

Weobley NDP Independent Examination

Delegated Decision Statement

08 July 2019

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Weobley Neighbourhood Area
Parish Council	Weobley Parish Council
Submission	23 January to 6 March 2019
Examination Date	Spring 2019
Inspector Report Received	28 June 2019

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 Weobley 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 Weobley was designated on 8 August 2013. The Neighbourhood Area follows the boundary of Weobley parish boundary. The Weobley NDP has been prepared by Weobley 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 winter 2017.

- 2.2 The Plan was submitted to Herefordshire Council on 18 January 2019, and the consultation under Regulation 16 took place between the 23 January to 6 March 2019, where the Plan was publicised and representations invited.
- 2.3 On 5 April 2019 Liz Beth was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Weobley 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:

Modifications are boxed in this report, with text to remain *in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

Policy	Modification recommended	Justification
	<p>Modification 1:</p> <p><u>Site selection work detailed in Appendix 3 of the Pre-Submission version of the WNDP to be offered as a separate evidence document to accompany the final version of the WNDP. Reference to this evidence to be made at the end of the justification for Policy WE016 (para 7.6).</u></p>	To improve clarity
Policy WE02	<p>Modification 2:</p> <p><u>The first sentence of Policy WE02 to be amended as follows:</u></p>	In order to ensure it complies with the NPPF (para 154) with regard to

	<p><i>"Existing community facilities shall be retained and protected from development that would might restrict unnecessarily their current use unless alternative provision is made in accordance with this policy." ...</i></p> <p><u>The last sentence of Policy WE02 to be amended as follows:</u></p> <p><i>... "The loss of key services or facilities through the change of use of premises to an alternative will be opposed unless it is clearly evidenced that the service or facility concerned is no longer viable."</i></p>	policy clarity of intent.
Policy WE03	<p>Modification 3:</p> <p><u>The first sentence of Policy WE03 to be amended as follows:</u></p> <p><i>"The following areas as shown on Map are designated Local Green Space."...</i></p> <p><u>The Map to be provided to show clearly the boundary of each designation with respect to surrounding residential, agricultural and road boundaries.</u></p> <p><u>The boundary of designation d) 'Field west of St Peter and St Paul Church – Glebeland' to be amended to exclude that part of it included within the Settlement Boundary on all relevant maps within the WNDP.</u></p>	In order that the Policy and its designations comply with the Basic Conditions
Policy WE04	<p>Modification 4:</p> <p><u>The first sentence of Policy WE04 to be amended as follows:</u></p> <p><i>"The following areas of amenity open space, sports and recreation facilities as shown on the Village Policies Map and Map.... should be protected from development unless the requirements of Herefordshire Local Plan Core Strategy Policy OS3 are met:"</i></p> <p><u>A map to be provided that clearly shows the boundaries of each designated space.</u></p>	In order that the Plan clearly identifies the extent of designated Open Space sites, and complies with the Basic Conditions and government guidance with regard to policy clarity.
Policy WE07	<p>Modification 5:</p> <p><u>Policy WE07 bullet f) to be altered as follows:</u></p> <p><i>... f) Resisting development that would adversely affect that part of Foxley Historic England Registered Park and Garden within the Parish of Weobley.</i></p>	In order of clarity in the policy in order that the legislation concerning the legitimate scope of a neighbourhood plan is complied with [Town and Country Planning

		Act 1990 Schedule 4B 8(1)]
Policy WE08	<p>Modification 6:</p> <p><u>Policy WE08 and its justification to be amended as follows:</u></p> <p>First Paragraph to read: <i>"To preserve or enhance the character and appearance of Weobley Conservation Area development within or bordering it within the Parish of Weobley should comply with the following detailed requirements"..</i></p> <p>Section 1: <u>First sentence only to remain in the policy. Paragraph beginning "Buildings within the village....particular character areas" to be part of a new para 6.3.</u></p> <p>Section 2: <u>The first sentence to remain. Text below this to be edited as follows, discarded text may also be added to the new para 6.3 with editing in order that the sense flows:</u></p> <p>Again, the broad character assessment below should inform design decisions. In addition, choice of materials that should respect those in the vicinity, especially in the historic core streets of Broad Street, Portland Street, High Street, Hereford Road, Mill Bank, Back Lane, Bell Square and Meadow Street. (see paragraph 2.13). A large number of houses in the village of Weobley date from the 14th to 17th Century. They are timber-framed structures, most of which are of box frame construction although there are several cruck-trussed buildings, set on a plinth of coursed rubble. Early timber-framed houses were infilled with wattle (or lathes) and daub, later replaced with brick, painted brick or render. Original thatched roofs were replaced with clay plain tiles. Many timber-framed houses were later re-fronted in brick or painted brick. There are few houses of Classical/Georgian style. Buildings of 19th Century date are of brick or stone construction with tiled roofs. Most 20th Century houses are brick built; some are rendered, painted or finished with shingles. Roofs are covered with cement tiles or slate. Agricultural buildings dating to the 18th Century, including barns and cow houses, are generally timber framed with weatherboarding on a coursed rubble plinth. In terms of ground treatment within the public realm there are</p>	In the interest of clarity, as required by the NPPF (para 154).

examples of cobbled areas that contribute to the character of the village which may be improved or added to where this will not adversely affect pedestrian safety.

Section 3 (first sentence and first paragraph): To be amended as follows:

*The Conservation Area setting and views into and from the village as shown on map... [or two maps if desired] should be preserved **protected from inappropriate forms of development that would significantly adversely impact on the setting and important views.***

The third main quality is provided by the quality of the setting of the Village, with a variety of views and vistas reinforcing the feeling of space and tranquillity along the rural lanes approaching the village. Proposals for development should preserve important views within, into and from the conservation area. These should remain protected from inappropriate forms of development. *The most important views and settings are:*

1. **Looking south towards the village from public footpath 28**
2. *Looking north from the churchyard across the meadowland of the Newbridge Brook*
3. *Looking east from **Public Footpath 33** on the west side of the conservation area across the Weobley townscape*
4. *Looking south from Weobley castle earthworks across Garnstone parkland*
5. *Looking east from the Ley towards the Castle site*
6. **A sequential view north from the Castle earthworks into Broad Street and Church Road**
7. **Looking south from Broad Street towards Market Pitch**
8. **Looking east from Meadow Street along Bell Square**
9. **Looking west along High Street towards Market Pitch**

10. Sequential view looking and travelling north along Hereford Road to the High Street.
11. Deflected view looking east then north along Mill Bank
12. Sequential view east and then south along Meadow Street
13. View of the Church from Meadow Street
14. Looking south-west from the Hereford Road near the East Lodge across Garnstone parkland
15. Looking North from Footpath 67 near Garnstone Castle site across the parkland to the village.

Additional text in the policy describing these views may be added to the justification if desired but is to be deleted from Policy WE08.

Section 4: To remain as shown

Section 5: First sentence to be deleted (may be added to the justification if required). Bullet to include the rest of the text shown:

Section 6: First sentence to remain. Additional text to be amended as follows in order that the Plan is not providing instruction to the highway authority in the undertaking of its highway duties:

*"The general absence of such clutter, in particular in the form of street furniture, is a unifying factor that should be retained, and the Highway Authority is **encouraged to should minimise signage, markings and other traffic management elements.**"*

Section 7: To be amended as follows:

"Measures to address unattractive areas improve the visual appearance of the village and conservation area will be supported and where possible promoted. Weobley has a few unattractive areas. In addition, areas can deteriorate over time. Measures may include, as a minimum, enhancements to soften and improve the visual appearance of unattractive areas."

Section 8: To remain as shown.

Map 2 to be amended to show view 1 taken from Footpath 28 and view 3 from Footpath 33. This map to

	<u>also include views 14 and 15, or an additional map to be added to the Plan.</u>	
Policy WEO14	Modification 7: <u>The last sentence of Policy WE014 to be deleted.</u>	In order that the Policy meets the requirements of the Basic Conditions and has due regard to Government Policy
Policy WEO15	Modification 8: <u>The first paragraph of Policy WE015 to be altered as follows:</u> <i>“New housing within Weobley Village will be provided through sensitive infilling within a the settlement boundary defined on the Weobley Village Policies Map and on allocated sites identified for development shown on Weobley Village Policies Map.”</i>	To ensure it complies with government guidance and policy with regard to clarity.
Policy WEO16	Modification 1 has dealt with this issue and requires the last sentence of paragraph 7.6, the justification for this policy, to refer to this evidence base.	To improve clarity.
Policy WEO23	Modification 9: <u>Criteria e) of Policy WE023 to be altered as follows:</u> <i>e) Proposals will not result in indiscriminate or on-street parking but should provide adequate off-street parking in accordance with Herefordshire Council’s parking standards. and preferably address the reduction of any on-street parking problems that may exist within the vicinity.</i>	To ensure policy meets the Basic Conditions and has regard to national policy

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. 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.
- 5.2 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 Weobley 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 Weobley 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 8 August 2013.



Signed

Dated 10 July 2019