

**Wellington NDP Independent Examination
Delegated Decision Statement
24 February 2016**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Wellington Neighbourhood Area
Parish Council	Wellington Parish Council
Submission	8 October 2015 to 19 November 2015
Examination Date	January / February 2016
Inspector Report Received	16 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 Wellington 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 Wellington was designated on 24 February 2014. The Neighbourhood Area follows the boundary of Wellington parish boundary. The Wellington NDP has been prepared by Wellington 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 3 October 2015, and the consultation under Regulation 16 took place between the 8 October 2015 to 19 November 2015, where the Plan was publicised and representations invited.
- 2.3 On 25 January 2016 Mr Christopher Collison BA (Hons) MBA MRTPI MIED MCME IHBC was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Wellington 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	Policies should use the term "be supported" or "not be supported" instead of "be permitted" or "not be permitted"	In recognition that the basis of decision making is the development plan unless material considerations indicate otherwise.
Recommended Modification 2 Policy W1	Recommended modification 2: In Policy W1 <ul style="list-style-type: none">• Delete ",and/or on an allocated site,"• Delete bullet point v. and re-number subsequent bullet points	To ensure clarity within the Policy and consistency with National policy.

	<ul style="list-style-type: none"> After "self-build" insert "homes" 	
Recommended Modification 3 Policy W2	In Policy W2 Retitle the policy "Housing Site Allocations" Delete the first paragraph Delete "From 2014 to 2025 a maximum of" and insert "Approximately" Delete "From 2026 to 2031 a maximum of" and insert "approximately" After "Graveyard" insert a new paragraph "To be supported proposals must demonstrate sufficient mains foul drainage capacity to serve the development."	To ensure consistency with National and Local policy. To ensure there is no conflict against the presumption in favour of sustainable development
Recommended Modification 4 Policy W3	In Policy W3 <ul style="list-style-type: none"> After "maintaining" delete "a" and insert "an appropriate" In the second sentence delete "appropriate" and insert "encouraged" Delete paragraphs 2 and 3 	To establish a clear policy framework to enable each proposal to be determined at the time it is submitted.
Recommended Modification 5 Policy W4	In Policy W4 <ul style="list-style-type: none"> Replace the second paragraph with "Development that will harm a heritage asset or the setting of a heritage asset will not be supported unless substantial public benefits outweigh the harm." Delete "All new development will be expected to" and insert "Development proposals will be supported where they" 	To reflect the approach adopted in the Framework to the sustaining or enhancing of the significance of heritage assets
Recommended Modification 6 Policy W5	In Policy W5: <ul style="list-style-type: none"> Delete "within the designated area" After "criteria" add ",where relevant" In criterion (b) delete "Gives priority" and insert "Demonstrates consideration has been given" Delete criterion (c) and insert "is capable of being connected to essential infrastructure services with capacity" In criterion (e) delete "detrimental effect" and insert "severe cumulative adverse impact" In criterion (g) delete "the use" 	To provide greater clarity to the policy.

	<p>of active travel” and insert “walking and cycling”</p> <ul style="list-style-type: none"> • In criterion (l) delete “,garaging” • In criterion (n) delete the first sentence. 	
<p>Recommended Modification 7</p> <p>Policy W6</p>	<p>In Policy W6 replace the fourth bullet point with “Preserving and not significantly detracting from those parts of the important views identified on Map 3 and Map 4 that are within the Neighbourhood Plan area, and that are visible from locations that are freely accessible to members of the general public”</p>	<p>The policies of the Neighbourhood Plan do not apply to land outside the Designated Neighbourhood Area.</p> <p>The use of the word “protecting” does not establish a practical framework for decision making on planning applications as required by paragraph 17 of the Framework nor does it adequately reflect the presumption in favour of sustainable development established by the Framework</p>
<p>Recommended modification 8</p> <p>Policy W7</p>	<p>In Policy W7 Delete the final sentence and insert “Development will be ruled out except in very special circumstances, for example, where essential public utility infrastructure is necessary that cannot be located elsewhere”</p>	<p>To allow for exceptional circumstances.</p>
<p>Policy W8</p>	<p>No modification</p>	<p>This policy meets the basic conditions</p>
<p>Recommended modification 9</p> <p>Policy W9</p>	<p>In Policy W9</p> <ul style="list-style-type: none"> • After “allocation” insert “of Proposed Green Space as defined” and • In the first bullet point delete “, wherever possible,” and continue after boundary “unless it can be clearly demonstrated that this is not physically or functionally possible” and • In the final sentence delete “possible” and the brackets and insert “that is physically possible and this would not represent an unreasonable burden on the development in accordance with paragraph 173 of the Framework and” 	<p>To ensure a practical framework for decision making.</p>
<p>Policy W10</p>	<p>No modification</p>	<p>This policy meets the basic conditions</p>

Recommended modification 10	Policy W11 should be deleted	To ensure clarity within the plan as this policy has already been deleted following the Reg 14 consultation but remained in the Plan
Policy W11		
Policy W12	No modification	This policy meets the basic conditions
Policy W13	No modification	This policy meets the basic conditions
Recommended modification 11	Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies	To ensure clarity and consistency throughout the plan.

3.2 In accordance to recommended modification 11, to correct errors (1990 Act, Schedule 4B, paragraph 10 (3) (e)) throughout the Plan, these errors are typographical in nature or arising from updates. The modifications recommended as follows:

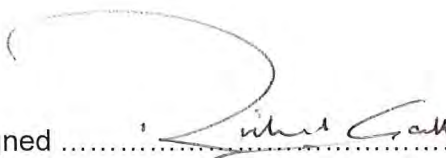
- Map1 carries the title Proposals Map but also includes the title Policies Map. Use of one title would assist the achievement of clarity.
- Map 4 and associated photographs of views should be marked to make it clear that Policy W6 only applies to land within the Designated Neighbourhood Plan area.
- The Summary of recommendations for the Neighbourhood Development Plan presented at paragraph 6.9 of the Environmental Report (September 2015) should be adjusted to reflect the findings that it follows.
- A number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

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 and also the points set out in paragraph 3.2, in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.
- 5.3 Following the modifications made, the Wellington 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 Wellington 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 24 February 2014.

Signed 

Dated 1st March 2016

Richard Gabb
Programme Officer – Housing and Growth