

Vowchurch and District Group NDP Independent Examination

Delegated Decision Statement

26 June 2017

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Vowchurch and District Group Neighbourhood Area
Parish Council	Vowchurch and District Group Parish Council
Submission	4 January to 15 February 2017
Examination Date	June 2017
Inspector Report Received	23 June 2017

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 Vowchurch and District 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 Vowchurch and District Group was designated on 30 September 2013. The Neighbourhood Area follows the Vowchurch and District Group parish boundary. The Vowchurch and District Group Neighbourhood Development Plan has been prepared by Vowchurch and District 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 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 7 December 2016, and the consultation under Regulation 16 took place between the 4 January to 15 February 2017, where the Plan was publicised and representations invited.
- 2.3 In February 2017, Ann Skippers MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Vowchurch and District 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 Map	Add 'and the Neighbourhood Plan area' to the title of the map on page 3 of the plan.	For clarity
Modification 2 Footnote	Correct footnote 2 on page 9 to read: 'Herefordshire Local Housing Market Assessment 2012 – Update, November 2013'.	For clarity
Modification 3 Heading	Change the subsection heading to 'Protecting and enhancing the local environment'	For clarity
Modification 4 Policy 1	Add a title to the policy which reads 'Protection and enhancement of the local environment' Add the words 'preserves or' before 'enhances the natural and historic beauty' in criterion 1	For clarity To ensure sustainable development can be achieved
Modification 5 Policy 2	Add the words 'as shown on page 6 and 7 of the Plan and on the Policies Maps' after 'Michaelchurch Escley and Vowchurch' in the first sentence of the policy. Delete the words 'for in fill' from the second criterion Add a new fifth criterion to read: 'they are protected from the risk of flooding and will not	For clarity To ensure the issues of flooding highlighted within the Environment Report are taken account of.

	result increased flooding elsewhere'	
Modification 6 Policy 3	Change the word 'designate' in criterion six to 'design'	To error typographical error
Modification 7 Policy 7	<p>Split Policy 7 into two separate policies</p> <p>One policy (to be numbered Policy 10) will sit under the subheading title 'Policies for other developments' and to read:</p> <p>'Any planning proposals that are for or include external lighting will have to demonstrate that there has been a proper assessment of the need for such lighting. In particular it should be demonstrated that care has been taken to design appropriate lighting which minimises the impact on the occupiers of nearby properties and minimises light pollution and energy consumption.'</p> <p>The second new policy will be numbered 7 and titled 'Amenity' and will read: 'New development must provide a good standard of amenity for future occupants and have an acceptable impact on the amenity of the occupiers of existing residential properties'</p>	To ensure that the external lighting policies applies to all development not just housing.
Modification 8 Policy 8	<p>Reword Policy 8 to read:</p> <p>'Proposals for small businesses in five parishes will be supported where the rural character of the area is preserved. In particular this means that proposals should be of a scale appropriate to their location and setting, suitable accessed by a choice of transport modes and be of a form that protects and respects the environmental and landscape quality of the area in which they are located'</p> <p>Delete the word 'which supports proposals 'where they are of an appropriate scale for their location, accessible by a choice of transport modes and of a form which protects and respects the environmental and landscape quality' from the justification to Policy 8.</p>	To ensure that the policy provides a practical framework for decision making.
Modification 9 Policy 9	<p>Reword Policy 9 to read:</p> <p>'The development of new tourism facilities will be supported where they are appropriately located and respect the environmental, landscape and historic character of the area in which they are located'</p> <p>Delete the last paragraph of the justification that begin 'Any developments'</p>	To ensure that the policy provides a practical framework for decision making.

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 Vowchurch and District 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 Vowchurch and District 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 30 September 2013.

Signed 

Dated 28.6.2017

Richard Gabb
Programme Officer – Housing and Growth