

Kingstone and Thrupton NDP Independent Examination

Delegated Decision Statement

23 August 2016

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Kingstone and Thrupton Neighbourhood Area
Parish Council	Kingstone and Thrupton Group Parish Council
Submission	10 February to 23 March 2016
Examination Date	July/ August 2016
Inspector Report Received	19 August 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 Kingstone and Thrupton 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 Kingstone and Thrupton was designated on 14 May 2014. The Neighbourhood Area follows the Kingstone and Thrupton Group parish boundary. The Kingstone and Thrupton Neighbourhood Development Plan has been prepared by Kingstone and Thrupton 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 May 2014.

- 2.2 The Plan was submitted to Herefordshire Council on 3 February 2016, and the consultation under Regulation 16 took place between the 10 February to 23 March 2016, where the Plan was publicised and representations invited.
- 2.3 In May 2016, Rosemary Kidd Dip TP MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Kingstone and Thruxton 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	Revise the date of the Neighbourhood Plan on the cover to 2016-2031	It is customary for the plan to be dated from the time it was made. however it should be noted that the growth targets within the NDP mirror that of the Core Strategy 2011-2031
Modification 2 Housing objectives	Revise the bullet points in the housing objective as follows: <ul style="list-style-type: none"> • <i>To ensure that</i> the overall scale of housing development is proportionate to....survey. The final sentence should be deleted from the objective and included within the supporting text to explain how the objective should be interpreted. • <i>To ensure that</i> an appropriate range of tenures, types and sizes of houses is provided to meet local housing needs as identified in local housing needs surveys. • <i>To ensure</i> housing development is sustainable • <i>To ensure that</i> housing development outside the settlement boundary <i>is limited to appropriate exceptional circumstances</i> 	To ensure that the statements are interpreted as objectives and to amalgamate similar matters.
Modifications 3 Policy KTH1	Revise the opening paragraph of the Kingstone section to read "Within the settlement boundary for Kingstone village.....new development <i>will be</i>	To ensure consistency by including commitment and built sites within the settlement boundary.

	<p><i>supported where they..”</i></p> <p>Revise the opening paragraph of the Thruyton section to read “within the settlement boundary for Thruyton....new housing development <i>will be supported where they”</i></p> <p>Delete criterion 2 under Kingstone</p> <p>Delete criteria 1 under Thruyton</p> <p>Revise bullet point 8 to read “Enhance the character of the area <i>by respecting the local vernacular and using appropriate designs and materials”</i></p> <p>Delete the second and third sentences of the section of phasing</p> <p>Add at the end of the paragraph on Rural Exception Housing “<i>or is for affordable housing in accordance with Local Plan Policy H2”</i></p>	<p>To ensure clarity in the wording of the policy regarding the support for development within the settlement boundary.</p> <p>Delete reference to phasing as the permission has a phasing plan and the smaller site is now being developed.</p> <p>Add clarity to the design criteria</p> <p>Add additional text to ensure conformity with Core Strategy policy H2.</p>
Modification 4 Policy KTH2	Delete ‘etc’ from bullet point 4	Remove the lack of clarity within the policy by the term ‘etc’
Modification 5 Policy KTH3	<p>Revise paragraph 1 to read: <i>“Encouragement will be given to residential development that provides tenures, types and sizes of housing that will help to meet the local housing need, in particular”</i></p> <p>Revise second bullet point of first section to read “provision of one or two bedroomed <i>started homes</i> to meet the needs of first time buyers or”</p> <p>Revise the first sentence of the second section to read “All proposals for new housing development <i>should demonstrate”</i></p> <p>Delete the second sentence of the first bullet point of the second section.</p> <p>Revie the second bullet point of the second section to replace ‘must’ with ‘should’</p> <p>Number all the bullet points of the policy consecutively</p>	<p>Remove elements of the policy which are over-prescriptive and difficult to implement.</p> <p>Improve clarity and interpretation to ensure consistent implementation.</p>
Modification 6 Para 4.1.23 Policy KTH4	<p>Delete the objective in paragraph 4.1.23 relating to Policy KTH4</p> <p>Revise the first paragraph of KTH4 to read “<i>The design and layout of new housing development within the Kingstone settlement boundary should take into</i></p>	<p>Remove objective which does not relate to policy.</p> <p>Ensure that policy is clear and able to be implemented.</p>

	<p><i>account the following:</i></p> <p>Delete the following from point 1 "<i>and development should be limited to small or medium size schemes with a maximum of 15 dwellings</i>" and add this requirement as a new bullet point to Policy KTH1</p> <p>Delete "<i>with a variety of shapes and sizes</i>" from bullet point 2</p> <p>Replace "must" with "should" in bullet points 3 and 8</p> <p>Revise point 3 to read "New development should include open space with the development or make a contribution towards the enhancement of existing open spaces, play areas or landscaping in the locality"</p> <p>Include text in the background to policy to explain bullet point 4 on minimising light pollution</p> <p>Include text in the background to the policy to explain the design features that are considered to be locally distinctive and the particular features of the 'deans' house type</p>	<p>Include additional explanatory text regarding light pollution as contained within the examiner's report 3.42</p> <p>Include additional explanatory text regarding housing design as contained within examiner's report 3.43</p> <p>Ensure clarity of the policy by use of the term 'support' rather than 'permit'</p>
Modification 7 Policy KTH5	<p>Revise the objective above Policy KTH5 as follows "To ensure that housing development in Thruxton contributes to the social wellbeing of the village and does not compromise the quiet rural nature of the parish"</p> <p>Revise the first sentence of Policy KTH5 to read "New housing will be <i>supported</i> within the settlement boundary of Thruxton where it comprises;"</p> <p>Revise point 1 to read "The sustainable re-use of redundant or disused buildings, including farmstead. The development should be designed to be of high quality and respect the character and significance of the building and its setting in accordance with Local Plan Policy RA5"</p> <p>Delete "within or adjacent to existing clusters of buildings in Thruxton" and "for instance" in point 2</p>	<p>Ensure the objective is worded as an objective and not a policy requirement.</p> <p>Reworded to conform with Policy RA5 of the Core Strategy as not specific evidence has been included to justify or provide commentary on the significance of historic farmsteads in the plan area.</p> <p>Ensure clear and unambiguous policy wording regarding 'within and adjacent' to the settlement boundary</p> <p>Ensure clarity of the policy by use of the term 'support' rather than 'permit'</p>
Modification 8 Policy KTD1 Para 4.3.2	<p>Delete Policy KTD1</p> <p>Include the descriptions of the potential non-statutory heritage assets in an appendix head "potential non-statutory heritage assets in Kingstone and Thruxton"</p>	<p>No evidence has been provided that the list is comprehensive or how it has been assessed and the wording is limited in relation to LD4.</p>

	<p>– this list is not exhaustive”</p> <p>Delete the last sentence of paragraph 4.3.2 and insert the following “Descriptions of a number of potential non-statutory heritage assets are included in Appendix Xx. This list is not exhaustive. Herefordshire Council will be asked to consider their assessment for inclusion in a local list of non-statutory heritage assets. Development proposals affecting statutory or non-statutory heritage assets will be considered against Local Plan Policy LD4”</p>	
<p>Modification 9 Policy KTD2</p>	<p>Revise the opening sentence to read <i>“Development proposals should protect existing green infrastructure and where appropriate, enhance or provide new green infrastructure by”</i></p> <p>Revise the second and third sections to read “Development that would result in the loss of open spaces, recreation or amenity land will not be supported unless it meets the requirements of Local Plan Policy OS3. Any replacement open space should be secured for the benefit of the community. The following types of open space should be safeguards: bulleted list</p> <p>Include reference to the relevant Sport England guidance in the background text</p> <p>Revise the third part of the policy as follows” The following areas shown on Map 8 (Local Green Space) are designed as Local Green Spaces”. Number list of names</p> <p>“Local Green Spaces will be protected from development except in very special circumstances.....will not be acceptable”</p>	<p>Ensure clarity of policy</p> <p>Some open spaces are identified as private therefore ‘public’ is deleted to add clarity</p> <p>To ensure reference to the relevant Sport England guidance is made within the text.</p>
<p>Modification 10 Policy KTD3</p>	<p>Revise paragraph 1 to read “<i>Wherever practical and feasible</i>, development proposals <i>should</i> include measures to enhance biodiversity as part of landscaping and building design”</p> <p>Revise third paragraph to read “...and other environmental assets as shown on Map 2 and 3...”</p> <p>Add reference to the Herefordshire Biodiversity action Plan priority habitats in the background text.</p>	<p>To include the useful summary regarding the background to the policy.</p> <p>Add clarity to the policy by cross referencing to the associated maps.</p> <p>To ensure feasibility and practicality of the possible</p>
<p>Modification 11 Policy KTCF1</p>	<p>Replace ‘permitted’ in line 2 and 9 with ‘support’</p> <p>Revise the second sentence of the first</p>	<p>Ensure clarity of the policy by use of the term ‘support’ rather than ‘permit’</p>

	<p>paragraph to read “<i>Where a development proposal would result in the loss of a community facility or service, the proposal should demonstrate how the factors set out in Local Plan Policy SC1 have been considered</i>”</p> <p>Revise point 3 to read “They do not have an unacceptable impact on the local highway network”</p>	<p>To ensure the policy is not over prescriptive.</p> <p>To add clarity to the policy in terms of the highway network</p>
<p>Modification 12</p> <p>Economic objective</p>	<p>Revise the economic objective to read “<i>To provide for the delivery of an appropriate growth in work unit development for local employment opportunities within Gooses Foot Industrial Estate and for a limited amount of appropriate employment development outside the settlement boundary to support rural diversification</i>”</p> <p>Delete the second sentence of the objective and the bullet points</p>	<p>To ensure that the objectives do not include policy statements.</p> <p>No evidence provide to support maximum floorspace requirements and therefore unduly prescriptive</p> <p>Move policy statements to the employment policy itself.</p>
<p>Modification 13</p> <p>Policy KTE1 and KTE2</p>	<p>Revise Policy KTE1 as follows:</p> <p>New small scale employment development of B1, B2 and B8 and other employment uses of an appropriate scale and type should be located on the Gooses Foot Industrial Estate. Any proposals that would result in the loss of employment land on this estate should be considered against the provisions of Local Plan Policy E2.</p> <p>Employment development that would help to diversify the rural economy will be supported on sites outside Goodes Foot Industrial Estate and the settlement boundary where it meets the requirements of the Local Plan Policies RA5 and RA6.</p> <p>New or expanded employment development should:</p> <ol style="list-style-type: none"> 1. Not have a detrimental impact on residential amenity 2. Not result in an unacceptable impact on the environment in terms of noise, smells, pollution, light pollution and visual intrusion 3. Where possible, re-use brownfield land 4. Not lead to the loss of open space 5. Be designed to fit into the character of the local area 6. Incorporate landscaping around the site to screen buildings and parking areas and provide ponds or wetlands as part of SuDs 7. Have a means of access that can 	<p>To ensure that the policy is clear and provides appropriate criteria to consider future development proposals.</p> <p>Remove the overlap between the policies.</p> <p>To ensure the timescales for marketing as consistent with the Local Plan as now evidence has been provide to increase the timescale.</p> <p>To remove unnecessary burdens on business development</p>

	<p>accommodate the number and type of vehicles associated with the business</p> <ol style="list-style-type: none"> 8. Not have an unacceptable adverse impact on the local highway network and 9. Make adequate provision for parking for employees and visitors within the employment site <p>Retain Policy KTE1 paragraph 3 on flood risk, paragraph 5 on broadband and paragraph 6 on River Wye SAC.</p> <p>Delete Policy KTE2</p>	
Modification 14 Flood Risk Objective	<p>Revise the objective on flood risk section to read</p> <p>"To ensure that new development is designed to include suitable means of surface water management in order to reduce the risk of flooding and to increase its flood resilience"</p>	<p>To ensure the objective fully embraces the aspirations of the policy and is framed as an objective.</p>
Modification 15 Policy KTF1 and 4 KTF3	<p>Amalgamate Policy KTF1 and KTF3 and revise as follows</p> <p>"Development proposals should provide effective measures to manage surface water drainage from the site. Development should not result in an increase in run-off from the site and should aim to achieve a reduction in run-off rate and volume, where possible.</p> <p>Development proposals should increase a surface water drainage assessment to include on-site soakaway tests.</p> <p>Development should be designed to reduce surface water run-off by:</p> <ol style="list-style-type: none"> 1 maximising the retention of surface water within the development site and minimising run off to adjacent land and properties 2 including Sustainable drainage systems (SuDS) wherever possible; 3 Minimising hard standing and making use of porous surfaces, where possible; 4 taking account of existing topography to manage the flow of water along specific flow routes away from property, and into appropriate storage facilities; and 5 using water alleviation facilities such as bog gardens or child safe facilities such as covered lagoons, pond and swales. 	<p>Policies are amalgamated and simplified in order to clarify the application of the policies with regards to managing and reducing surface water run-off.</p>

	Sustainable building designs that incorporate grey water storage will be encouraged.	
Modification 16 Policy KTF2	Delete the first sentence. Add the following in the supporting text: "The Environment agency and Defra have standing advice for completing flood risk assessment for planning applications. Detailed guidance on designing buildings to be flood resilient is set out in 'Improving the Flood Performance of New Building Flood Resilient Construction' (DCLG 2007)	Include reference to the DCLG flood design guidance and Environmental Agency standing advice.
Modification 17 Policy KTDC1	Delete Policy KTDC1 and the supporting text in section 4.6	Deleted as the section as drafted does not comply with the current legislation on developer contributions and Section 106 Agreements.
Minor amendments	<ul style="list-style-type: none"> • Update the information in Table 1 • Revise paragraph 4.0.2 to read 'Neighbourhood Plans are required to have regard to national planning policies and to be in general conformity with strategic local policies' • Update the background text to Policy KTH2 as necessary • Para 4.2.2 revise reference to 'English Nature' to 'Natural England' • Rename Policy KTD2 as 'Protecting and Enhancing Green Infrastructure' • Rename Policy KTD3 and Nature Conservation • Update section 5 as necessary 	To add clarity to the plan

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 Kingstone and Thrupton 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 Kingstone and Thrupton 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 14 May 2014.


Signed
Dated 25.8.2016

Richard Gabb
Programme Officer – Housing and Growth

