

## **Humber, Ford and Stoke Prior Group NDP Independent Examination**

### **Delegated Decision Statement**

**20<sup>th</sup> May 2016**

### **Neighbourhood Planning (General) (Amendment) Regulations 2012**

Name of neighbourhood area	Humber, Ford and Stoke Prior Parish Neighbourhood Area
Parish Council	Humber, Ford and Stoke Prior Group Parish Council
Submission	2 December 2015 to 20 January 2016
Examination Date	March /April 2016
Inspector Report Received	29 April 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 Humber Ford Stoke Prior 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 Humber, Ford and Stoke Prior was designated on 3 July 2013. The Neighbourhood Area follows the Humber, Ford and Stoke Prior Group parish boundary. The Humber, Ford and Stoke Prior Neighbourhood Development Plan has been prepared by Humber, Ford and Stoke Prior 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 July 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 21 November 2015, and the consultation under Regulation 16 took place between the 2 December 2015 – 20 January 2016, where the Plan was publicised and representations invited.
- 2.3 Within March 2016 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 Humber Ford Stoke Prior 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 Front Cover	Ensure front cover of the Plan and the "Notice" section are updated as necessary.	Interests of accuracy and clarity
Modification 2 Front Cover	Add the time period for the Plan of "2011 – 2031" on the front cover and within the Plan itself	Provide clarity and accuracy
Modification 3 National and Local Planning Context	<ul style="list-style-type: none"> <li>• Delete "... Neighbourhood Plans must be in line with higher level planning policy, namely the..." and replace with "<i>Neighbourhood Plans must have regard to national policy and advice including the...</i>"</li> <li>• In paragraph 2.1a Delete "... the Herefordshire Local Plan (2014)" and replace with "<i>Herefordshire Local Plan Core Strategy 2011 – 2031 (October 2015)</i>"</li> <li>• Add a sentence to paragraph 2.2 to explain that the five principles of sustainable development are to be found in 'Securing the Future' 2005 rather than the NPPF (which contains a different definition in the Ministerial foreword)</li> <li>• Update paragraph 2.3 in relation to the Core Strategy</li> </ul>	<p>Minor revisions to wording to provide accuracy and clarity</p> <p>Reflect the relevant legislation</p> <p>Conform with European Legislation</p>

	<ul style="list-style-type: none"> <li>• Delete the second bullet point which reads “Demonstrate that they continue to offer protection to any buildings or landscapes of value” from paragraph 2.6 as this is not a basic condition</li> <li>• Replace the final bullet which reads “Demonstrate compliance with all relevant EU obligations” with “<i>Not breach, and otherwise be compatible with all relevant EU obligations.</i>”</li> </ul>	
Modification 4  Process of producing their plan	Update paragraph 3.11 as necessary	Provide accuracy
Modification 5  Policy HFSP1	<ul style="list-style-type: none"> <li>• Change the second sentence of criterion (a) to read: “<i>They should also seek and take every opportunity to contribute to the area’s biodiversity and its networks. Traditional rural buildings, historic buildings and archaeological sites should be retained and, wherever possible, enhanced.</i>”</li> <li>• Delete criterion b) and replace it with a new criterion b) to read: “<i>A mix of housing types, sizes and tenures should be provided. The precise housing mix should meet the needs of the community over the Plan period and be based on the most up to date information available and support the wider local community where the requirement for specific types of accommodation are identified. In particular the Plan is keen to ensure that the needs of local young families are met.</i>”</li> <li>• Delete “...addressing excessive speed of vehicles, the effect of heavy goods traffic...” from criterion d), but include this as a community aspiration if so desired</li> <li>• Change the word “problem” in paragraph 6.2.7 to “<i>issue</i>”</li> <li>• Delete the last two paragraphs of the policy</li> <li>• Delete paragraph 6.2.1 from the third sentence which begins “Where other policies...” to end</li> </ul>	<p>Strengthen and clarification of policy</p> <p>Clarification of the text</p> <p>Ensure this policy has regard national policy providing a practical framework to provide sustainable development.</p>

<p>Modification 6 Policy HFSP 2</p>	<ul style="list-style-type: none"> <li>• Change the phrase "controlled growth" to "<i>managed</i> growth" in each of the first three bullet points of the policy</li> <li>• Update paragraph 7.2.5 to refer to the adopted Core Strategy and substitute the word "<i>encourages</i>" for "requires" in the third sentence of this paragraph</li> </ul>	<p>Clarification of policy and make policy have positive wording</p> <p>Update policy reference to ensure conformity with the Core Strategy</p>
<p>Modification 7 Policy HFSP 3</p>	<ul style="list-style-type: none"> <li>• Delete the second paragraph of Policy HFSP3</li> <li>• Delete the last sentence of paragraph 8.2.8</li> <li>• Revise the section heading and policy title to reflect the deletion of the phasing element of the policy</li> </ul>	<p>Make policy less prescriptive and encourage flexibility.</p> <p>Sentence 8.2.8 may prevent sustainable development, so removal is recommended.</p>
<p>Modification 8 Policy HFSP 4</p>	<ul style="list-style-type: none"> <li>• Add the words "<i>the significance of</i>" to criterion (d) after "...adversely affect..."</li> <li>• Change criterion (e) to read: "<i>Where an undeveloped site comprises a frontage of more than 30 metres, development on that site must ensure that at least a third of the frontage is retained as, or makes provision for, open green space;</i>"</li> <li>• Consider the removal or revision of paragraph 9.2.5</li> <li>• Delete the words "...and so is inappropriate for development..." from the penultimate sentence of paragraph 9.2.7</li> <li>• Delete the last sentence of paragraph 9.2.7 in its entirety</li> </ul>	<p>Encourage flexibility within the policy.</p> <p>Clarification of policy.</p> <p>Inappropriate to introduce policy in supporting text in paragraph 9.2.7</p>
<p>Modification 9 Policy HFSP5</p>	<ul style="list-style-type: none"> <li>• Add the words "<i>the significance of</i>" to criterion (d) after "...adversely affect..."</li> <li>• Amend paragraph 10.2.5 to read: "Two relatively large substantial gaps exist within the settlement boundary frontages running east-west through the village, one at the north-west corner and one to the south. Development within these <i>gaps should minimise the number of accesses on to the village street, avoid any increase in on-street parking along the narrow road, and avoid the impression of creating further ribbon development.</i>"</li> </ul>	<p>It is inappropriate to introduce policy in supporting text in paragraph 10.2.5, 10.2.3 and 10.2.6.</p> <p>Revise language to clarify policy</p>



	<p>Consequently the proposed plot depth is greater than that accommodating existing development to <i>encourage the provision of</i> shared access and a landscaped buffer between the road and the shared access to be provided, which will enhance the street scene and maintain, albeit to a limited extent, the rural appearance of the village street at these points. <i>It is suggested that the</i> plot depth for such development <i>should</i> be a minimum of 35.5 metres. <i>The</i> plot to the north-west has a minimum depth of <i>about</i> 48m, and the settlement boundary for the plot to the south has been set at approximately 40m distance from the roadway. Although a range of property sizes should be provided if possible within these frontages, the maintenance of gaps within their development will assist <i>with</i> this objective.”</p> <ul style="list-style-type: none"> <li>• Delete the words “...which is not suitable for development...” from paragraph 10.2.3</li> <li>• Delete the words “...and development of housing along Blacksmiths Lane would involve eating into existing large parcels of agricultural land...” from paragraph 10.2.6</li> </ul>	
<p>Modification 10 Policy HFSP6</p>	<ul style="list-style-type: none"> <li>• Add the words “<i>the significance of</i>” to criterion (c) after “...adversely affect...”</li> <li>• Reword criterion (f) to read: “<i>Whenever possible and subject to viability considerations, every opportunity should be taken to provide, or make a contribution towards the provision of, a footpath link between Humber Close and Stoke Prior Lane.</i>”</li> <li>• Delete the words “would be inappropriate” from the fourth sentence of paragraph 11.2.6 and replace them with the words “<i>is likely to be inappropriate</i>”</li> </ul>	<p>To ensure it fully reflects the thrust of national policy and guidance.</p> <p>Remove of requirement the scale of the obligation may affect its viability.</p>
<p>Modification 11 Policy HFSP7</p>	<ul style="list-style-type: none"> <li>• Change criterion (iv) of the policy to read: “<i>Development is encouraged to include provision for housing suited to older people.</i>”</li> </ul>	<p>For clarity and accuracy.</p> <p>To ensure it fully reflects the thrust of national policy and Core Strategy.</p>

	<ul style="list-style-type: none"> <li>Update paragraphs 12.1 and 12.2.2 in relation to the threshold for affordable housing noting the situation with the national policy and by reference to the Core Strategy</li> </ul>	
Modification 12 Policy HFSP 8	<ul style="list-style-type: none"> <li>Delete the words "...including the maximum possible reduction in the carbon footprint of any development." from the first paragraph of the policy</li> <li>Delete the words "...in addition to regulatory requirements..." from the second paragraph of the policy</li> <li>Amend criterion (c) so that it reads: "<i>Encouraging the use of physical sustainability measures...</i>"</li> <li>Amend criterion (f) so that it reads: "<i>Encouraging on site measures...</i>"</li> <li>Add "<i>wherever possible</i>" to criterion (g)</li> <li>Add "<i>wherever possible</i>" to criterion (h)</li> </ul>	<p>NDP cannot set out any additional local technical standards or requirement relating to construction.</p> <p>Ensure this it is line with national policy.</p>
Modification 13 Policy HFSP 9	<ul style="list-style-type: none"> <li>Delete the words "identified as necessary within the Parish" from the first sentence of the policy.</li> <li>Delete the second sentence of the first paragraph that begins "Those currently identified as being needed to support..."</li> <li>Change the order of the policy so that criteria (i) to (v) and the preceding sentence are placed underneath the first sentence</li> <li>Start a new paragraph to begin a reworded second sentence: "<i>Those facilities currently identified...</i>" to end of the existing second sentence and include criteria (a) to (d)</li> <li>For the avoidance of doubt retain the last paragraph of the policy as currently worded as the final paragraph</li> </ul>	<p>To add clarity to the policy.</p> <p>Encourage flexibility within the policy.</p> <p>To ensure sustainable development is viable.</p> <p>Ensure policy is future proofed.</p>
Modification 14 Policy HFSP 10	<ul style="list-style-type: none"> <li>Delete the second paragraph of the policy and replace it with "<i>Proposals for development that would lead to the loss of Stoke Prior Post Office will not be supported unless it can be</i></li> </ul>	<p>Should be modified to reflect national policy and guidance along with the Core Strategy.</p>

	<i>demonstrated that an alternative facility is available or can be provided or that its loss otherwise accords with Core Strategy SC1."</i>	
Modification 15 Policy HFSP 11	<ul style="list-style-type: none"> <li>• Change criterion (d) to read: <i>"Proposals should demonstrate that their impact on the local road network is acceptable;"</i></li> <li>• Ensure that any modification to Policy HFSP6 is reflected in paragraph 15.2.8 and action as appropriate</li> </ul>	To add clarity and consistency to the policy.
Modification 16 Policy HFSP 12	<ul style="list-style-type: none"> <li>• Update references to the Core Strategy in paragraph 16.2.2 as appropriate so that they reflect the adopted version of the Core Strategy and check the quotes remain accurate</li> </ul>	To ensure sustainable development can be achieved.  Ensure accuracy and updated in light of the Core Strategy.
Modification 17 Policy HFSP 13	<ul style="list-style-type: none"> <li>• Add <i>"where appropriate"</i> after <i>"Requiring new development proposals..."</i> in criterion (b)</li> </ul>	Make the policy more flexible stop onerous requirement.
Modification 18 Policy HFSP 14	<ul style="list-style-type: none"> <li>• Delete <i>"...contributing towards addressing existing problems where their developments will exacerbate conditions."</i> from the policy</li> <li>• Reword paragraph 18.2.4 to read: <i>"The community therefore considers that developments should take every opportunity to increase the natural permeability of rainwater into the soil and reduce the load on the ditch network."</i></li> </ul>	To ensure the feasibility of the policy.
Modification 19 Policy HFSP 15	Ensure the reference to Policy HFSP8 in paragraph 19.2.3 reflects the modifications made to Policy HFSP8	Ensure accuracy and consistency in the policy is maintained.
Modification 20 Policy HFSP 16	<ul style="list-style-type: none"> <li>• Retitle Table HFSP16 <i>"Views, vistas and panoramas and local green spaces"</i></li> <li>• Delete numbers 1, 2, 3, 5, 7, 8, 9, 10, 12, 17 and 18 from Table HFSP16</li> <li>• Ensure that Table HFSP16 identifies each retained view, vista and panorama and local green space by number</li> <li>• Identify and cross-reference each retained view and local green space on a map(s) so that it is consistent with the amended Table</li> </ul>	To ensure the feasibility and flexibility of the policy.  Views policy should be identified on map to provide clarification.  To clarify policy.  To ensure sustainable development is achievable.  Take better account of national policy and guidance and to provide a practical framework.

	<p>HFSP16</p> <ul style="list-style-type: none"> <li>• Reword criterion (b) to read: <i>“Any development within the views, vistas and panoramas identified on Table HFSP16 and shown on map X must ensure that the key features of the view can continue to be enjoyed including any distant buildings, areas of landscape and the juxtaposition of village edges and open countryside;”</i></li> <li>• Add the words <i>“where possible”</i> at the end of criterion (c)</li> <li>• Add <i>“and as shown on map X”</i> to the end of criterion (g)</li> <li>• Change the reference to criterion (f) in paragraph 20.2.6 to criterion (g)</li> </ul>	Insufficient justification provided.
<p>Modification 21</p> <p>Policy HFSP 17</p>	<ul style="list-style-type: none"> <li>• Replace criteria (a) and (b) with a new criterion (a) which reads: <i>“Ensuring development proposals demonstrate that any harmful effects to the significance of heritage assets including their settings, are avoided or minimised. Any harm or loss should be weighed against the public benefits of any scheme carefully in accordance with national policy.”</i></li> <li>• Delete the word <i>“even”</i> from criterion (c)</li> <li>• Add the words <i>“including a field evaluation”</i> after <i>“...a full archaeological investigation.”</i> in criterion (c)</li> <li>• Renumber criterion (c) as (b)</li> </ul>	<p>This policy needs to align better with national policy for the public benefit of schemes.</p> <p>To provide a clear and practical framework in line with national policy.</p>
<p>Modification 22</p> <p>Monitoring and Delivery</p>	Consequential amendments to this section will be needed to reflect changes to the Plan	Amendment needed in line with the modifications.


#### 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 Humber Ford Stoke Prior 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 Humber, Ford and Stoke Prior 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 Examiner's conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 3 July 2013.

  
Signed .....  
Dated ..... 24 . 5 . 2016 .....

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

