

## Weston Beggard NDP Independent Examination

### Delegated Decision Statement

**7<sup>TH</sup> September 2016**

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

Name of neighbourhood area	Weston Beggard Parish Neighbourhood Area
Parish Council	Weston Beggard Parish
Submission	16 March 2016 – 27 April 2016
Examination Date	August 2016
Inspector Report Received	24 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 Weston Beggard 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 Weston Beggard was designated on 29 August 2014. The Neighbourhood Area follows the Weston Beggard parish boundary. The Weston Beggard Development Plan has been prepared by Weston Beggard 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 September 2014.
- 2.2 The Plan was submitted to Herefordshire Council on 8 March 2016, and the consultation

under Regulation 16 took place between the 16th March 2016, and finished on 27th April 2016, where the Plan was publicised and representations invited.

- 2.3 Within June 2016 Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Weston Beggard 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
<p><b>Modification1</b></p> <p>Throughout the plan</p>	<p><b>Minor amendment suggested to change the plan period from 2011-2031, to 2016-2031.</b></p>	<p>Clarification, examiner has suggested it is confusing to have a retrospective plan period.</p> <p>However it should be noted that the housing requirement figures are calculated on 2011-2031 to be in conformity with the Core Strategy.</p>
<p><b>Modification 2</b></p> <p>Policy WB5</p>	<p><b>The last paragraph of this policy is overly restrictive, as it does not allow for any test on the impact of commercially led renewable energy scheme on the local environment. In order to meet the basic conditions, having regard to the National Planning Policy Framework Paragraph 10. Meeting the challenge of climate change, flooding and coastal change it will be necessary to reword the final paragraph as follows:</b></p> <p><i>This Plan will support the inclusion of low carbon renewable energy initiatives including solar, heat pumps and waterpower within individual proposals or to sensitively sited community renewable energy schemes, which directly benefit the community. Proposals for commercially led renewable energy schemes will not be supported within the parish unless it can be</i></p>	<p>Ensure this policy has regard national policy providing a practical framework to provide sustainable development</p> <p>Strengthen and clarification of policy</p> <p>Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy.</p>

	<p><i>demonstrated that the proposal will not have a detrimental impact on the local environment through the submission of information appropriate to the scale of development relating to the impact of the proposal on;</i></p> <ul style="list-style-type: none"> <li>• <i>Landscape appearance and character</i></li> <li>• <i>Traffic and transport</i></li> <li>• <i>Wildlife and ecology</i></li> <li>• <i>Residential amenity</i></li> <li>• <i>Flood Risk</i></li> </ul>	
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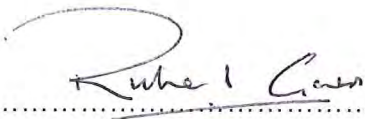
#### **4 Post Adoption SEA and HRA**

- 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 Weston Beggard 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 Weston Beggard 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 29 August 2014.

Signed  .....

Dated *7<sup>th</sup> September 2016* .....

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