

**Eardisland NDP Independent Examination  
Delegated Decision Statement  
14 July 2016**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Eardisland Neighbourhood Area
Parish Council	Eardisland Parish Council
Submission	3 December 2015 to 20 January 2016
Examination	July 2016
Inspector Report Received	13 July 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 Eardisland 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 Eardisland was designated on 24 February 2014. The Neighbourhood Area follows the Eardisland parish boundary. The Eardisland NDP has been prepared by Eardisland 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 February 2014.

- 2.2 The Plan was submitted to Herefordshire Council on 2 December 2015, and the consultation under Regulation 16 took place between the 3 December 2015 to 20 January 2016 where the Plan was publicised and representations invited.
- 2.3 In July 2016, Mr Christopher Collison BA (Hons) MBA MRTPI MIED MCME IHBC was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Eardisland 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	The Parish Actions should be transferred to a non-statutory annex to the Neighbourhood Plan and paragraph 1.6 should be adjusted accordingly	These do not relate to development and land use and cannot serve to determine planning applications
Modification 2 Policy E1	Delete 'should meet' and insert 'must demonstrate how it meets'  Delete 'the optimum size of any development is 4-5 dwellings' and insert 'developments comprising more than 5 dwellings will not be supported'  Delete 'permitted' and insert 'supported'  Delete criterion v	Clarification and provide a practical framework within which decisions on planning applications can be made.  Delete unnecessary text
Modification 3 Policy E2	Delete 'development will only be permitted where it does not have a detrimental impact on any heritage asset'  Delete requirement d  After 'respect views' insert 'that are visible from locations that are freely accessible to the general public'  Delete requirement j	Add clarification and delete unnecessary text and ensure that sufficient regard has been had to paragraph 17 of the NPPF  Ensure that planning policy serves the public interest

Modification 4 Policy E4	Delete criterion c	Add clarification and sufficient regards to the presumption in favour of development
Modification 5 Policy E8	Delete 'permitted' twice and insert 'supported'	Clarification and provide a practical framework within which decisions on planning applications can be made.
Modification 6 Policy E9	Delete 'permitted' and 'insert 'supported'  In b before 'constraints' insert 'flood risk'  Delete criterion e and criterion i	Clarification and provide a practical framework within which decisions on planning applications can be made.  Delete unnecessary references to other policies  Add clarification regarding flooding constraints.
Modification 7 Policy E12	Delete 'within the parish'	Delete unnecessary reference as the plan covered the whole parish area
Modification 8 Policy E13	Replace the opening text with 'Where planning permission is required, to be supported changes of use of former agricultural buildings to other employment uses must satisfy all the following criteria'  Delete 'etc; and insert 'and any external storage areas'  Before 'working hours' insert 'where there is a proven need'  Delete criterion f and criterion g	Delete reference to land holdings and criteria relating to general permitted development regulations  Provide clarification and removed over prescriptive text
Modification 9 Policy E14	Delete 'permitted' and insert 'supported'	Clarification and provide a practical framework within which decisions on planning applications can be made.
Modification 10 Policy E15	Delete 'will be permitted' and insert 'will be supported'  Delete 'will only be permitted' and insert 'will only be supported'  Delete requirement e  Delete requirement f  Insert 'or' as the final word of g	Clarification and provide a practical framework within which decisions on planning applications can be made.
Modification 11 Policy E16	Delete 'considered' and insert 'supported'  Delete 'small scale'  Delete 'promote the sustainable use	Provide clarification and a practical framework within which decisions on planning application can be made.

	of the natural and historic environment as an asset which is valued conserved and enhanced' Delete 'permitted' and insert 'supported'  Delete 'that comply with the other policies of this plan'	
Modification 12 Policy E17	Delete 'permitted' and insert 'supported'	Clarification and provide a practical framework within which decisions on planning applications can be made.
Modification 13 Policy E18	Policy E18 should be re-tilted as a Parish Action and transferred to a non-statutory annex to the Neighbourhood Plan	Do not provide a practical framework as required by para 7 of the NPPF
Modification 14 General	Modification of general text will be necessary to achieve consistency with the modified policies and Appendices 8 and 9 should be deleted from the Plan document.	Consequential changes to ensure plan reads logically following amendments

#### **4 Post Adoption SEA and HRA**

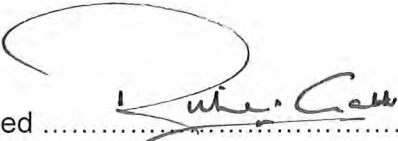
- 4.1 The modifications made as a result of the Examiner's report, as outlined above in Section 3 of this document, have been considered in terms of any resultant changes to the Strategic Environmental Assessment and Habitat Regulations Assessment. None of the changes are considered to have a significant 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 Eardisland 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 Eardisland 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 24 February 2014.

Signed .....  .....

Dated ..... 14<sup>th</sup> July 2016 .....

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

