

Dorstone NDP Independent Examination

Delegated Decision Statement

21 October 2016

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Dorstone Neighbourhood Area
Parish Council	Dorstone Parish Council
Submission	18 May to 29 June 2016
Examination Date	July/August 2016
Inspector Report Received	29 September 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 Dorstone 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 Dorstone was designated on 7 September 2012. The Neighbourhood Area follows the Dorstone parish boundary. The Dorstone Neighbourhood Development Plan has been prepared by Dorstone 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 September 2012.
- 2.2 The Plan was submitted to Herefordshire Council on 9 May 2016, and the consultation under Regulation 16 took place between the 18 May to 29 June 2016, where the Plan was publicised and representations invited.

- 2.3 In July 2016, Christopher Collison BA (Hons) MBA MRTPI MIED MCMI IHBC was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Dorstone 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 Policy DNP H1 and DNP H2	<p>Replace policy DNP H1 and Policy DNP H2 with;</p> <p>'The development of at least 21 new dwellings within the Dorstone settlement boundary, defined on the village policies map, will be supported over the Plan period so long as proposals;</p> <ul style="list-style-type: none"> • relate to infill sites accommodating one to three dwellings; • are located to offer suitable residential amenity, and not adversely affect residential of existing residents; • are outside flood zone 2 and 3 areas; • conserve and enhance the significance of the Dorstone Conservation Area; • do not substantially harm designated heritage assets, and where proposals will lead to less than substantial harm of designated heritage assets this should be weighed against public benefits; • present a balance judgement of the scale of harm to, and significance of, non-designated heritage assets; • do not have significant adverse impact on the landscape features listed in Appendix E • do not have significant adverse impact on the important views from locations freely accessible by the general public identified in Appendix E and on Map 3; 	<p>Combine policies so that a synergy is created and provided a practice framework for decision making on planning application as required by paragraph 17 of the NPPF.</p> <p>Revised policy seeks to shape and direct sustainable development for the community.</p> <p>Removal of the term small scale given the criteria indicating infill sites and one to three dwellings.</p> <p>Has greater regard to heritage assets, distinguishing between designated and non-designated assets giving appropriate weigh and balance in considerations</p> <p>Remove reference within the policy to open space, this is covered within Policy ENV1 to ensure clarity and remove overlap.</p>

	<ul style="list-style-type: none"> meet access standards required by the Highway Authority. <p>New homes will only be supported outside the defined settlement boundary where they comply with Herefordshire Core Strategy policies H2 (rural exception sites), RA3 (dwellings in the countryside), RA4 (agriculture, forestry and rural enterprise dwellings), and RA5 (re-use of rural buildings)</p>	
Modification 2	Renumber Policies DNP H3 and DNP H4 accordingly	To ensure the plan reads logically
Modification 3 Policies Map	On the Dorstone Village Policies Map key delete 'Local Green Spaces' and insert 'Important Open Spaces'	To error labelling error on the policies map
Modification 4 Appendix E	Within the Open Space section delete 'main' and insert 'important'	To ensure consistency with the policy
Modification 5 Map 3	Identify all the important views listed in Appendix E on Map 3	To ensure all views listed in Appendix E are reflected on Map 3
Modification 6 Appendix E	Within the Landscape Features section delete ' and spaces (see above)'	To ensure clarity
Modification 7 Policy DNP H3	<p>Delete 'All new housing proposals will need to' and insert ' To be supported housing proposals must'</p> <p>Replace part 5 with 'include a maximum of 3 bedrooms, unless the latest assessment of housing need in the parish demonstrates such homes are no longer required. Otherwise proposals for new homes with more than 3 bedrooms will only exceptionally be supported to meet particular housing needs of local residents for example, to enable their caring for dependent or elderly relatives, or to cater for a large family'</p> <p>Delete the final sentence</p>	<p>To ensure a practical framework for decision making in line with para 17 of the NPPF.</p> <p>To ensure that the policy is flexibility to changing market conditions during the plan period.</p>
Modification 8 Policy DNP H4	<p>Delete 'allowed' and insert 'supported'</p> <p>Delete 'appropriate'</p>	<p>To ensure a practical framework for decision making in line with para 17 of the NPPF.</p> <p>To ensure certainty in decision making</p>
Modification 9 Policy DNP E1	Delete 'a live/work unit' and insert 'live work units'	To add clarity to the policy
Modification 10	Delete 'which are supported by' and insert 'where they demonstrate'	To add clarity to the policy

Policy DNP T1	Delete 'bridleways' and insert 'bridleway' Delete 'in the parish'	
Modification 11 Policy DNP RE1	Replace 'All new development will need to' with 'to be supported development proposals must' Commence part 1 with 'incorporate measures to' In part 5 delete 'Avoids' and insert 'and avoids'	To add clarity to the policy
Modification 12 Policy ENV1	Replace DNP ENV1 with 'Development proposals will be supported where they; <ul style="list-style-type: none"> • conserve or enhance the character of the Conservation Area, including its listed buildings, archaeological sites, and heritage features; as well as its important open space, main views from locations freely accessible by the general public, and landscape features identified in Appendix E; • are of a scale and design which ensures new build will merge seamlessly with the existing landscape, the main features of which are identified in Appendix E • reflect heritage features identified in Appendix B; • protect ancient woodlands, the River Wye SAC, and the Moccas Park SSSI; • improve access through the creation of new pathways and opening of green lanes and tracks; • proposed intensive livestock units that demonstrate no significant adverse landscape, environmental or amenity impact, and with access arrangements that fully satisfy the requirements of the Highway Authority; • propose commercial scale polytunnel developments that demonstrate no significant adverse impact on visual and residential amenity, and do not result in significant adverse environmental or landscape impacts either alone or cumulatively with existing developments' 	To add clarity to the policy and remove elements not directly relating to the development or use of land. Transfer community aspirations to an annex. Ensure that there is a clear regard to the presumption in favour of sustainable development and the approach to conserving and enhancing the historic environment. Add clarity with regarding to cumulative impact. Clarification that important views are from locations freely accessible for the general public
Modification 13	Transfer the reference to planting to a separate community aspiration Appendix to the neighbourhood plan.	Ensure that no development or land use issues are contained within

Policy ENV1		an appendices
Modification 14	Delete 'see also DNP Policy H1xx)	Delete unnecessary cross reference to order policies. The plan should be read as a whole
Policy DNP F1		
Modification 15	Delete 'including' Insert 'adversely' before 'affect'	To add clarity to the policy
Policy DNP CF1	Also transfer 'mobile post office' and 'public transport' from Appendix D to a separate community aspirations Appendix to the neighbourhood plan.	Transfer community aspirations to an annex.
Appendix D		
Modification 16	Update where necessary to achieve consistency with modified policies.	Consequential changes to ensure the plan reads logically
General text		

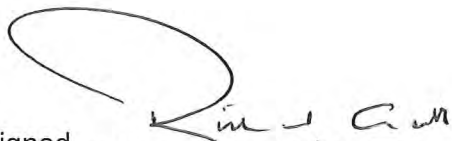
4 Post Adoption SEA and HRA

- 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 Dorstone Neighbourhood Development 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 Dorstone 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 Examiner's conclusion that nothing has been suggested which would require an extension of the area beyond that designated on 7 September 2012.



Signed

Dated 21/10/2016

Richard Gabb
Programme Officer – Housing and Growth