

**Fownhope NDP Independent
Examination
Delegated Decision Statement
3 March 2016**



Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Fownhope Neighbourhood Area
Parish Council	Fownhope Parish Council
Submission	27 August 2015 to 8 October 2015
Examination Date	January 2016
Inspector Report Received	February 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 Fownhope 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 Fownhope was designated on 23 January 2014. The Neighbourhood Area follows the boundary of Fownhope parish boundary. The Fownhope NDP has been prepared by Fownhope 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 early 2014.

- 2.2 The Plan was submitted to Herefordshire Council on 22 August 2015, and the consultation under Regulation 16 took place between the 27 August 2015 to 08 October 2015, where the Plan was publicised and representations invited.
- 2.3 On 02 December 2015 Barbara Maksymiw BSc (Hons), MSc, MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Fownhope 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
Recommended Modification 1 Throughout the plan	Devise a consistent approach to numbering the sub clauses of policies Add reference numbers to each table and diagram, amending the contents page accordingly Modify relevant text throughout the plan to reflect the current development plan situation	To add clarity for decision makers To update to the Local Plan
Recommended Modification 2 Page 3	Add a full title to the Fownhope Map on Page 3, including its date and source, and add a suitable notation for the area designated as AONB	To ensure that the status as a map from an inherited plan is then clear and there is no potential confusion with the new Fownhope Policies Map on Page 25
Recommended Modification 3 Policy FW1	Add 'A substantial proportion of' to the beginning of clause FW1a) Add 'be appropriate to the needs of the community and ' after 'should' in clause FW1c) Delete 'Site measures will encourage' from clause FW1f) and reword remainder of policy to read 'Good practice such as ...travel by car will be encouraged'	Ensure there is no conflict between policies. Avoid ambiguity and improve clarity

	Delete FW1h)	
Recommended Modification 4 Policy FW2	Add 'should' after 'rural character' in the sixth line of FW2 and amend clause a) to add 'Give' before 'highest priority to....' Delete FW2f) Add at the end of the first sentence of para 7.3 'and is currently preparing the Wye Valley AONB Management Plan 2015-20.'	To avoid policy duplication and improve clarity.
Recommended Modification 5 Policy FW3	Delete bullet points 1 and 2 from FW3 and replace with: 'Development should be located in Flood Zone 1 and only permitted in Flood Zones 2 and 3 if there are no other options and the proposal is in accordance with national policy and guidance. Proposals for any such small-scale development should demonstrate that they are safe with flood-risk betterment provided where possible. Any development that would result in increased flood risk to properties elsewhere will not be permitted'	To ensure it meets national policy.
Recommended Modification 6 Policy FW4	Reword FW4 as follows: Developers should demonstrate that their proposals will not overload the sewerage system and development which would result in the capacity of the Fownhope Waste Water treatment Works and its contributory pipe network being exceeded will not be permitted. The potential impacts of development on the sewerage system may involve developers: <ul style="list-style-type: none"> • working with Welsh Water to fund appropriate upgrades to the sewerage system • providing alternative arrangements for the discharge and treatment of foul Water Works to upgrade the quality and capacity of the Waste Water Treatment Works and its contributory pipe network will be supported where they are required by DCWW and are on a scale to meet the level of development set out in this Plan. Add as a new sentence after '...to 2031.' to read 'Any required future improvement will be subject to approval by Ofwat as part of future programmes. DCWW will continue to undertake operational work on the Fownhope Waste Water Treatment Works and/or public sewerage network as and when required.'	To provide additional information to assist decision makers and ensure the policy aligns with the Core Strategy.
Recommended Modification 7 Policy FW5	Add 'and priority habitat such as traditional orchards and woodland' after 'SSSI's' in line 2 of FW5 and add 'on designated sites' after 'adverse effects',	To provide additional clarity to the policy.

<p>Recommended Modification 8</p> <p>Policy FW6</p>	<p>Reword FW6 as follows: Developments which diminish the value of the rights of way network and open views from it will be resisted. Where existing rights of way may be affected by proposals for development, any proposed alternative route should be at least of equal utility value and be as satisfactory as the existing right of way. Any new route should be dedicated as a public right of way and provide improvements to existing routes or provide new sustainable walking routes to village facilities. Proposals to enhance the public right of way network will be supported, particularly where they lead to increased access for cyclists and horse-riders, without harming the quiet enjoyment of other users. A proposal to provide an additional crossing of the River Wye for walkers, pedal cyclists and horse-riders will be supported</p>	<p>Ensure it is unambiguous and precise, and that it aligns with the Core Strategy policies.</p>
<p>Recommended Modification 9</p> <p>Policy FW7</p>	<p>Add 'the following' between 'affect' and 'views' and delete 'including but not limited to views above' to FW7a. Add the list of views and vistas listed under para 11.5 to the policy as bullet points under FW7a</p> <ul style="list-style-type: none"> • Add a separate map of the views and vistas listed in para 11.5, showing the views and vistas with arrows, or other suitable notation <p>Delete 'with regard to' from FW7d and substitute 'where' and add 'is proposed, developments' after 'innovative design'</p> <p>Delete FW7g from policy FW7</p>	<p>To ensure clarity with the wording of the policy and ensure a consistent approach for decision makers.</p> <p>The removal of part (g) as it should be within the supporting text as it is not policy and is already covered in another policy.</p>
<p>Recommended Modification 10</p> <p>Policy FW8</p>	<p>Bullet point 3 reword with - In the area designated as the Common Hill 'Area of Special Character' all development should retain or enhance the unique landscape and historic character of the area and its surroundings</p> <p>Add boundary of Common Hill Area of Special Character to Fownhope Policies Map</p>	<p>To reduce the risk of policy duplication and overlap and to ensure clarity within the plan.</p>
<p>Recommended Modification 11</p> <p>Policy FW9</p>	<p>Consider updating the referencing system used for identifying the allocated housing sites</p> <ul style="list-style-type: none"> •Delete 'allows for' before 'windfalls' and add 'and outside' after 'within' in the second bullet point of FW9. • Delete the last paragraph of the policy and substitute: 'The plan allocates four housing sites as follows: Site A - Mill Field is allocated for approximately 12 dwellings subject to the proposed development meeting the following requirements; 	<p>To ensure the numbering system is up to date and not reflecting the previous consultation referencing system.</p> <p>Wording change to ensure clarity.</p> <p>For the sites to be marked appropriately to ensure clarity for decision makers to know which site is being</p>

	<ul style="list-style-type: none"> • addressing the significant environmental effects on the AONB and the Conservation Area • minimising potential impacts on the landscape character of the north west part of the village • achieving a safe highway access closer to the village • achieving a safe pedestrian access to the village facilities, other than by the main road <p>contributing to meeting local housing needs</p> <p>Site B/C – Land at Potato Barn/Mill Farm is allocated for approximately 10 dwellings subject to the proposed development meeting the following requirements:</p> <ul style="list-style-type: none"> • addressing the potential impacts on the AONB and the Conservation Area • achieving highway access either by the existing farm access (which will need to be retained) or by shared access with Lowerhouse Gardens. <p>Access from the drive to Mill Farm is not considered acceptable</p> <ul style="list-style-type: none"> • contributing to meeting local housing needs <p>Site D – Adjacent to Lowerhouse Gardens is allocated for approximately 10 dwellings subject to the proposed development meeting the following requirements:</p> <ul style="list-style-type: none"> • addressing potential impacts on the AONB and Conservation Area • achieving highway access by way of Lowerhouse Gardens, subject to a satisfactory highways visibility and safety assessment that the access will cope with additional traffic • achieving a safe pedestrian access to the village facilities, other than by the main road • contributing to meeting local housing needs • providing a detailed assessment of flood risk <p>Site H - Adjacent to Medical Centre is allocated for approximately 7 dwellings subject to the proposed development meeting the following requirements:</p> <ul style="list-style-type: none"> • addressing potential impacts on the AONB • a highway assessment of the capacity of Common Hill Lane • achieving a new access off Common Hill Lane whilst respecting the character of the lane • the provision of a footpath to the north to link Green Lane to improve access to the bus stop • seeking the provision of allotments and/or 	<p>referred to.</p> <p>To remove personal commentary.</p> <p>To ensure the wording ties in with information on page 15.</p>
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	<p>a play area on part of the field</p> <ul style="list-style-type: none"> • contributing primarily to local housing needs, with an element of market housing to provide any necessary cross-subsidy. There may be scope for some of the social housing to be supported housing for young and old, to be provided in collaboration with the Surgery • reinforcing tree planting to protect views from public footpaths between village and Common Hill' <p>Add site names and boundaries for each of the four allocated housing sites to the Fownhope Village Policies Map and make appropriate adjustments to the plan key</p> <p>Consider presenting the Fownhope Village Policies Map at an A3 scale</p> <p>In the Table below para 14.2, change 'rear of Lowerhouse Gardens' to 'adjacent to Lowerhouse Gardens'. The list of sites in the table should be reordered to follow the policy order in modified policy FW9</p> <ul style="list-style-type: none"> • Delete last sentence of para 13.8 	
Recommended Modification 12 Policy FW10	Add 'If it' at the beginning of the third bullet point of FW10	Ensure consistent format
Policy FW11	No change necessary	Meets the basic conditions
Policy FW12	No change necessary	Meets the basic conditions
Recommended Modification 13 Policy FW13	<p>Delete 'a minimum of 40%' from fifth line of FW13 and substitute 'a target of 35%'</p> <p>Delete 'at least 40%' from the first line of para 18.2 and substitute 'a target of 35%'</p> <p>Amend first bullet point of FW13 to delete 'taking six or more homes' and substitute ' of more than 10 dwellings which have a combined gross floor space of more than 1000 square metres' and delete 'a minimum of' and substitute 'up to'</p> <ul style="list-style-type: none"> • Renumber second para 18.2 on page 30 as Para 18.4 • Delete 'here' in second sentence of third bullet point of FW13 and substitute 'in para 18.4' • Delete the Table below para 14.2 • Make consequential changes to the third and fourth columns of the Table under para 20.1 to remove the distinction between the numbers of open market and social homes, so that the allocated sites total is a single figure 	<p>Ensure the policy accords with the Local Plan.</p> <p>Correct numbering error.</p>
Recommended Modification 14	•In the first paragraph of FW14 add 'for affordable housing' after 'rural exception	To ensure conformity with the Local Plan

Policy FW14	<p>schemes' and after 'AONB' add ', provided that'</p> <ul style="list-style-type: none"> • In the first bullet point, delete 'Local connections criteria are set out above' • In the fourth bullet point add after 'Community Trust', 'to ensure the affordable housing is retained in perpetuity for local people in need of affordable housing' • In the fifth bullet point add 'via a financial appraisal' after demonstrated' 	policy H2, and to avoid ambiguous guidance.
Recommended Modification 15 Policy FW15	<p>Delete final sentence of Para 20.2 and replace with 'Fownhope Parish Council will monitor housing permissions and completions in the annual monitoring report on the Neighbourhood Plan'</p> <p>Add a new sentence to the end of para 20.2 'Works to upgrade the quality and capacity of the Waste Water Treatment Works and/or public sewerage network may be required to meet the level of development set out in the plan and may influence the phasing of development'</p>	To ensure clarity.
Recommended Modification 16 Policy FW16	Consider deleting 'for housing' from the title of FW16	Policy is not specific to housing so to improve clarity for the decision maker.
Recommended Modification 17 Policy FW17	<p>Change 'will' to 'has been' in para 22</p> <p>Delete 'Fownhope Inset Map' from policy FW17 and substitute 'Fownhope Village Policies Map'</p>	To improve clarity and improve positivity to the policy.
Recommended Modification 18 Policy FW18	Add 'should ensure that' after 'and' in the sixth line of FW18. Delete the bullet points at the beginning of each of the last two paragraphs of the policy	To improve clarity of the policy to ensure it can be applied precisely and consistently
Policy FW19	No change necessary	Meets the basic conditions
Recommended Modification 19 Policy FW20	<p>Add 'of farmsteads' after 'conversion' in the third paragraph of FW20 and delete 'Herefordshire farmsteads characterisation project and substitute 'relevant local and countywide guidance'</p> <p>Add details about the Herefordshire Farmsteads Characterisation Project as a new fourth sentence to the supporting text above FW20 in para 25.</p>	Ensure policy is expressed clearly and concisely and do not rely on supporting documents that may quickly become outdated.
Recommended Modification 20 Policy FW21	Add 'and recreational facilities' to the policy title of FW21	To improve clarity.
Recommended Modification 21 Policy FW22	<p>Add, as a new sentence, after 'solutions', 'These include, but are not limited to:'</p> <p>Delete 'hairdressers' from Policy FW22 and 'and hairdressers' from para 26.1 and add 'and' after 'two pubs'</p>	To update the services and facilities available currently.
Recommended Modification 22	Delete 'The' at the start of FW23. Add at 'the Medical Centre at Common Hill	Needs a site specific element to be used for

Policy FW23	Lane' after 'services'	land use planning decisions.
Policy FW24	No change necessary	Meets the basic conditions
Recommended Modification 23 Policy FW25	Review use of bullet points in FW25 and change to ensure consistency with other policies in the Neighbourhood Plan	Ensure consistency with the rest of the plan
Policy FW26	No change necessary	Meets the basic conditions
Recommended Modification 24 Policy FW27	Delete '20mph speed limits' from para 29 and add 'a design speed of 20mph and 15mph on shared space, in line with the Herefordshire Highways Design Guide'	To ensure consistency with Herefordshire Council advice on Highways
Recommended Modification 25 Policy FW28	Add site names and boundaries for each of the five designated local green spaces to the Fownhope Village Policies Map and make appropriate adjustments to the plan key. Ensure the symbols used for the SSSI and local green space designations can be easily distinguished Delete 'to meet requests for ' and substitute 'which increase or improve the provision of'	To ensure clarity for decision makers.

4 Post Adoption SEA and HRA

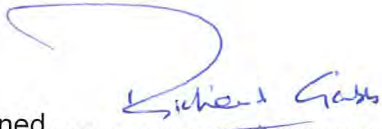
- 4.1 The modifications made as a result of the Examiner's report, as outlined above in Section 3 of this document, have been considered in terms of any resultant changes to the Strategic Environmental Assessment and Habitat Regulations Assessment. None of the changes are considered to have a significant 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 Fownhope 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 Fownhope 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 8/3/2016

Richard Gabb
Programme Officer – Housing and Growth

