

## **Lyonshall NDP Independent Examination**

### **Delegated Decision Statement**

**14 October 2019**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Lyonshall Neighbourhood Area
Parish Council	Lyonshall Parish Council
Submission	28 January to 8 March 2019
Examination Date	March 2019
Inspector Report Received	October 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 Lyonhsall 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 Lyonshall was designated on 6 June 2012. The Neighbourhood Area follows the boundary of Lyonshall parish boundary. The Lyonshall NDP has been prepared by Lyonhsall 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 summer 2012.

- 2.2 The Plan was submitted to Herefordshire Council on 22 January 2019, and the consultation under Regulation 16 took place between the 25 January to 8 March 2019, where the Plan was publicised and representations invited.
- 2.3 On 13 March 2019, Barbara Maksymiw was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Lyonshall 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 Policy LH1	Redraw the settlement boundary on Lyonshall village policies map to exclude the land to the rear of the recent development at White Lions Meadow and the field opposite Yew Tree Croft.	Remove large areas included within the settlement boundary but not allocated for development. To ensure that growth within the village remains proportionate
Modification 2 Policy LH1	Add a new third paragraph to Policy LH1 'Additional landscaping should be provided on site C to enhance the transition from open countryside to the built up area villages, Site specific Flood Risk	To take account of landowner and Environment Agency comments

	Assessments will be required for Sites B and C when planning applications for these sites area submitted'	
Modification 3  Policy LH1	Add 'Lyonshall' before 'village centre' in third line of clause 3 of Policy LH1	To ensure the clause is sufficiently precise
Modification 4  Policy LH2	Replace second sentence of first paragraph of Policy LH2 to read  'Developments on sites of more than 10 dwellings should aim to meet a target of 35% affordable housing provision and developers should ensure proposals respond to the most up to date evidence of local housing needs'  In the second paragraph add 'based on an up to date assessment of housing needs' after 'a suitable proportional'  Delete 1, 2, 3, 4 numbering for each paragraph	To ensure the policy is precise
Modification 5  Policy LH3	Add 'and in character' after 'in scale' in clause 3 of Policy LH3	To ensure consistency
Modification 6  Policy LB1	Add location and boundaries of Burgoynes Industrial Estate to the Lyonshall village policies map and denote with the notation LB1  Add 'as denoted on the Lyonshall village policies map as Site LB1' after 'Burgoynes Industrial Estate' in first sentence of Policy LB1.  Delete repeated 'is provided' from LB1 clause 3	To ensure clarity
Modification 7  Policy LB4	Delete 'where' in the first sentence of Policy LB4 and replace with 'provide'	To ensure clarity
Modification 8  Policy LE2	Delete final paragraph of Policy LE2 and paragraph 3.3.11 of the supporting text.  Renummer subsequent paragraphs accordingly	To ensure clarity
Modification 9  Policy LC1	Delete 'or close to the site of the existing Memorial Hall' and replace with Site D	To ensure clarity

Modification 10	Add Children's Play Area to Lyonshall village policies map with notation as LC2.	To ensure clarity
Policy LC2	Add 'as shown on the Lyonshall village policies map as LC2' after 'opposite the Royal George Public House' in first line of Policy LC2	

#### **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 in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.

5.3 Following the modifications made, the Lyonshall 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 Lyonshall 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 2012.

Signed  .....

Dated 14.10.19 .....