

## **Withington Group NDP Independent Examination**

### **Delegated Decision Statement**

**19 July 2019**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Withington Group Neighbourhood Area
Parish Council	Withington Group Parish Council
Submission	17 December to 11 February 2019
Examination Date	Spring 2019
Inspector Report Received	19 July 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 Withington 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 Withington Group was designated on 12 July 2013. The Neighbourhood Area follows the boundary of Weobley parish boundary. The Withington Group NDP has been prepared by Withington 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 winter 2017.

- 2.2 The Plan was submitted to Herefordshire Council on 12 December 2018, and the consultation under Regulation 16 took place between the 17 December 2018 to 11 February 2019, where the Plan was publicised and representations invited.
- 2.3 On 26 March 2019 Ann Skippers was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Withington 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:

Where modifications are recommended they appear in **bold text**, specific changes to the wording of the policies or new wording these appear in *italics*.

Policy	Modification recommended	Justification
Modification 1 Plan period	<b>Amend the dates of the Plan period to “2011 – 2031”</b> <b>Ensure that the Plan period is consistent throughout the documents</b>	For compliance with the Core Strategy
Modification 2 Foreword	<b>Add the words “<i>and the public</i>” at the end of bullet point four on page 2 of the Plan</b> <b>Add a new bullet point that reads: “<i>A period of formal consultation</i>” after bullet point five</b> <b>Delete the words “a government appointed” in bullet point six and replace with “<i>an independent</i>”</b>	In the interests of accuracy

Modification 3  Line 8 of paragraph 4.1	<b>Add the word “in” after “...Withington which is...” in paragraph 4.1 on page 10 of the Plan</b>	
Modification 4  Policy P1	<b>Add the words “and as shown on the Withington Policies Map” after “The following sites...” in the policy</b>  <b>Replace the words “...allocated for residential care...” with “...allocated for <i>age restricted residential development...</i>” in paragraph 4.3 on page 11 of the Plan</b>	In the interest of clarity
Modification 5  Policy P2	<b>Change the title of the policy to “Withington Settlement Boundary and Withington Marsh Settlement Boundary”</b>	To meet the basic conditions and in particular be in general conformity with CS Policies RA2 and RA3 and help to achieve sustainable development.
Modification 6  Policy P3	<b>Change the second sentence of the policy to read: “A site is allocated for <i>approximately</i> six dwellings at Townsend Farm in Westhide.”</b>  <b>Delete the sentence “No further individual redundant sites or adjacent sites take together should provide for more than three dwellings.” From paragraph 4.16 on page 14 of the Plan</b>  <b>Change the fourth sentence in paragraph 4.17 on page 15 of the Plan to read:</b>  <b>“It is considered that within the settlement boundary only infill development of <i>no more than three dwellings</i> will be acceptable.”</b>	To meet basic conditions.
Modification 7  Policy P4	<b>Change criterion d. to read: “<i>Detached garages to dwellings should not usually project beyond the front or principal elevation of the dwelling and attached garages should be designed to appear subservient to the main dwelling and not visually dominate the street scene.</i>”</b>  <b>Change criterion h. to read: “<i>If the amenity of new residential occupiers might be adversely affected by existing agricultural or commercial activity, suitable mitigation measures must be included in the design of the scheme and its layout. Where it is not possible to satisfactorily mitigate against</i></b>	To meet basic conditions.

	<b><i>any potential harm, planning permission will not be granted.”</i></b>	
Modification 8  Policy P5	<b>Delete Policy P5 and its supporting text (paragraphs 4.22 – 4.25)</b>	To meet basic conditions.
Modification 9  Policy P6	<p><b>Delete reference to CS Policy OS3 in paragraph 4.26 on page 19 of the Plan</b></p> <p><b>Delete St Peter’s Church area notated as a LGS from the Policies Map</b></p> <p><b>Delete the school and playing fields site and the area west of Duke Street from the proposed Duke Street area</b></p> <p><b>Change the wording of Policy P6 to read:</b></p> <p><b><i>“The following green spaces and identified on the Policies Maps are designated as Local Green Spaces. These are protected from development which would detract from the character, appearance and function.</i></b></p> <p><b>[list retained spaces by name/address only i.e. deleting “(Strategic Gap)” from existing number 6]</b></p> <p><b>Consequential amendments will be required to the Policies Maps</b></p>	For purpose of clarity
Modification 10  Policy P7	<p><b>Reword Policy P7 to read:</b></p> <p><b><i>“Where appropriate, development will be required to make a proportionate contribution towards the provision of transport infrastructure in the Parish. The priority list includes: [retain list a. – e. as currently presented]”</i></b></p>	To ensure the policy takes account of national policy and guidance, will generally conform to the CS and in particular Policies SS4 and MT1 and will help to achieve sustainable development.
Modification 11  Policy P10 and P11	<p><b>Delete the first “and” from the first sentence of Policy P10</b></p> <p><b>Delete the “and” from Policy P11</b></p>	To meet basic conditions

Modification 12 Policy P12	<p><b>Delete the words “...provided that any adverse affects on nearby residential properties can be suitably mitigated.’ from the first sentence of the policy</b></p> <p><b>Delete the second sentence of the policy</b></p> <p><b>Delete the third sentence of the policy</b></p> <p><b>Delete the second sentence of the supporting text in paragraph 4.32 on page 21 after “The Parish Council fully supports its continued operation.”</b></p> <p><b>Delete the last sentence of paragraph 4.32</b></p>	To meet basic conditions
Modification 13 Policy P13	<b>Delete Policy P13 and its supporting text</b>	To avoid unnecessary duplication
Modification 14 Policy P14	<b>Reword Policy P14 to read: “Proposals for new polytunnels <i>must take account of existing landform, trees and hedgerows on and near the site and demonstrate that the effect on the character and appearance of the landscape will be acceptable. Measures to ensure proper management of any rainwater run-off from the site should also be detailed at the planning application stage.</i>”</b>	To meet basic conditions
Modification 15 Policy P16	<b>Change 2. of the policy to read: “<i>Where appropriate, development will be required to make a proportionate contribution towards the provision of community infrastructure in the Parish. The priority list includes:</i>  <i>[retain list a. – f. as currently presented]</i>”</b>	To help achieve sustainable development
Modification 16 Appendices	<b>Add a sentence to Appendix 2 that reads:  “<i>The information on this map reflects information correct at the time of writing the Plan. Up to date information should be sought from the local planning authority, the Parish Council or appropriate statutory body.</i>”</b>	For clarity

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

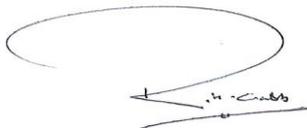
5.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the examiner made in the report under paragraph 10 of Schedule 4A to the 1990 act (as applied by Section 38A of the 2004 Act) in relation 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 Withington Group 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 Withington 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 examiners conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 12 July 2013.



Signed .....

Dated .....19 July 2019.....

