</p>	<p>In the interests of clarity</p>
<p>Modification 13 Policy CH5</p>	<p>The following modifications are suggested:</p> <ul style="list-style-type: none"> <li>• Change the words “former agricultural buildings” in the title of, and references in, the policy to “former agricultural <i>and other land-based rural businesses</i> buildings”</li> <li>• Change the words “other business type uses” to “other <i>businesses</i>” in paragraph one of the policy</li> <li>• Delete the words “in principle” from paragraph one of the policy</li> <li>• Add the words “<i>and other land-based rural businesses</i>” after “farm” and before “diversification” in paragraph one of the policy</li> <li>• Delete the words “consideration has been given to all the following criteria” in paragraph two of the policy</li> <li>• Reword criterion 1 to read:</li> </ul>	<p>For the interests of precision and clarity and to ensure the policy is not more restrictive than it needs to be.</p>

	<p><i>"Access is suitable for the proposed use and will not adversely affect the local road network;"</i></p> <ul style="list-style-type: none"> <li>• Reword criterion 2 to read: <i>"Appropriate landscaping is provided;"</i></li> <li>• Delete the words "to be are" in criterion 3</li> <li>• Reword criterion 4 to read: <i>"Suitable measures are put in place to ensure that any traffic generated by the proposed use is compatible with the rural area and has a satisfactory relationship with the occupiers of any nearby residential property with particular regard to noise and disturbance."</i></li> <li>• Remove the numbered criterion 5 and retain this as a standalone paragraph and reword it so that it reads: <i>"Development should ensure that there would be no adverse impact on the natural environment, especially the River Wye SAC."</i></li> </ul>	
Modification 14 Policy CH6	<p>The recommended modifications are:</p> <ul style="list-style-type: none"> <li>• Change the word "quite" to "quiet" in paragraph 4.3.7</li> <li>• Add the words "<i>and other land-based rural businesses</i>" after "farm" and before "diversification" in criterion 4 of the policy</li> </ul>	To correct typo error and to allow for a more broad definition
Modification 15 Policy CH7	<p>These modifications are therefore recommended to improve clarity, precision and accuracy:</p> <ul style="list-style-type: none"> <li>• Consider if there is a missing word at the end of the policy's title; add the word "measures"</li> <li>• Reword criterion 3 to read: <i>"Sustainable technology and renewable and low carbon energy proposals will be supported in appropriate locations and be of a scale and design which respects the local built and natural character and appearance of the area."</i></li> <li>• Consequential amendments to the supporting text may be required</li> <li>• Update references to Core Strategy and its policies in paragraph 4.3.13 as necessary</li> <li>• Update the information relating to the Unitary Development Plan from the box in paragraph 4.3.13 as appropriate</li> </ul>	<p>To improve clarity and sense.</p> <p>Re-word some of the supporting text to reflect the contents of the policy</p> <p>Update the information following the adoption of the Core Strategy</p>
Modification 16	The following modifications are	Revise the text following the

Policy CH8	<p>suggested:</p> <ul style="list-style-type: none"> <li>• Reword paragraph two of the policy to read: <i>“Local community facilities such as community centres and religious buildings will be protected and retained for community use unless it can be satisfactorily demonstrated that the use is no longer viable or the use would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location and in line with Core Strategy Policy SC1. In determining applications for the change of use of such facilities in these circumstances, other health, education or community type uses will be preferred.”</i></li> <li>• Delete the third paragraph of the policy and its two subsequent numbered criteria</li> <li>• Change the relevant aims and objectives in (the first) paragraph 4.4.4 to be Aim 2 and objective 5</li> <li>• Change the paragraph numbering on page 51 of the Plan to “4.4.5”</li> <li>• Update references to Core Strategy and its policies in the box in the (renumbered) paragraph 4.4.5 as necessary</li> <li>• Update the information relating to the Unitary Development Plan from the box in (renumbered) paragraph 4.4.5 as appropriate</li> </ul>	<p>adoption of the Core Strategy</p> <p>To avoid any confusion with the term ‘community assets’, and allows greater flexibility.</p>
Modification 17 Section 4.5	<p>Update references to the Core Strategy as appropriate including the need to change the figure of “14%” in paragraph 4.5.2 to “18%” and the deletion of main modifications text on page 53</p>	<p>Correct the figure from the adopted Core Strategy requirements</p>
Modification 18 Policy CH9	<p>Therefore the modifications recommended are:</p> <ul style="list-style-type: none"> <li>• Add a new paragraph at the end of the policy which reads: <i>“Development will not have a harmful impact on the River Wye SAC and SSSI.”</i></li> <li>• Update references to Core Strategy and its policies in the box in the paragraph 4.5.7 and elsewhere as necessary including paragraphs 4.5.1, 4.5.3</li> <li>• Delete the information relating to the Unitary Development Plan from the box in paragraph 4.5.7 as appropriate</li> </ul>	<p>Revise the text following the adoption of the Core Strategy</p> <p>To reflect Natural England’s suggestion for adding criterion on the River Wye SAC</p>
Modification 19	<p>Update or delete this section as</p>	<p>Update prior to the final</p>



Next Steps	necessary	version reflecting the passage of time
Modification 20 Appendices	<p>The following modifications should be considered:</p> <ul style="list-style-type: none"> <li>• Consider the need for Appendix I to be attached to the Plan document itself</li> <li>• Insert a sentence in Appendix II that reads: "<i>Information correct as at [insert date]. Please ensure that the most up to date information is sought on listed buildings from the local planning authority or Historic England</i>"</li> <li>• Delete Appendix IV from the Plan, but retain in the consultation Statement</li> </ul>	Remove unnecessary Appendices and re-number.

#### 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.


5.2 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. 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 Callow and Haywood 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 Callow and Haywood 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 designed on 25 November 2013.

  
Signed .....  
Dated ..... 24.5.2016 .....

**Richard Gabb**  
**Programme Officer – Housing and Growth**