

Leintwardine Group NDP Independent Examination

Delegated Decision Statement

24 January 2017

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Leintwardine Group Neighbourhood Area
Parish Council	Leintwardine Group Parish Council
Submission	23 August to 4 October 2016
Examination Date	December 2016
Inspector Report Received	22 December 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 Leintwardine Group 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 Leintwardine Group was designated on 13 October 2014. The Neighbourhood Area follows the Leintwardine Group parish boundary. The Leintwardine Group Neighbourhood Development Plan has been prepared by Leintwardine 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 October 2014.
- 2.2 The Plan was submitted to Herefordshire Council on 11 August 2016, and the consultation under Regulation 16 took place between the 23 August to 4 October 2016, where the Plan was publicised and representations invited.

- 2.3 In November 2016, Liz Beth BA (Hons) MA Dip MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Leintwardine 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 Policy LG1 – Promoting a sustainable community	<i>Amend policy to read:</i> <i>Development proposals must comply with the policies in this Neighbourhood Plan and where this plan does not cover a proposal, any decision should reflect, where possible, the community's sustainable development priorities set out in this policy. Above and policies within the Herefordshire Core Strategy. In particular Policy SS1. Where there are overriding material considerations that indicate these policies should not be followed then compensatory or mitigation measures will be sought as part of the development proposal to ensure priorities set out in this policy are still met.</i>	To ensure greater clarity and accuracy within the policy and to ensure the policy meets the basic conditions.
Modification 2 Policy LG2 – Protecting Heritage Assets	Amend points b) and c) to read: b) <i>Requiring appropriate development proposals elsewhere to be accompanied by full archaeological investigations and in the event of significant and/or extensive remains being found they should be preserved in-situ wherever possible, in accordance with paragraph 135 of the National Planning Policy Framework.</i> c) Requiring <i>resisting development to protect and enhance where possible that adversely affects features and or the setting of Listed Buildings and other similar heritage assets.</i>	To ensure policy is phased positively and add clarity ensuring compliance with para 137 of the NPPF
Modification 3	Insert additional text in para 3.3 of the text to explain the support of the NPPF for	To provide justification for Policy LG2.

	<p><i>requirements, include:</i></p> <p>f) <i>Assisting offsite measures such as supporting infrastructure to promote sustainable travel and enabling a sustainable drainage system to serve a wider range of properties where appropriate, opportunities exist</i></p> <p>j) Where this is good reason and evidence to <i>believe</i> indicate that contamination of land may exist on any site, including through agricultural processes, ensuring an assessment is carried out to establish the extent and nature of the contamination, and effective measures taken to ensure potential occupiers, and the wider environment, are not put at unacceptable risk;</p>	
<p>Modification 8</p> <p>Policy LG8 – Highway requirements</p>	<p>Amend points b) and f) to read;</p> <p>b) <i>Proposals would not result in on-street parking but should provide adequate parking for residents and visitors and preferably include proposals that would reduce any on-line street parking that may exist within the area concerned</i></p> <p>f) <i>There is no adverse effect upon the highway, Public Rights of Way network or adjacent properties as a consequence of storm water drainage flowing along any road or parking areas; and</i></p>	<p>To remove reference to points which are not legally reasonable.</p>
<p>Modification 9</p> <p>Policy LG10 Leintwardine settlement boundary</p>	<p>An additional paragraph after 5.6 should be inserted in the justification text explaining the origin of the settlement boundary, and the reasons for alternation to this boundary.</p> <p>This text to include the inclusion of the new residential development since the previous boundary was drawn, the exclusion of the Local Green Space and Open Space adjacent to the boundary and that committed sites have been excluded (or alternatively both included)</p>	<p>To comply with government advice and provide justification on the revisions of the settlement boundary.</p> <p>To ensure consistency in the treatment of committed sites and their exclusion from the settlement boundary.</p>
<p>Modification 10</p> <p>Policy LG10 – Leintwardine settlement boundary</p>	<p>The boundary of the Leintwardine policies map to be revised as above.</p>	<p>To amend the boundary on the policies map in line with the policy amendments.</p>
<p>Modification 11</p> <p>Policy LG10 –</p>	<p>Policy LG10 g) should be altered to read:</p> <p><i>g) proposals will in-particular be supported where;</i></p>	<p>To ensure clarity and proportional evidence</p>

Para 3.3	preserving found heritage remains.	
Modification 4 Policy LG4 – Development within Leintwardine Conservation Area	Amend point b) to read; <i>b) The Conservation Area setting and views into and from the village should be preserved, in particular from the south and east, which reinforce the compact nature of the village by protecting them from inappropriate forms of development. The most important views and settings are.....</i>	To ensure that the policy is not unduly negative and contrary to the NPPF.
Modification 5 Policy LG5 – Design appearance	Amend points b) and g) to read; <i>b) With regard to New innovative design or features, these will not necessarily be resisted but should be of high quality and fit sensitively within the particularly village frontage and street scene;</i> <i>g) Within Leintwardine generally comply with the Leintwardine Village Design Statement.</i>	To ensure that the wording is clear as to its intent and to identify the Leintwardine Village Design Statement within the text.
Modification 6 New para after para 3.24	Leintwardine’s location is such that working from home is undertaken by many residents and support for this is important. However, the intensity of use associated with a home based enterprises can adversely affect residential amenity, particularly that of neighbouring properties. Adverse effects most often arise from the amount of traffic generated by the enterprise and /or the number and size of vehicles either based at or visiting the enterprise. Residential roads and parking arrangements are not usually planned to accommodate such traffic. Consequently this issue needs to be considered in determining whether an enterprise is in an appropriate location. Developments that make provision for working from home should consider how the design and location of parking might support working from home whilst mitigating the effects on residential amenity.	To add additional text to ensure the links between working from home and residential amenity is apparent.
Modification 7 Policy LG6 – Sustainable design	Amend the first paragraph and points f) and j) to read; <i>An integrated approach to achieve a high standard of sustainable design will be required to, in particular, achieve the maximum possible reduction in the carbon footprint of any development. Development proposals should are encouraged to contain a co-ordinated package of design measures which, in addition to regulatory</i>	In order to comply with the Ministerial Statement of March 2015 and is a reasonable requirement of development proposals.

Leintwardine settlement boundary	<p><i>i) they result in the enhancement of Leintwardine Conservation Area;</i></p> <p><i>ii) they involve custom built and/or self-build houses affording a housing opportunity to someone with a local connection where proposals comply with other relevant policies contained within this plan.</i></p>	
<p>Modification 12</p> <p>Policy LG11 – Housing sites in Leintwardine</p>	<p>Policy LG11 should be deleted and subsequent policies renumbered</p> <p>Delete the final sentence of para 8.2</p>	<p>To ensure that the plan is relevant, appropriate and not over prescriptive in line with the NPPF.</p> <p>Many of the requirements are covered by other policies within the plan. Some are highway requirements not planning policy.</p> <p>m) to o) are beyond the scope of planning policy.</p>
<p>Modification 13</p> <p>Policy LG12 – Supporting Local Enterprise</p>	<p>Policy LG12 f) to be reworded as follows;</p> <p>f) in relation to the conversion of rural buildings to employment uses, where the building involved contributes to the character of the parish, this the existing external appearance, setting and form should be retained, in particular by the form of the conversion and avoiding unacceptable external storage and paraphernalia avoided.</p>	To ensure the intent is clear
<p>Modification 14</p> <p>Policy LG13 – Renewable energy</p>	<p>Policy LG13 to the end after point e) and final sentence to be deleted.</p>	To ensure compliance with the basic conditions
<p>Modification 15</p> <p>Policy LG16 – Safeguarding Local Green Space</p>	<p>Policy LG16 to exclude children’s play area and the school field from the designated Local Green Space list and remove the repeated justification for the cemetery. For clarification;</p> <ul style="list-style-type: none"> • The area comprising part of the parkland at Seedley House adjacent to High Street • Leintwardine Bridge Green • Children’s play area at Rosemary, The Griffins and Roman Close • Leintwardine cemetery which also contributes to the separation between the old village and more recent 20/21st century development. • Leintwardine Primary School 	<p>In order to comply with the NPPF para 76/77 as these areas are considered to be open spaces and not Local Green Spaces</p>

	Playing Field.	
Modification 16 Policy LG16 – Safeguarding Local Green Space	The Leintwardine proposals map to be amended to show only the designated Local Green Spaces as modified and a new designation of area of open space.	In order to comply with the NPPF and reflect policy amendments.
Modification 17 Policy LG17 – Provision of Local Sports Area	<p>The title of the Policy LG17 to be altered to 'Open Space and provision of Local Sport Area'</p> <p>The policy to include the following extra first paragraph:</p> <p>Existing open space is to be protected for community use and any development on it will be expected to retain and where possible improve that use. The following sites are designated as Open Space;</p> <ul style="list-style-type: none"> • Leintwardine Primary School Playing Field • Children's play areas at Rosemary • Children's play area at the Criffins • Children's play area at Roman Close 	<p>To include those areas previously included as Local Green Space and ensure open space protection.</p> <p>It should be noted that the second area is known locally as: The amenity area at the Roman Close. Therefore the reference will be updated to include this reference.</p>
Modification 18 Policy LG18 – Use of Community Infrastructure Levy	<p>Policy LG18 is to be revised as follows:</p> <p>Policy LG18: Use of Developer Contributions and future Community Infrastructure Levy (CIL)</p> <p><i>Where appropriate new development within the Leintwardine Group Parish should contribute towards necessary community infrastructure the provision, improvement, replacement, operation or maintenance of community facilities and infrastructure in order to address the demands of sustainable development. Contributions should to be made through Section 106 Agreements, and if and when available CIL or other agreements developer contribution mechanisms that may be available at the time during the period of the plan.</i></p>	To reflect the currently status of CIL and developer contributions within the County.
Modification 19 Policy LG 19 – Leintwardine Group policies Map	<p>For the clarity and accuracy required by the basic conditions, I recommend the following amendments to this figure;</p> <p>The map needs to show the River Clun SAC as a brown line within the plan area. The key shows 'LWS and Sites of Importance for Nature Conservation' as brown cross-hatching but this is barely showing up in the map at present and is not</p>	<p>The notations on the map are countywide policies mapping notations.</p> <p>It is acknowledge that the nature conservation mapping is unclear when printed at this scale so an additional note will be added to the map to ensure</p>

	clear.	clarity on the proposals map.
Modification 20	The title and introductory text of Appendix 2 to be changed as follows:	To ensure that it is clear that these are not land use policies
Appendix 2	<p>Appendix 2: Non-statutory Enabling Actions policy</p> <p>The following policies are not for the purpose of land use planning but indications of actions to be pursued by Leintwardine Group Parish Council to support the growth that this Neighbourhood Plan proposes and to address community needs in terms of facilities, services and key infrastructure.</p> <p><i>LG(NS)19: Enabling Associated Measure</i> <i>LG(NS)20: Parish projects</i> <i>LG(NS)24: Assets of Community Value</i></p>	

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 Leintwardine Group 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 Leintwardine 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 designated on 13 October 2014.

Signed 

Dated 25th January 2017

Richard Gabb
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