

Whitbourne NDP Independent Examination

Delegated Decision Statement

8th September 2016

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Whitbourne Parish Neighbourhood Area
Parish Council	Whitbourne Parish Council
Submission	21 March 2016 to 3 May 2016.
Examination Date	July 2016
Inspector Report Received	24 July 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 Whitbourne 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 Whitbourne was designated on 7 November 2012. The Neighbourhood Area follows the Whitbourne parish boundary. The Whitbourne Development Plan has been prepared by Whitbourne 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 November 2012.

- 2.2 The Plan was submitted to Herefordshire Council on 14 March 2016, and the consultation under Regulation 16 took place between the 21 March 2016 finishing on the 3 May 2016. where the Plan was publicised and representations invited.
- 2.3 In June 2016 Nigel McGurk BSc (Hons) MCD MBA MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Whitbourne 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 P4 Introduction	<p>Page 4, third paragraph, change to "It must <i>be In General Conformity With The Strategic Policies Of The Local Plan And Have Regard To National Policy As Set...(NPPF). It Must Also Contribute To The Achievement Of Sustainable Development. The NPPF...</i>"</p> <p>Page 4, second paragraph, Change to "If <i>made</i>, it..."</p> <p>Page 4, fourth paragraph, penultimate line, change to "...all enterprises in <i>which New and old residents have Worked together to promote Growth for the benefit...</i>"</p>	<p>Rewording to clarify and strengthen introduction.</p> <p>Ensure the introduction uses the right terminology when referring to the NDP process.</p>
Modification 2 Map	Replace the "map" on page 2 With the " <i>Whitbourne Parish Policies Plan</i> "	Clarify plan and relate plan closer to the content of the NDP.
Modification 3 Key, title	Delete the Key, Title and all annotations of the Whitbourne Parish Policies Map, With the exception of the Neighbourhood Area boundary. Re-title As " <i>Whitbourne Neighbourhood Area</i> " And include annotations/references in the Key To " <i>Neighbourhood Area,</i> " " <i>Conservation Area</i> " And " <i>New Settlement Boundary</i> "	Strengthen and clarification of title.
Modification	Delete "Whitbourne Open Spaces Policies Map"	Clarify plan and relate plan closer to the content of the NDP.

<p>4</p> <p>Open spaces map</p>	<p>Re---title "Whitbourne village Policies Plan" as "<i>Whitbourne Village boundary and Conservation Area.</i>" It should Form part of the Neighbourhood Plan (ie, it should not comprise a loose insertion) and be referenced in the list of Contents.</p> <p>Delete the "Local Green Spaces" annotation and reference, currently shown in The Key. Delete "Site of Scientific Interest" and Local Wildlife Site (LWS)" references and related symbols, currently shown in the Key.</p> <p>Delete the "Land liable to Flood" annotation and symbol/reference, currently shown in the Key.</p>	<p>Removal of unrelated information.</p> <p>Ensure plan is clearer and easy to follow.</p> <p>There is no indication of source of information does not relate to the NDP.</p>
<p>Modification 5</p> <p>Throughout plan</p>	<p>Delete all of the references to Objectives and Core Strategy Policies in the Policy Section at the end of each Supporting Statement.</p>	<p>Imprecise references detracting from plan. Change will clarify and strengthen plan.</p>
<p>Modification 6</p> <p>Policy LU1</p>	<p>Policy LU1, change first sentence to "... Page 8, <i>within which will be the main Focus for new development in the Neighbourhood Area.</i>"</p> <p>Policy LU1, delete "New housing...outside the boundary."</p>	<p>Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy.</p> <p>Make policy more positive and clear.</p>
<p>Modification 7</p> <p>P7 and 8</p>	<p>Delete the 2nd to 4th paragraphs Of Supporting Statements On pages 7 and 8 ("On 29th...being assessed.")</p>	<p>Imprecise references detracting from plan. Change will clarify and strengthen plan.</p>
<p>Modification 8</p> <p>Policy LU2</p>	<p>Policy LU2, change Start to "<i>The conversion of Redundant agricultural buildings Into dwellings will be supported.</i> Proposals should:"</p> <p>Policy LU2, delete "...and their layout"</p> <p>Policy LU2, delete criteria ii., iii. and iv.</p> <p>Policy LU2, Delete "(reference Part Two, Item 6)" Which obfuscates the Policy</p>	<p>Modifications to provide accuracy and clarity.</p> <p>Not based on substantive evidence.</p> <p>Reflect the relevant legislation</p>

<p>Modification 9</p> <p>Page 9, 10, 11,12</p>	<p>Page 9, delete first sentence of Supporting Statement. Begin next sentence "<i>The re--use Of redundant rural buildings Can benefit the environment...</i>"</p> <p>Pages 9 and 10, delete "It is worthy...available as dwellings."</p> <p>Delete map on page 10</p> <p>Page 11 delete "There are...future."</p> <p>Page 12, Supporting Statements Second paragraph, change to "...environs, <i>The Parish Council Will seek to encourage proposals (including...Area) To safeguard the beauty...and its setting. The Parish Council Will look to discourage proposals that will lead to an increase...adjacent countryside.</i>"</p> <p>Page 12, delete "Planning applications...proposed development."</p>	<p>Modifications to provide accuracy and clarity.</p> <p>Remove unnecessary and irrelevant references which detract from plan.</p> <p>Remove policy repetition.</p>
<p>Modification 10</p> <p>Policy LU4</p>	<p>Policy LU4 change first line to "<i>The Neighbourhood Plan supports the delivery of a minimum of 50 houses in the Neighbourhood Area over the Plan period.</i>"</p> <p>Policy LU4, delete second sentence ("No sites...Local Plan.")</p> <p>Policy LU4, change next sentence to "Housing or Development proposals <i>Should seek to:</i>"</p> <p>Policy LU4, change criterion iii. to "<i>Respect the amenity and...</i>"</p> <p>Policy LU4, delete criterion</p>	<p>To provide a better reflection of relevant legislation in the NPPF and Core Strategy.</p> <p>Provide certainty and clarity to the policy.</p> <p>Removal of unnecessary references to ensure plan is more defined.</p> <p>Ensure this policy has regard national policy providing a practical framework to provide sustainable development.</p>
<p>Modification 11</p> <p>Page 14</p>	<p>Page 14, delete Supporting Statements</p>	<p>Modifications to provide accuracy and clarity.</p>
<p>Modification 12</p> <p>Policy LU5</p>	<p>Policy LU5, delete "..., in accordance Local Plan."</p> <p>Page 15, delete Supporting Statements</p>	<p>Modifications to provide accuracy and clarity.</p> <p>The policy fails to provide a clear indication of how to react to development.</p>
<p>Modification 13</p> <p>Policy LU6</p>	<p>Delete Policy LU6 and Supporting Statements</p>	<p>Restrictive policy preventing development Removal of policy ensures Plan is consistent with national and local policy.</p>

<p>Modification 14</p> <p>Policy LU7</p>	<p>Delete Policy LU7</p> <p>Page18, delete Supporting Statements and map.</p> <p>Delete photographs on page 19, or move them to Part Two of the Neighbourhood Plan (see below).</p> <p>Replace the deleted Policy with a new reference in Part Two of the Neighbourhood Plan to "<i>Open Spaces and Amenity Areas.</i>" Add the following text "<i>The Parish Council will seek to work with landowners, developers and other parties with the intention of ensuring the protection and enhancement of the churchyard...to the village shop.</i>"</p>	<p>Removal of plan as policy is imprecise and vague. It will strengthen and clarify plan if policy is taken out.</p> <p>The policy fails to provide a clear indication of how to react to development.</p>
<p>Modification 15</p> <p>Policy LU8</p>	<p>Policy LU8, change to "<i>Small Scale renewable energy Schemes that respect local Character and residential Amenity will be supported.</i>"</p> <p>Page 20, delete Supporting Statements</p>	<p>Imprecise references detracting from plan. Change will clarify and strengthen plan.</p>
<p>Modification 16</p> <p>Policy LU9</p>	<p>Policy LU9, delete criteria ii., iv. and v.</p>	<p>Refine policy and remove irrelevant reference to strengthen and clarify the plan.</p>
<p>Modification 17</p> <p>P21</p>	<p>Page 21, delete "Periodic flooding...authorities."</p>	<p>Refine policy and remove reference to strengthen and clarify the plan.</p>
<p>Modification 18</p> <p>Policy LU10</p>	<p>Delete Policy LU10</p>	<p>Remove policy in order to meet basic conditions. As the policy fails to provide a clear indication of how to react to development.</p>
<p>Modification 19</p> <p>P23</p>	<p>Page 23, delete Supporting Statements</p>	<p>Refine policy and remove reference to strengthen and clarify the plan.</p>
<p>Modification 20</p> <p>Policy LU11</p>	<p>Policy LU11, change to "<i>Land at The Glebe, as shown on the plan below, is designated as local green space where new development is ruled out other than in very special circumstances.</i>"</p> <p>Policy LU11, change title to "<i>Local Green Space</i>"</p>	<p>Ensure the policy is consistent with the NPPF and Core Strategy.</p> <p>Ensures designated greenspace met all tests set out in the NPPF.</p>
<p>Modification 21</p>	<p>Delete the map on page 25 and replace it with a large scale plan, clearly identifying the boundary of the Glebe open space on an Ordnance Survey Background</p>	<p>Ensure plan has regard national policy providing a practical framework to provide sustainable</p>

P24,25,26	<p>Page 24, delete Supporting Statements "These are... Chairman, Manorial Court."</p> <p>Top of Page 24 delete "Bradley... wildlife."</p> <p>Second line, Page 24, change to "... quiet retreat. Volunteers do much to preserve it."</p> <p>Fourth line, Page 24, delete "All three... Spaces."</p> <p>Page 26, delete Supporting Statements</p>	<p>development.</p> <p>Clarify and strengthen policy.</p>
Modification 22 Policy LU12	Delete Policy LU12	Removal of policy as it fails to have regard to national advice and does not provide a clear indication of how to react to a development proposal.
Modification 23 Policy LU13	Delete criterion iii.	<p>Remove imprecise criterion.</p> <p>Modifications to provide accuracy and clarity</p>
Modification 24 Policy LU14	Delete Policy LU14 Page 28, delete Supporting Statements	Removal of policy as it fails to have regard to national policy, overtly restrictive and does not provide a clear indication of how to react to a development proposal.
Modification 25 Policy LU15	Delete Policy LU15 Page 29, delete supporting statements	<p>Removal of policy as it fails to meet the basic conditions, to have regard to national advice .</p> <p>Policy could prevent sustainable development from coming forward and policy is not based on substantive evidence.</p>
Modification 26 Overall	Update the Contents page (page 1), to reflect the recommendations above	Update plan in light of examiners comments.

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

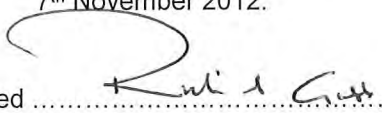
5.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the examiner made in the report under paragraph 10 of Schedule 4A to the 1990 act (as applied by Section 38A of the 2004 Act) in relation 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 Whitbourne 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 Whitbourne 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 7th November 2012.

Signed 

Dated 9th September 2016

Richard Gabb
Programme Officer – Housing and Growth

