

Colwall NDP Independent Examination

Delegated Decision Statement

1 December 2020

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Colwall Neighbourhood Area
Parish Council	Colwall Parish Council
Submission dates	14 February to 27 March 2020
Examination date	April – November 2020
Examiner's Report Received	16 November 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 Colwall 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 Colwall was designated on 17 September 2012. The Neighbourhood Area follows the boundary of Colwall parish boundary. The Garway NDP has been prepared by Colwall Parish Council. Work on the production of this plan has been undertaken by members of the local community through a Neighbourhood Plan Steering Group since winter 2012.
- 2.2 The Plan was submitted to Herefordshire Council on 10 February 2020, and the consultation under Regulation 16 took place between the 14 February to 27 March 2020, where the Plan was publicised and representations invited.

- 2.3 On 17 April 2020, Rosemary Kidd DipTP MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Colwall 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 Front cover	Revise the start date of the Colwall NDP to the date the plan is made	For clarification
Modification 2 Maps	Make reference to locations being shown on the parish policies map instead of the inset maps in the policy wording	For clarification
Modification 3 Para 4.16	<p>Include reference in the list of Malvern Hills AONB Guidance Documents in para 4.16 to:</p> <ul style="list-style-type: none"> • Guidance on how development can respect landscape in views, 2019 • Guidance on keeping horses in the landscape, 2010 <p>Correct the typographical error in paragraph 4,24 'contest' should read 'context'</p>	For clarification and accuracy
Modification 4 Policy CSB1	<p>Revise the second paragraph to read:</p> <p>'Residential development will be supported within the Colwall settlement boundary shown on the Policies Map, where proposals are in accordance with the policies of the Development Plan'</p> <p>Delete the third paragraph of the policy</p> <p>Update the housing figures in paragraph 6.1.1</p>	To ensure clarity on how the policy should be applied and provide updated housing position
Modification 5 Policy CD1	Add the following to the second paragraph	For clarification and to ensure that assessments are

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	<p>'The information required in the assessment study should be proportionate to the type and scale of the development proposed'</p> <p>Revise the third paragraph '...exceptional key views will not be supported'</p> <p>Replace Map 7 with the updated Figure VS3 from the final Colwall Visual Study Report</p> <p>Add the following to the justification to the policy</p> <p>'There are extensive views from some of the viewpoints especially those on higher ground. However, this policy can only be applied to development in plan area'</p>	<p>proportionate to the development proposed</p>
<p>Modification 6</p> <p>Policy CD2</p>	<p>Revise point 3 to read</p> <p>'Schemes should aim to be integrated into the existing streetscape....will not be supported. Where possible, built form should respect and continue the existing building line'</p> <p>Point 5 add the following to the end '...are preferred on accesses that are not proposed for adoption.'</p> <p>Revise point 12 to read 'in Policy CD1 and Map 7'</p> <p>Revise point 21 to read 'Timber or metal are considered..'</p> <p>Revise point 23 to read 'New dwellings in gardens in the conservation area only..'</p> <p>Revise point 24 to read '..adequately screened, whilst maintaining visibility splays, by trees.'</p> <p>In point 27 the reference to Policy CD6 should be renumbered.</p> <p>Subdivide the policy into four policies as follows:</p> <ul style="list-style-type: none"> • New residential development: Protecting Local Amenity – Point 2 • Site layout and access design - Point 3, 24 and 25 • Landscape design – Point 4, 5, 6, 7, 8, 9, 10,11 and 12 • Building design – Point 13,14,15, 16, 17, 18 and 19 	<p>To improve clarity and subdivide the policy to aid the plan user and decision makers</p>

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	<ul style="list-style-type: none"> • Householder development and extensions – Point 20, 21 and 22 • Development in the Conservation Area and Protecting Built Heritage Assets – Point 1, 23 and 27 • Commercial, Agricultural and Industrial Buildings – Point 26 <p>All cross references to Policies in the Plan should be checked and corrected.</p>	
<p>Modification 7</p> <p>Policy CD3</p>	<p>Revise Policy CD3 as follows</p> <p>‘..Policies Map below is allocated for housing development for at least 14 dwellings’</p> <p>Delete (target – approximately 9 houses) from the policy title</p>	<p>To ensure the allocation is correctly referenced and include reference to the housing numbers within the policy</p>
<p>Modification 8</p> <p>Policy CD4</p>	<p>Revise Policy CD4 as follows</p> <p>‘the Policies Map below is allocated for housing development for at least 32 dwellings. The site to the west and south of the housing allocation are allocated as areas of open space.’</p> <p>Delete (approximately 37 houses) from the policy title</p> <p>Revise the Policies Map to delete the Local Green Space designation from the two areas allocated for open space and show the areas as ‘Proposed Open Space’</p> <p>Revise the Key</p>	<p>To ensure the allocation is correctly referenced and include reference to the housing numbers within the policy.</p> <p>To ensure correct referencing of the open space areas</p>
<p>Modification 9</p> <p>Policy CD5</p>	<p>Revise Policy CD5 as follows</p> <p>Delete the word ‘wider’ from the title of the policy and the third paragraph</p> <p>Delete ‘New tracks, roads or cabling are not generally appropriate’ from point 12</p> <p>Delete the following from point 25 ‘New agricultural buildings should enhance the diverse built character’</p> <p>Revise the first sentence of point 26 to read ‘maintained and enhance, taking into account</p>	<p>To ensure the plan remains focused and delete lengthy extracts</p> <p>To add clarity to the text</p>

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	<p>climate change and the need for greater adaptability and resilience in species'</p> <p>Delete the extract from the Malvern Hills AONB Guidance on Building Design from paragraph 6.5.4</p> <p>Delete the Development Palette diagram from paragraph 6.5.5</p>	
<p>Modification 10</p> <p>Policy CD6</p>	<p>Add the following to the beginning of the Policy</p> <p>'The conversion of farm buildings for residential use or the extension of existing farm dwellings should take account of the following design principles'</p> <p>Revise point 1 of the policy to read '..including identification of any important views towards the farmstead. Development proposals are required..'</p> <p>Delete point 7</p> <p>Place the following text from point 8 in the justification 'these erode the functional and simple character of buildings whilst introducing suburbanising or residential elements'</p> <p>Revise the first sentence of point 11 to read 'When converting farm buildings to residential use, private areas...' Move the final sentence of point 11 to the justification.</p> <p>Revise Point 12 to read 'Where there are no hard boundary definition between farm buildings and the landscape, new buildings and extensions should follow this characteristic'</p> <p>Retitle the policy to 'The Conversion of Farmsteads to Residential Use and the Extension of Existing Dwellings on a Farmstead'</p>	<p>To ensure clarity</p>
<p>Modification 11</p> <p>Policy CD8</p>	<p>Revise Policy CD8 as follows</p> <p>Revise point 3 to read '..adverse visual impacts. New building should reflect other farm buildings and not dominate the group'</p> <p>Move points 4 -7 to the justification. Include a cross reference in the justification to the new policy derived from point 26 of Policy CD2 concerning new agricultural buildings within the settlement boundary.</p>	<p>To correct typographical error and add clarification and interpretation</p>

Policy	Modification recommended	Justification
	<p>Point 8 – delete the word ‘mature’</p> <p>Revise point 14 to read ‘..additional ventilation if used for housing livestock. In all cases the colours and tones of materials should be chosen with reference to the local context and views’ Delete the final sentence of point 14</p> <p>Add the following to the end of point 15 ‘Applying a stain or paint finish to this boarding would often help to integrate a building more successfully into the landscape, especially if it is sited in a more prominent position’</p>	
<p>Modification 12</p> <p>Para 6.5.9</p>	<p>Add the following to the beginning of para 6.5.9</p> <p>‘Soft fruit production in Herefordshire is a major industry, rural employer and producer of food. It supports a while supply chain and therefore many jobs nut would not be viable without the use of polytunnels. Many of the farms involved cover small acreages and would find it difficult to survive without soft fruit production. Their contribution to the local rural economy should be given careful consideration when determining planning application.’</p>	<p>To explain the reasons for polytunnels</p>
<p>Modification 13</p> <p>Policy CH1</p>	<p>Revise the last sentence in the first paragraph of the policy to read ‘In particular, development should contribute to..’</p> <p>Revise the first word of points 1, 2 and 3 to ‘providing’</p> <p>Revise the last paragraph of the policy to read ‘Self build housing development will be supported’</p>	<p>For clarification</p>
<p>Modification 14</p> <p>Policy CF1</p>	<p>Revise the third paragraph of the policy to read</p> <p>‘..mixed offices and residential accommodation will be supported, but the loss of retail premises to wholly residential use will not be supported’</p> <p>Add the following to the end of the final paragraph of the policy</p> <p>‘proposals which would lead to the loss of any of the following community and social facilities should demonstrate that appropriate marketing has taken place, for least a continuous period of 12 months as</p>	<p>To ensure conformity with the Core Strategy and the NPPF</p>

Policy	Modification recommended	Justification
	<p>a minimum, in line with the justification to Policy SC1 of the Herefordshire Core Strategy.</p> <ul style="list-style-type: none"> a) Colwall Village Hall, including St Crispin's Chapel b) The Scout Hut c) Colwall Cricket Club and its grounds d) Colwall Library and e) Public houses: The Crown, The Yew Tree and The Chase' <p>Show the locations of the community and social facilities on the Policies Map.</p>	
<p>Modification 15 Policy CF2</p>	<p>Delete the word 'public' from the first paragraph of the policy</p> <p>Delete the second paragraph of the policy</p> <p>Revise point 1 to read ' sensitive to local landscape character and takes account of the Design Principles set out in Policies CD2 and CD5'</p> <p>Delete point 5</p> <p>Number the sites on the Policies maps</p>	<p>For clarity and to remove unnecessary wording</p>
<p>Modification 16 Policy CF3</p>	<p>Revise Policy CF3 as follows:</p> <p>Revise the policy to read 'is designated as a Local Green Space'</p> <p>Add the following to the end of the policy ' Development on the Local Green Space will not be supported except in very special circumstances'</p> <p>Show the site on the Policies Map</p>	<p>For clarify and ensure that the policies map is clear and to ensure the policy accords with para 101 of the NPPF</p>
<p>Modification 17 Policy CRE1</p>	<p>Delete the abbreviation 'etc' from the third paragraph of the policy</p>	<p>For clarity</p>
<p>Modification 18 Appendix 1</p>	<p>Revise Appendix 1 as follows</p> <p>The section should be headed 'Community Action – this section does not form part of the Neighbourhood Development Plan'</p> <p>The colour of the box around the highway design principles should be revised to a different colour to the planning policies</p>	<p>To ensure that the actions are clearly separated from the policies.</p> <p>To add clarity and reference to Herefordshire Council policy</p>

Policy	Modification recommended	Justification
	<p>Revise paragraph 2 of Appendix I to read ‘ ..AONB Guidance on Highway Design and Herefordshire Council’s Highway Design Guide for New Development should be followed, as appropriate ..’</p> <p>Revise point 4 of the Action for the Parish Council to read ‘where side roads require indicating, used ‘flag signs’ rather than junction approach warning signs. Traditional..’</p> <p>Revise the second sentence of point 7to read ‘Public lighting should be dimmed in accordance with Herefordshire Council’s policy’</p> <p>Revise the first sentence of point 9 to read ‘ Road surfacing should be hot tar spray surface dressing’</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 in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.
- 5.3 Following the modifications made, the Colwall 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 Colwall 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 17 September 2012.

Signed

A handwritten signature in black ink, appearing to read 'R Ball', written in a cursive style.

Dated 1 December 2020

Richard Ball
Director for Economy and Place