

Allensmore NDP Independent Examination

Delegated Decision Statement

31 March 2020

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Allensmore Neighbourhood Area
Parish Council	Allensmore Parish Council
Submission	7 October to 18 November 2019
Examination Date	November 2019 to March 2020
Inspector Report Received	20 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 Allensmore 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 Allensmore was designated on 26 May 2017. The Neighbourhood Area follows the boundary of Allensmore parish boundary with the exception of a small area of land adjacent to Clehonger village, this has been included within the Clehonger Neighbourhood Area. The Allensmore NDP has been prepared by Allensmore 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 2017.
- 2.2 The Plan was first submitted to Herefordshire Council on 2 October 2019 and the consultation under Regulation 16 took place between the 7 October to 18 November 2019, where the plan was publicised and representation invited. .

- 2.3 On 27 November 2019 Ms Ann Skippers MRTPI FHEA FRSA AoJ was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Allensmore 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 Plan cover	Change the date on the front cover of the plan from '2019 -2031' to '2011-2031'	To ensure the plan period is reflected accurately
Modification 2 Policy A1	Add after 'Development proposals will be required' the words 'to provide a proportional statement and/or plan' at the end of the first sentence of the policy	To ensure clarity
Modification 3 Policy A2	Reword the first paragraph of the policy to read: 'New development should avoid harmful impacts on biodiversity and provide net gains for biodiversity. Where significant harm to biodiversity cannot be avoided, then mitigation or compensation should be considered in exceptional circumstances. When this cannot satisfactorily occur, permission should be refused'. Change the third paragraph of the policy (Landscaping) to: 'Landscaping schemes should include wildlife enhancement to provide a net gain for biodiversity, for example...' (retain reminder of paragraph as existing) Change the fourth paragraph of the policy (Buildings) to read; 'Development must protect and encourage ..' (retain remainder of paragraph as existing)	To ensure the policy is robust and in conformity with national guidelines
Modification 4 5.2 Housing section	Change the sentence which begins 'Residents should note' in paragraph 5.2.12 on page 22 of the plan to; 'Residents should note that 30 dwellings per hectare is commonly used and accepted as a benchmark for density across England' Delete the words 'standard national formula' from the last sentence in paragraph 5.2.13 on page 22 and replace with	To ensure clarity

	'notional benchmark'	
Modification 5 Policy A3	<p>Delete the word 'Proposed' in the policy title</p> <p>Delete the words 'as preferred options' from the first paragraph of the policy</p> <p>Delete the words 'up to' in relation to site 6</p> <p>Change criterion 2 in relation to site 6 to read:</p> <p>'Development proposals provide effective surface water drainage measures that ensure that the surface water drainage onsite is satisfactorily dealt with and the development does not result in increasing the risk of flooding onsite or elsewhere. Sustainable drainage systems (SuDs) should be implemented in accordance with the SuDs hierarchy unless deemed inappropriate'</p> <p>Change the words 'for 13 dwellings' in relation to site 14 to 'approximately 13 dwellings'</p> <p>Replace the words 'up to 4 dwellings' in relation to site 15 to '7 dwellings'</p> <p>Replace the words 'up to' in relation to site 20 with 'approximately'</p> <p>Delete '(below 30 dwellings per hectare)' from criteria 1 in relation to site 20</p>	To ensure clarity for the decision maker
Modification 6 Policy A4	<p>Include the site known as 'Land behind Murrayfield, Cobhall Common' as shown on the commitment sites map and indicated as 182938 in the Cobhall Cobhall settlement boundary</p> <p>Include the site known as 'Church Road, Allensmore' as shown on the commitment map and indicated as 190650 in the Allensmore settlement boundary</p> <p>Revise criterion 1 of the policy to read:</p> <p>'Development is small is scale on infill sites of single depth (that is, not behind other houses) and where the occupiers of new housing developments will not be adversely affected by existing agricultural or commercial activities'</p> <p>Revise criterion 2 to read:</p> <p>'Properties and extensions reflect the character of the settlements with housing set back in large plots (appropriate to the size of the dwelling) and interspersed amongst green spaces. Considerations include size, scale, density, height, layout and landscaping'</p> <p>Delete 'and suitable measures should be proposed to encourage appropriate traffic speeds' from criteria 6</p>	<p>To reflect planning commitments</p> <p>To ensure policy is worded appropriately</p> <p>To reflect the NPPF</p>

Modification 7 Policy A5	<p>Add the words 'Neighbourhood Plan area' at the end of the first paragraph of the policy</p> <p>Add at the end of the first sentence in the second paragraph of the policy;</p> <p>'or to other local needs if up to date housing needs information demonstrates a different mix is required'</p> <p>Change the second sentence in the second paragraph of the policy to read:</p> <p>'Whilst plot size should have regard to the prevailing plot size and density of the area in which the development is situated, any development should be designed according to the type and size of dwelling being proposed, so as to balance the need for efficient use of available plots.'</p>	<p>To ensure clarity</p> <p>To ensure policy meet the NPPF</p>
Modification 8 Policy A6	<p>Change the first paragraph to read;</p> <p>'The sensitive re-use of redundant or disused former agricultural or other rural buildings, including farmsteads, for residential or small scale business use such as workshops, offices and studios will be supported where it does not lead to unacceptable impacts on local residents or on existing agricultural or commercial activities. The operation of existing agricultural or other commercial practices such as dairy/poultry farming, muck spreading etc should not be adversely affected by new residential development and schemes should be designed to ensure that suitable mitigation is in place before first occupation'</p> <p>Delete '(see also Policy A4, Criteria for development)' form the third paragraph of the policy</p>	<p>To ensure local expression conforms with national policy</p>
Modification 9 Policy A7	<p>Add a sentence to Map 6 and 7 on page 43 of the plan that read:</p> <p>'Users of the plan are encouraged to seek the most up to date information from the Environment Agency or other reliable sources of information'</p>	<p>To ensure up to date information is used</p>
Modification 10 Appendices	<p>Add a sentence to Appendix II that reads:</p> <p>'The information in this appendix is correct at the time of writing the plan. Up to date information on heritage assets should always be sought from Historic England or other reliable sources of information.'</p> <p>Delete Appendix III</p> <p>Ensure references to other documents and part of the plan in Appendix V are correct</p> <p>Consequential amendments will be necessary</p>	<p>To future proof the plan</p> <p>To ensure the plan does not date quickly</p> <p>To ensure all references reflect the updated text</p>

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 Allensmore 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 Allensmore 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 26 May 2017.



Signed

Dated31 March 2020.....

Richard Gabb
Programme Officer – Housing and Growth