

Ashperton NDP Independent Examination

Delegated Decision Statement

20 March 2020

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Ashperton Neighbourhood Area
Parish Council	Ashperton Parish Council
Submission	13 May to 24 June 2019
Examination Date	January and February 2020
Inspector Report Received	4 March 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 Ashperton 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 Ashperton was designated on 3 June 2015. The Neighbourhood Area follows the boundary of Ashperton parish boundary. The Ashperton NDP has been prepared by Ashperton 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 2015.

- 2.2 The Plan was first submitted to Herefordshire Council on 2 May 2019 and the consultation under Regulation 16 took place between the 13 May and 24 June 2019. This version of the plan did not progress to examination, as there was issues with the completeness of the consultation statement and the robustness of the analysis between the draft and submission. Herefordshire Council recommended the parish council review their plan and supporting documents to address all comments received at regulation 14.
- 2.3 Following this the Parish Council amended the NDP and supporting documents and re submit on 2 October 2019. A regulation 16 consultation was undertaken on the resubmitted NDP from 29 October to the 10 December 2019.
- 2.4 On 22 January 2020 Ms Barbara Maksymiw MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Ashperton NDP and to prepare a report of the independent examination.
- 2.5 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.
- 2.6 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 Para 60 Neighbourhood Plan policies	Steering Group to consider relocating the orange "Community Feedback from Questionnaire" so that it appears before each policy. Paragraph numbers and titles and reference numbers for each map, diagram and table to be added to the final version of the NDP	Interests of accuracy and clarity Removal of inaccurate and outdated information
Modification 2 Section 1 Introduction and Background	Delete superfluous "that" from second sentence of third paragraph on page 3.	Avoid repetition, interests of clarity.
Modification 3 Section 2 Our Parish	Update last sentence of second paragraph on page 6 in the final version of the NDP	To update section.

<p>Modification 4</p> <p>Policy H1</p>	<p>Delete first paragraph at top of page 38 and insert new paragraph after the first paragraph on page 37 to read</p> <p>“This plan therefore puts forward sites with a potential for a further 7 dwellings. Together with existing commitments and planning consents, this results in a total potential of 25 dwellings during the plan period.”</p>	<p>Interests of accuracy and clarity.</p>
<p>Modification 5</p> <p>Policy H1</p>	<p>In Policy H1 delete “in the Herefordshire Core Strategy” and replace with “in the NDP”.</p> <p>Delete “The majority of” and replace with “Any”.</p> <p>Add “as defined in the Ashperton Policies Map” after “Settlement Boundary”.</p>	<p>Removal of superfluous text.</p> <p>In order to strengthen and tighten up the policy.</p>
<p>Modification 6</p> <p>Policy H2</p>	<p>Add new sentence at the end of the paragraph describing Site P1 on page 35, to read</p> <p>“Since the HLPCS advises that sites that have received planning permission should be included within the settlement boundary, the site is included within the settlement boundary shown on the Ashperton Policies Map.”</p>	<p>Comply with strategic guidance and meet the basic conditions.</p>
<p>Modification 7</p> <p>Ashperton Settlement boundary policies maps</p>	<p>Amend settlement boundary shown on the Ashperton Policies Map so that the housing commitment site P1 (Land to the North of the Village Hall) and the Proposed Housing Site S3 (Land behind Milestone Cottage and Peasecoft) are included within the settlement boundary.</p> <p>Add reference numbers for the Proposed Housing Sites (sites S1, S2 and S3) and the Housing Commitment Sites (sites P1, P2 and P3) to the Ashperton Policies Map.</p>	<p>Interests of consistency and accuracy.</p>
<p>Modification 8</p> <p>Ashperton Settlement boundary policies maps</p>	<p>Add a title to the map on Page 34 to read “ Ashperton Settlement Boundary Map ”.</p> <p>Amend boundary shown to that on the updated Ashperton Policies Map so that the settlement boundary coincides with the amended settlement boundary set out in the Modification outlined above.</p> <p>Add a new paragraph below the map on page 34 to read “ Since the plan was originally prepared, housing sites have been built out, granted planning consent or allocated in this plan so, in line with strategic guidance, these sites are now included in the settlement boundary shown in the plan above and the Ashperton Policies Map.”</p> <p>On the Ashperton Policies Map change the key to the brown dotted box to read “Housing Commitments Sites.”</p>	<p>Interests of accuracy and clarity.</p> <p>Further explanation of how the sb has been defined.</p>
<p>Modification 9</p>	<p>In second sentence of paragraph under N7 Church Lane heading on page 37, delete “Although it may be possible to accommodate one or two dwellings on land without</p>	<p>Interests of accuracy and</p>

Policy H2	<p>archaeological constraints and within the settlement boundary” and start a new sentence to read “In addition highway visibility considerations.....”.</p> <p>Add a new sentence at end of paragraph to read</p> <p>“A small part of the site is without archaeological considerations and lies within the settlement boundary and could accommodate one or two dwellings and is identified as site N7”.</p>	<p>clarity.</p> <p>Clarity status of smaller site.</p>
Modification 10 Section P4	In last sentence of section headed P4 “The Ditch”, delete “but as of August 1 2019 the application had not been determined.” and replace with “and has been refused.”	To update section.
Modification 11 Policy H2	<p>Reword Policy H2 to read</p> <p>“The settlement boundary for Ashperton is defined in the Ashperton Policies Map. Sustainable housing growth will be supported in or adjacent to this boundary.”</p>	To be more positively worded, to conform with strategic guidance.
Modification 12 Policy H3	<p>Change title of Policy H3 to “Housing Mix and Tenure”.</p> <p>Delete “Notwithstanding Policy D2,” from start of policy H3.</p>	Interests of consistency and clarification.
Modification 13 Policy H4	In Policy H4 add as a new sentence after “in the NDP” to read “In particular the following types of dwelling will be encouraged:”	Interests of clarity.
Modification 14 Policy H5	Delete Policy 5 and last sentence of third paragraph on page 40 which reads “Policy H5 mirrors Core Strategy Policy H2”	Remove duplication.
Modification 15 Policy D1	Delete “appearance” from title of Policy D1	Ensures flexibility.
Modification 16 Policy D2	<p>Delete Policy D2 and renumber subsequent policies accordingly.</p> <p>Add a new criterion g) to Policy D1 to read “developments of more than two dwellings should incorporate a variety of design features”</p>	To ensure conformity to strategic guidance. Remove restrictions.
Modification 17 Policy SB3	<p>Add to end of title of Policy SB3 “of existing employment sites”.</p> <p>In first sentence of Policy SB3, change “existing buildings to existing employment sites/buildings”.</p> <p>Add “terms of” after “little in” in first sentence of third paragraph on page 50.</p>	Ensures clarity and consistency.

Modification 18 Policy SB4	In second paragraph of Policy SB4. Add a) before “The introduction of...” delete “and the requirement for ” and insert “b) all” before “new development proposals” and change “to” to “should”	Improve clarity.
Modification 19 Policy E1	In the first line of Policy E1, delete “set out in the NDP”. In criterion a) delete “Sites must exhibit the capacity to absorb building” and replace with “it can be accommodated”	Improve clarity.
Modification 20 Policy E2	Delete a) at start of Policy E2. Add “In particular:” after “the planning regime”. Amend criterion b) to read “a) all proposals should be accompanied by lighting proposal and, in general, street lighting will not be supported.” Change criterion c) to criterion b)	Ensures policy is enforceable.
Modification 21 Policy E3	Delete Policy E3 and replace with “Development proposals affecting heritage assets and the wider historic environment should seek to protect our cultural heritage. In particular, building should not take place on significant archaeological features except in exceptional circumstances. Any such development should be subject to a watching brief by the county archaeology service”	Closer alignment to policy HLPSCS and clearer reference to local historic assets.
Modification 22 Policy E4	Delete a) at start of Policy E4. Add “In particular:” after “the planning regime”. Amend numbering of subsequent criterion accordingly. In criterion d) change “the locally important” to “Local Wildlife Sites identified in the Policies Map and Priority Habitats listed in Table on Page 21” In first sentence of third paragraph on page 21, change “County” to “Local” and in second sentence amend “17” to “23”.	Comply with strategic guidance and clarify policy.
Modification 23 Policy E5	Delete section 5.4 and Policy E5	Removal of superfluous text.
Modification 24 Policy RE2	Change “be provided “ in second sentence of Policy RE2 from bold to regular font	Improve formatting.

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

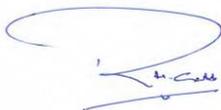
5.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the examiner made in the report under paragraph 10 of Schedule 4A to the 1990 act (as applied by Section 38A of the 2004 Act) in relation 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 Ashperton 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 Ashperton Neighbourhood Plan progresses to referendum. Herefordshire Council concur with examiners conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 3 June 2015.



Signed

Dated20 March 2020.....

Richard Gabb
Programme Officer – Housing and Growth