

**Staunton on Wye Group NDP Independent Examination
Delegated Decision Statement
6 December 2016**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Staunton on Wye Group Neighbourhood Area
Parish Council	Staunton on Wye and District Group Parish Council
Submission	13 August 2015 to 24 September 2015
Examination Date	December 2015
Inspector Report Received	5 January 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 Staunton on Wye Group Neighbourhood Plan has been amended taking into account the modifications, and that the NDP may proceed to referendum.

2 Background

- 2.1 The Neighbourhood Area of Staunton on Wye Group was designated on 5 September 2012. The Neighbourhood Area follows the boundary of Staunton on Wye Group parish boundary. The Staunton on Wye Group NDP has been prepared by Staunton on Wye 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 2012.
- 2.2 The Plan was submitted to Herefordshire Council on 7 August 2015, and the consultation under Regulation 16 took place between the 13 August 2015 to 24 September 2015, where the Plan was publicised and representations invited.
- 2.3 On 18 November 2015 Clare B. Wright MA PG Dip (BRS) MRTPI MILM was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Staunton on Wye 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 his report along with the justification:

Policy	Modification recommended	Justification
Recommendations		
Recommendation 1 General comment on Policy layout	Remove grey/green background used throughout the documents to enable legibility.	In terms of accessibility the grey/green background used throughout the documents reduces the contrast between background and text, some headings in capitals and underlining and a small font does not meet the criteria of the, 'See it Right Guidelines'.
Recommendation 2 Page 8	Suggest incorporate explanatory text in bold as follows: These policies have been formulated in response to suggestions received in response to the consultation process that generated this Plan and documented in the Consultation Statement and	

	subsequently via responses received under Regulation 14 and 16 of the Neighbourhood Planning Regulations and apply to all the following policies in so far as they relate to the development of land.	
Recommendation 3 – new policy	Suggest adding a policy regarding Broadband along the similar lines to the 'made' Upper Eden NDP	There has been considerable support for improved broadband connection through the consultations
Recommendation 4	Incorporate the opportunity for contemporary development of a high quality, sustainable design which is appropriate to the context and makes a positive contribution to the surrounding environment and rural landscape into the supporting text to policy SOWE- Development and Design Principles, that relate specifically to the Old School and other buildings within the Conservation Area. For example NDP policy SOWD2 where it allows 'Unless it can be demonstrated that the design and use of materials will result in a building of exceptional and unique architectural merit'.	May provide opportunities for using space more effectively and gracefully which can increase the viability of a development proposal.
Recommendation 5	Consider a regular Plan review	To monitor the effectiveness of policies in delivering development and meeting one of the Plan's objectives.
Modifications		
Modification 1 Basic Conditions Statement	Update the third para of page 3 to incorporate the adopted 2015 Plan.	Modification provides accuracy.
Modification 2: Basic conditions Statement	Add headings to the Basic Conditions statement to ensure each of the criteria of the Basic Conditions are detailed	This modification does not make material changes to the Plan and all the relevant information of how the Plan meets the Basic Conditions is contained within the report, therefore Herefordshire Council does not support this change.
Modification 3: Basic Conditions Appendix 1	add Herefordshire Local Plan Core Strategy 2011-2031 adopted 16 October 2015.	Factual change adds clarity
Modification 4: Basic Conditions Appendix 1	Update inaccuracies and omissions a follows: (i) Add 'General policies' or Environment' category. Refer to Core Strategy Policy SD3 - Sustainable Water Management, Policy LD2 – Biodiversity and geodiversity, Policy LD3 – Green Infrastructure. (ii) Housing. Add Policy RA3 – Herefordshire's countryside (iii) Business and Employment. Add Policy E4 – Tourism. (iv) Community Facilities. Add OS1: Requirement for open space, sports and recreation facilities	Modification provides factual accuracy and clarity.

	<p>(v) Design Principles. Historic environment and heritage assets are significant contributors to sustainable development, it is therefore appropriate to add LD4 - Historic environment and heritage assets and Policy SD1 – Sustainable design and energy efficiency, Policy SD2 – Renewable and low carbon energy generation.</p> <p>(vi) Old School and Conservation Area category, add Policy LD4 – Historic environment and heritage assets. Remove reference to LD2 and LD5.</p>	
Modification 5: Basic Conditions Statement Appendix 2	Incorporate into the Appendix the formal response from Herefordshire Council designating the Neighbourhood Plan Boundary Area and a map of the Area.	Modification for additional clarity.
Modification 6: All policies	Remove the word “only” from text to read “development will be supported where ...”	Modification to add clarity
Modification 7: Policy SOWG1	<p>Incorporate Environment Agency response to ensure development may take place, in accordance with NPPF, similar to the following:</p> <p>SOWG1 - Sustainable water management</p> <p>Development will be supported subject to other policies within this Plan where it is located within Flood Zone 1 (Low Risk).</p> <p>Where small-scale development is deemed necessary (with consideration of the Sequential Test) within Flood Zones 2 and 3 proposals will demonstrate that they are safe and will not increase flood risk to third parties, with flood-risk betterment provided where possible. Development within 100 metres of the boundary of the River Wye Special Area of Conservation will not be supported.</p> <p>Within policy supporting text refer to National Planning Policy Guidance (NPPG) and Herefordshire Council’s Core Strategy (Policy SD3 - Sustainable Water Management).</p>	Modification to incorporate a key stakeholders consultation comment to add clarity to a policy.
Modification 8: Policy SOWG 2	Reword the policy to the following: Proposals for new development will be supported where they demonstrate regard to the Herefordshire Strategy for Green Infrastructure by: etc	Modification to ensure policy is more positive.
Modification 9: Policy SOWH1	Further proposals for new housing will be supported within the built up area of Staunton village, (excluding land within the Conservation Area) subject to	Modification to add clarity

	<p>satisfying the following criteria: etc Add: Proposals for more than three dwellings per plot are likely to be refused permission by reason of being out of scale and context to the local pattern of development in the village. Where such proposals are submitted evidence will be required to satisfy appropriateness to context and other impacts upon residential amenity and any other additional benefits that might be brought by the development.</p>	
Modification 10: Policy SOWH4	<p>Reword the policy: In the Parish generally individual houses outside the built up area of the village of Staunton on Wye will be supported etc In all the above cases the proposal will need to demonstrate safe access, neutral or positive landscape and other environmental impacts and etc</p>	Modification to add clarity
Modification 11: Policy SOWH4	<p>Add at the end of the first paragraph of explanatory text This may also be linked to live/work proposals.</p>	Modification to add clarity
Modification 12: Policy SOWB5	<p>Remove reference to excluding those in SOWC1 as these do not comprise agricultural buildings. Suggested as follows: - Proposals for change of use of agricultural buildings in the Parish to residential and holiday accommodation and non-agricultural business will be supported etc Clause a) add "landscape or other environmental impacts"</p>	Modification to add clarity
Modification 13: SOWB6	<p>Alter title and add wording as below, SOWB6 New employment generating enterprises Proposals for new employment generating enterprises will be supported within the village of Staunton on Wye and to the north of, and with direct access onto, the A438 subject to satisfying all of the following criteria: - remove (a) B1 use class reference, and; - replace (a) with d) iv 'demonstrate that landscape, environmental etc' - retain c and d d) i be accessed by vehicular traffic from the A438 etc d) ii Demonstrate ways in which the proposal can provide employment for the local community d) iii Either be served with pedestrian access and be within reasonable walking distance of the village or</p>	Modification to broaden the encouragement to business enterprises that may not be within B1 use, such as tourism or locally based food manufacturing, also other changes are recommended to enable this policy to fit within the requirements of the NPPF and sustainability criteria.

	<p>provide a travel plan favouring alternative means of transport to the private car where appropriate.</p> <p>‘Proposals that are related to the local economy such as for tourism, food production or manufacture, environment or agriculture are particularly encouraged through this policy.’</p> <p>‘Proposals with a demonstrable adverse impact on local amenity, landscape and other environmental impacts particularly highways will be refused permission.’</p> <p>Explanatory text - Insert alternative word in the third line from bottom of page ‘...such development will provide employment opportunities...’</p>	
Modification 14 Policy SOWC1	<p>Additional wording to the policy:</p> <p>SOWC1 A. Development proposals will be supported where they will improve and otherwise encourage the use and viability of the following facilities:</p> <p>add list a to h</p> <p>B. Proposals for change of use of these facilities will not be permitted unless it has been demonstrated the community (in the form of the Parish Council and other recognised community organisation) has been given first opportunity to take them on in order to retain their use. Applicants will be expected to show the steps taken in the relevant land or property being marketed to the community, including the parish council and community organisation affected, for a period of at least 12 months.</p> <p>C. There will be a presumption against the loss of these community facilities unless it can be shown they are no longer viable and a community based usage has been explored, as per clause B. above. In such cases, flexibility will be given to enable these facilities, local shops, services or public house to diversify into ancillary retail and tourism opportunities, which may enable the business to continue to serve the local community.</p>	Modification to ensure positive support for development to sustain facilities and to provide additional direction from LP Policy SC1
Modification 15 SOWC2	<p>Reword and re order paragraphs, Add map beneath policy.</p> <p>Development proposals will be supported where they will improve and otherwise encourage the use and viability of the existing recreational facility (abutting the Conservation area and</p>	Modification to add clarity.

	<p>highlighted in the map below). Any development likely to adversely affect the existing recreational facility highlighted on the plan below will not be permitted.</p> <p>Incorporate text "The Parish Council will action and support consideration of further recreational and community facilities within Staunton on Wye village" into the supporting text. This is a declaration of intent not a land use policy.</p>	
Modification 16 SOWD1	No change	
Modification 17 SOWD2	<p>Change wording slightly to: Subject to compliance with the other policies in the Neighbourhood Plan the erection of new buildings will only be supported where they comply with the following criteria:</p> <p>a) Dwellings and other non – agricultural/business buildings.</p> <p>i. Unless it can be demonstrated that the design and use of materials will result in a building of exceptional and unique architectural merit the new building is encouraged to be of one or two storeys and of a scale which matches its surroundings.</p> <p>ii. The use of external materials blend in with surrounding buildings.</p> <p>iii. The incorporation of energy efficient components as well as renewable energy will be encouraged.</p> <p>Where incorporated on a roof these should, whenever possible, be of a low profile and non-reflective. Etc..</p>	Modification to provide a more positive policy
Modification 18 Appendix 1	Remove appendix 1	Duplication as it is already in the Basic Conditions Statement
Modification 19 Appendices 2 and 6	Move appendices 2 & 6 to the Basic Conditions Statement	To add clarity
Modification 20 Appendix 7	Move appendix 7 to the consultation statement	To add clarity

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

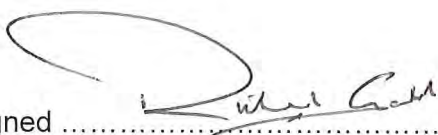
5.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the examiner made in the report under paragraph 10 of Schedule 4A to the 1990 act (as applied by Section 38A of the 2004 Act) in relation 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 Staunton on Wye Group 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 Staunton on Wye 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 examiners conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 5 September 2012.

Signed 
Dated 22nd January 2016,

Richard Gabb
Programme Officer – Housing and Growth