

## Ross on Wye NDP Independent Examination

### Delegated Decision Statement

**7 February 2020**

### Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Ross on Wye Neighbourhood Area
Parish Council	Ross on Wye Town Council
Submission	12 August to 7 October 2019
Examination Date	October 2019 to January 2020
Inspector Report Received	31 January 2020

#### **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 Ross on Wye 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 the Ross on Wye was designated on 11 September 2014. The Neighbourhood Area follows the Ross on Wye town boundary. The Ross on Wye Neighbourhood Development Plan has been prepared by Ross on Wye Town Council. Work on the production of the plan has been undertaken by members of the local community through a Neighbourhood Plan Steering Group since September 2014.

- 2.2 The Plan was submitted to Herefordshire Council on 30 July 2019 and the consultation under Regulation 16 took place between the 12 August to 7 October 2019, where the Plan was publicised and representations invited.
- 2.3 In Winter 2019, Nigel McGurk BSc(Hons) MCD MBA MRTPI was appointed by Herefordshire Council, with the consent of the Town Council, to undertake the examination of the Ross on Wye NDP and to prepare a report of the independent examination.
- 2.4 The Examiner's report concludes that subject to making the 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 the report along with the justification:

Policy	Modification recommended	Justification
Modification 1 Para 1.1.5	Delete para 1.1.5 and replace with; 'The Neighbourhood Plan period is 2019 to 2031. This falls within the plan period of the Herefordshire Local Plan'. (Delete reference to amendments)	To ensure clarity and precision and correct typographical error
Modification 2 Para 1.1.4	Delete para 1.1.4	Overtaken by events
Modification 3 Para 1.6.4	Delete last sentence and replace with: 'Thus, in addition to the most important part of the Neighbourhood Plan- its policies, the document also provides for the consideration of non-policy matters. As such, the policy section of the plan is followed by an Action Projects section.'  Page 23 – change the headings of bullet points to 'Policies' and 'Action Points', respectively  Page 23, first bullet point, delete 'It is recognised that it is only these that can be formally examined'  Page 23, change second bullet point to 'Level 2: Action Projects. These are grouped under broad themes, having regard to the land use planning policies set out in the Neighbourhood Plan. For clarity, the Action reflect locally agreed aims and do not comprise land use planning policies'	To ensure clarity

	Delete para 1.6.5	
Modification 4  Para 3.2	<p>Para 3.2 – delete the last sentence</p> <p>Change para 3.3 to ‘ are listed out below, with columns setting out their links to the Neighbourhood Plan’s Policies and Actions Projects’</p> <p>Change first line of para 3.4 to ‘listed below, do not..’</p> <p>Page 27, delete first three paragraphs and the final paragraph, leaving the text ‘The planning policies included ...comments on that application’</p> <p>Move the tables on pages 28, 29, 48, 56, 62, 63 and 71 to the end of the proceeding section 3.0</p> <p>Delete all ‘Sub-objectives’ headings before each policy in the Policy Section of the Neighbourhood Plan.</p>	To ensure the introductory text in clear
Modification 5  Section 4.6	Delete section 4.6 and figure 12	To ensure clarity
Modification 6  Para 4.10.2	<p>Change para 4.10.2 to; ‘It is noted that these natural features that are highly valued by the local community are already protected by national and local planning policy (Delete the rest of the para)</p> <p>Page 46, delete heading ‘Explanation’</p> <p>Page 47, delete heading ‘Explanation’</p> <p>Page 67, deleted heading ‘Explanation’</p> <p>Change para 4.24.2 to ‘The Town Council would like to see and will work to encourage a fully integrated sign to be of a high standard (A report...1)’</p> <p>Para 4.23.3, deleted last sentence, which is not a Policy requirement but reads as one.</p>	Delete non land use planning policy text which reads as policy
Modification 7  Policy EN1	<p>Change Policy EN1 to read: ‘All new development should be of good design and make a positive contribution to the character of Ross. Development should have regard to the Ross-on-Wye Character Assessment Portfolio (2017) and respond to its surroundings in terms of scale, material, form, details, layout, public realm and historic character.’</p> <p>Para 4.1.2, change first sentence to; ‘..and visitors, not least in the town centre, where there are a large number of Listed Buildings.’ (delete rest of sentence – NB, all development</p>	<p>To ensure that the policy is clear for the decision maker</p> <p>In conformity with national planning policy</p> <p>To ensure clarity between the policy and supportive text.</p>

	<p>requiring planning permission is subject to Policy EN1)</p> <p>Delete para 4.1.5</p>	
Modification 8 Policy EN2	<p>Change Policy EN2 to read; 'Shopfronts, signs and advertisements requiring planning permission must respect local character and should make a positive contribution to their surroundings'</p>	To remove repetition
Modification 9 Policy EN3	<p>Change Policy EN3 to read; 'Development in the Neighbourhood Area will be focused within the Ross-on-Weye settlement boundary'</p>	To simplify the policy
Modification 10 Policy EN4	<p>Change the third line to read '...developed, will be supported where.'</p> <p>Change first line of the second para to 'development will be supported where.'</p> <p>Second para, change iii to 'iii. The proposal respects the character..'</p> <p>Second para, change iv. to 'iv. The proposal respects residential amenity'</p>	To ensure a balance of considerations for proposals
Modification 11 Policy EN5	<p>Change Policy EN5 to read 'Eco-building methods, such as low carbon...sourced materials, will be supported.'</p> <p>Delete para 4.3.2, which is unnecessary as the development plan must be considered as a whole</p>	To add clarity
Modification 12 Policy EN6	<p>Change Policy EN6 to read: 'The use of solar/ photovoltaic panels requiring planning permission will be supported where such developments respect local character and residential amenity.'</p>	To add clarity
Modification 13 Policy EN7	<p>Delete Policy EN7</p> <p>Delete all text on pages 36, 37</p> <p>Delete Figure 10</p>	Policy seeks to prevent any form of development, which goes beyond national planning policy
Modification 14 Policy EN8	<p>Change Policy EN8 to read; 'Development proposals likely to affect the Key Views on Figure 11 should assess the effect of the proposal on the view(s) and demonstrate how any adverse impacts have been addressed'</p> <p>Delete 'Key View 1 from Figure 11 and re-label the remaining three Key views</p> <p>Change last sentence of para 4.5.3 to 'Three Key views have been..'</p>	To remove policies which are on land outside the Neighbourhood Area.

	Delete para 4.5.4	
Modification 15 Policy EN9	Change Policy EN9 to read:  'Figure 13 sets out a green infrastructure network for the Neighbourhood Area. The maintenance and enhancement of the green infrastructure network will be supported. Development proposed on land within or adjoining the green infrastructure network must respect the green infrastructure network and should, where possible, provide net gains for biodiversity'  Delete para 4.7.3 (which reads as, but is not a Policy)	No evidence of delivery provide for elements of the requirements.
Modification 16 Policy EN10	Change the first para to: 'Where planning permission is required, the development of permeable paving to front gardens and hardstandings should be in keeping with the character of the surrounding area, including boundary treatments, having regard to relevant Character Area Appraisals in the Character Assessment Portfolio'  Delete last sentence (All proposals...guidance')	To ensure clarity
Modification 17 Policy EN11	Delete Policy EN11  Replace the heading 'Explanation' with 'Ross on Wye Pre-Application Community Engagement Protocol'	Remove non-land use policy
Modification 18 Policy H1	Change Policy H1 to read: 'Self-build and custom-build housing will be supported, subject to it respecting local character, residential amenity and highway safety.'	To add clarity
Modification 19 Policy H2	Change Policy H2 to read: 'Development to provide for home working will be supported, subject to it respecting local character, residential amenity and highway safety'  Para 4.14.2, delete last sentence (this is ...houses)	To add clarity
Modification 20 Policy H3	Delete Policy 13  Replace 'Explanation' with a new introductory para to read; 'The Town Council strongly supports the creation of the Ross-on-Wye Community Land Trust. Once established, it is anticipated that the Ross-on-Wye Community Land Trust will deliver and support the management of affordable housing in the Neighbourhood Area'  Delete para 4.15.2	The policy is premature, therefore needed clarification

Modification 21 Policy H4	Change Policy H4 to read: 'The development of new housing in the town centre that respects local character, residential amenity and highway safety, will be supported. Where residential development requiring planning permission is proposed above ground floor uses, access should be from a separate ground level entrance.'	To ensure clarity
Modification 22 Policy H5	Change Policy H5 to read: 'Where planning permission is required, the development of space above town centre shops for residential or appropriate business use (use class B1), will be supported'	To ensure clarity
Modification 23 Policy E1	Change Policy E1 to read: 'New employment development, including but not limited to the provision of starter units and /or sharing service accommodation and the development of offices will be supported. Tourism and leisure development that enhances the offer and which does not detract from the vitality and viability of the town centre will be supported. All employment development should respect local character, residential amenity and highway safety'	To ensure the policy is not ambiguous
Modification 24 Policy E2	Change Policy E2 to '...normally be resisted. If applications are..'  Change second sentence of para 4.19.1 to read: '..the town centre is likely to have significant adverse impacts on the town centre. Ross-on-Wye's town centre lies at the heart of the local community and planning for its long term success has emerged as a vital component of the Neighbourhood Plan'	To ensure policy does not include non-land use elements.
Modification 25 Policy E3	Change Policy E3 to read: '..Ross will be supported. Development resulting in a reduction in the overall provision of retail, commercial, leisure, cultural and tourism uses in the town centre must demonstrate that it contributes to the vitality and viability of the town centre and should demonstrate that the original use is no longer viable and has sustained a ....Area'  Delete last bullet point of Policy (Enhance...destination)  Delete para 4.20.5. It is unnecessary for the Neighbourhood Plan to set out what it does not do (and detracts from its concise nature)	To ensure the policy isn't overly restrictive
Modification 26 Policy A1	Change Policy A1 to read: 'Major development proposals should demonstrate how they will contribute to encourage to encouraging active travel – more	To ensure the policy has regard to paragraph 56 of the NPPF

	<p>and safer walking, cycling, disabled access and /or use of public transport. The provision and /or enhancement of safe walking and cycling routes and /or networks and cycle parking facilities will be supported.</p> <p>For accuracy, replace penultimate sentence of para 4.21.1 with 'At the same time, it is noted that the Neighbourhood Plan cannot seek to determine matters that are the responsibility of Herefordshire Council as highway authority'</p> <p>Change para 4.21.7 to '...new development informs the design of new developments.' Delete rest of the paragraph which reads as a Policy requirement but is not</p> <p>Delete 4.21.8 which has been overtaken by events</p> <p>Para 4.22.1 reads as a vague Policy requirement. Replace with; 'Policy A1 seeks to encourage sustainable patterns of movement. In this regard, the Town Council is keen to see that major development proposals, as defined by national policy, place the prioritisation of pedestrians, cyclists and public transport before that of private vehicles'</p>	
<p>Modification 27</p> <p>Policy A2</p>	<p>Change Policy A2 to read; 'The protection and/or enhancement of the Neighbourhood Area's public rights of way network will be supported'</p> <p>Change para 4.23.2 to 'The Town Council would like to see and will work to encourage, developments making a significant contribution to making walking....there'</p>	<p>To ensure the policy has regard to para 98 of the NPPF</p>
<p>Modification 28</p> <p>Policy A3</p>	<p>Change Policy A3 to read: 'Proposals that would result in the loss of parking spaces on town centre car parks must be accompanied by a report to demonstrate the impacts on overall town centre parking and how these will be addressed'</p> <p>Change para 4.25.4 to 'Action projects in Section 6 also seek to address related matters.'</p>	<p>To ensure clarity</p>
<p>Modification 29</p> <p>Policy A4</p>	<p>Change Policy A4 to read: 'Provision should be made for charging of electric vehicles for all new houses where this can be achieved on plot. The addition of charging facilities to places of work or leisure will be supported.'</p> <p>Replace para 4.26.1 to 4.26.3 with '4.26.1 In 2018, the government welcomes the Business, Energy and Industrial Strategy Committee's report 'Electric vehicles: driving the transition',</p>	<p>To align with national policy</p>

	<p>stating that it 'shares the Committee's view that electric vehicles represent exciting opportunities for the UK as a tool to address greenhouse gas emissions, reduce air pollution, and as a new economic opportunity' This was followed up in July 2019 when the Department for Transport, Office of Low Emission Vehicles, launched a consultation on 'proposing that new-build homes are fitted with an electric car charging points.'</p> <p>4.26.2 A key element of the necessary infrastructure low emission vehicles is currently the provision of electric charging points at homes, at places of work, at places of leisure and so forth and at general public (and private) car parks. This Policy seeks to secure such provision in new housing developments and supports provisions elsewhere.</p> <p>4.26.3 While the emphasis of the Policy been on charging points for cars, the Town Council will encourage consideration to be given to provision for vehicles charging at non-domestic locations for e-bikes.'</p>	
<p>Modification 30</p> <p>Policy SC1</p>	<p>Delete the second para and bullet points of Policy SC1</p> <p>Change the numbering of the second para 4.27.2 to '4.27.3'</p> <p>Para 4.27.3 change to '...wherever possible and the Town Council would like to see new developments contributing to their retention and improvement and where possible, the provision of new facilities. The Community...'</p> <p>Change para 4.27.4 to '...September 2019. That closure has now taken place. This is a serious loss for the town in terms of its tourism role but also in terms of its long-standing use as a local venue for community events. It is also a loss that has caused considerable local concern, even a petition about keeping the hotel open' Any opportunities to bring the hotel back into use would be greatly valued, either through the existing owners or new owners.</p>	<p>To ensure clarity and update text.</p>
<p>Modification 31</p> <p>Policy SC2</p>	<p>Change Policy SC2 to read: 'New community facilities in the town centre will be supported, subject to respecting local character, residential amenity and highway safety' (Delete rest of Policy)</p> <p>Para 4.28.1 delete third sentence, which is unsupported by substantive evidence (If larger....developments')</p>	<p>To ensure the policy is not ambiguous</p>
<p>Modification 32</p>	<p>Change second sentence of Policy SC3 to 'The provision of new allotments will be supported'</p>	<p>To ensure the policy is not ambiguous</p>

Policy SC3		
Modification 33 Policy SC4	<p>Delete second sentence (New...OS1)</p> <p>Delete para 4.32.2, which includes a confusing reference to Local Green Space, which is the subject of another Policy in the Neighbourhood Plan and replace with 'Local Plan Core Strategy Policy OS1 sets out how new development should seek to provide appropriate play provision.'</p>	To avoid confusion and unnecessary cross referencing
Modification 34 Policy SC5	<p>Change Policy SC5 to read: 'The six areas identified on Figure 19 and supporting plans are designated as Local Green Space, which will be protected in a manner consistent with the protection of land within the Green Belt'</p> <p>Provide plans below Figure 19, preferably on an Ordnance Survey base, that clearly show the precise boundaries of each Local Green Space.</p>	To ensure clarity and precise boundaries are shown.
Modification 35 Policy SC6	Policy SC6 delete second sentence (New ...network)	To ensure clarity
Modification 36 Policy 5A.1	<p>Policy 5A.1 change first sentence to 'The site is allocated for custom-build housing subject to the following;'</p> <p>Delete first and second bullet points</p> <p>Delete last sentence 'Timing..period'</p> <p>Delete last sentence of para 5.1.3, as it is unnecessary and confusing to refer to things that the Neighbourhood Plan does not do</p> <p>Delete para 5.1.4</p> <p>Change para 5.1.5 to '...employment land needed. The Neighbourhood Plan seeks to allocate further land for development to ensure that the Neighbourhood Plan can influence the sustainable growth of Ross-on-Wye'</p> <p>Delete para 5.1.6</p> <p>Move pages 91 to 100 to a new section of the Neighbourhood Plan, following the Policy section and before the Projects section.</p> <p>Replace the title 'other sites' with 'Opportunities'.</p> <p>Delete the 'Policy' reference numbers from the title of each site (5B.1 ect)</p> <p>Add new introductory paragraph 'The Town Council is generally supportive of the opportunities identified below. While these do not form allocations in the Neighbourhood Plan itself, the Town Council has set out its ideas in</p>	To ensure clarity within the plan and distinguish policy from the non-policy sections.

	<p>how the opportunities might come forward and this information is set out over the following pages.'</p> <p>I note that it is not necessary to include any additional maps or plans in this regard.</p> <p>Delete para 5.1.7 and replace with a new para; 'The Neighbourhood Plan allocates four sites for development and these are shown on Figure 21. Whilst the Town Council is also generally supportive of the development of land at The Chase and Broadmeadows /Tanyard, these do not comprise allocations in this Neighbourhood Plan. The Appendices include information setting out how the Town Council would like to see land at The Chase and at Broadmeadows / Tanyard come forward in the future.'</p> <p>Delete para 5.1.8 which reads as a Policy requirement, which it is not</p> <p>Delete para 5.1.9 which reads a Policy requirement, which it is not</p> <p>Delete para 5.1.10 the development plan is considered as a whole</p> <p>Delete para 5.2.1 to 5.2.4 – A development site is either allocated or is not allocated. The phrase 'fully allocated' appears meaningless. This section includes unnecessary statements and infers that land that is not allocated by the Neighbourhood Plan comprises an allocation. Part of this section also reads as a policy requirement, which it is not.</p> <p>Provide a revised Figure 21. Key should only show Allocated sites</p> <p>Further to the recommendations above delete para 4.12.5 to 4.12.10, which contain unnecessary information.</p>	
<p>Modification 37</p> <p>Policy 5A.2</p>	<p>Policy 5A.2 change first sentence to 'The site is allocated for housing subject to the following;'</p> <p>Delete last sentence 'Timing ...period' (which is unnecessary)</p>	<p>To ensure clarity</p>
<p>Modification 38</p> <p>Policy 5A.3</p>	<p>Policy 5A.3 change first sentence to 'The site is allocated for around 15 dwellings and open space or allotments subject to the following;'</p> <p>Change first bullet point to 'Development proposals must demonstrate safe access can be achieved at all times.'</p> <p>Delete second bullet point</p> <p>Change third bullet to 'Any public right of way</p>	<p>To ensure clarity</p>

	<p>must be retained or safely re-routed.'</p> <p>Delete last sentence of the policy</p> <p>Delete the last two sentences of para 5.3.9 and replace with 'Consequently, the policy highlights the requirement for safe access.'</p>	
<p>Modification 39</p> <p>Policy 5A.4</p>	<p>Policy 5A.4 change first sentence to 'The site is allocated for housing subject to the following;'</p> <p>Delete first bullet point</p> <p>Delete last sentence 'Timing..period' (which is vague)</p> <p>Update para 5.3.15 and 5.3.16 to take account of the closure of the Childrens' Centre.</p>	To ensure clarity
<p>Modification 40</p> <p>Content</p>	<p>Update the contents and where necessary, policy, paragraph and page numbering to take account of the recommendations</p>	To ensure the plan reads as a whole

#### 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. None of the changes are considered to have a significant effect on the overall appraisals. The updated SEA and HRA is 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 Ross on Wye 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
- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 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 Ross on Wye 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 11 September 2014.

Signed .....  
Dated ..... 11/2/20 .....

**Richard Ball**  
**Director of Economy and Place**