

## **Little Dewchurch NDP Independent Examination**

### **Delegated Decision Statement**

**9 March 2017**

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

|                            |                                     |
|----------------------------|-------------------------------------|
| Name of neighbourhood area | Little Dewchurch Neighbourhood Area |
| Parish Council             | Little Dewchurch Parish Council     |
| Submission                 | 5 October to 16 November 2016       |
| Examination Date           | December 2016                       |
| Inspector Report Received  | 21 February 2017                    |

#### **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 Little Dewchurch 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 Little Dewchurch was designated on 5 September 2013. The Neighbourhood Area follows the Little Dewchurch parish boundary. The Little Dewchurch Neighbourhood Development Plan has been prepared by Little Dewchurch 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 September 2013.
- 2.2 The Plan was submitted to Herefordshire Council on 22 September 2016, and the consultation under Regulation 16 took place between the 5 October to 16 November 2016, where the Plan was publicised and representations invited.

- 2.3 In November 2016, Chris Collison BA (Hons) MBA MRTPI MIED MCMi IHBC was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Little Dewchurch 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 his report along with the justification:

| Policy                               | Modification recommended   | Justification   |
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| Modification 1<br><br>Policy LDENV1  | <p>Replace the 1<sup>st</sup> paragraph with:</p> <p>'To be supported development proposals that impact on the Wye Valley Area of Outstanding Natural Beauty must demonstrate highest priority has been given to the conservation and enhancement of the amenity, visual quality, natural beauty and wildlife of the area'</p> <p>In the 2<sup>nd</sup> paragraph after 'need to' insert 'demonstrate that they'</p> <p>In the 2<sup>nd</sup> paragraph, penultimate bullet point, delete 'protecting' and insert 'conserving'</p> <p>In the 3<sup>rd</sup> paragraph delete 'Ensure that any development is' and insert 'development proposals must demonstrate that they are' and delete 'is of' and insert 'are of'</p> | To improve clarity and ensure a practical framework for decision making |
| Modification 2<br><br>Policy LD ENV2 | <p>Replace Policy LD ENV2 with</p> <p>'The following areas identified on Plan 1 are designated as Local Green Space where new development is ruled out other than in very special circumstances, for example, it is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available;</p> <ul style="list-style-type: none"> <li>• The village green</li> <li>• The recreational playing field</li> <li>• School playing field</li> <li>• Churchyard'</li> </ul>  | To ensure the policy reflects the NPPF                                  |

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| <p>Modification 3</p> <p>Policy LD SB1</p> | <p>Replace the first two paragraphs of Policy LD SB1 with ' Development proposals will be supported within the Little Dewchurch settlement boundary defined on Plan 1'</p> <p>In the final paragraph delete 'permitted' and insert 'supported'</p>   | <p>To improve clarity and ensure a practical framework for decision making</p>   |
| <p>Modification 4</p> <p>Policy LD H1</p>  | <p>In Policy LD H1</p> <p>Delete 'the plan will provide for' and insert 'Development proposals will be supported that provide'</p> <p>Delete the second sentence</p> <p>Delete 'met' and insert 'meet'</p> <p>Insert 'approximately' before '20'</p> <p>After 'expected' insert 'subject to viability considerations'</p> <p>Delete 'through the village'</p>  | <p>To improve clarity and ensure a practical framework for decision making and accord wjth para 17 and 173 of the NPPF</p>   |
| <p>Modification 5</p> <p>Policy LD H2</p>  | <p>Replace Policy LD H2</p> <p>'Housing proposals will be supported where they demonstrate that they;</p> <ul style="list-style-type: none"> <li>• Respect their natural and built environment setting including open spaces, biodiversity and landscape setting, and are designed and use materials that reinforce local distinctiveness;</li> <li>• Maintain existing residential amenity and are likely to achieve satisfactory residential amenity for future occupiers;</li> <li>• Are of a scale and form that contributes to meeting the latest assessment of local housing needs;</li> <li>• Include energy efficient measures and renewable energy generation;</li> <li>• Include safe access and sufficient parking provision for users and</li> <li>• Will not increase surface water runoff</li> </ul> | <p>To improve clarity and ensure a practical framework for decision making</p>   |
| <p>Modification 6</p> <p>Policy LD E1</p>  | <p>Replace Policy LD E1 with</p> <p>'Rural employment proposals which respect their built and natural environment setting, including flooding and drainage considerations, and where there is no significant adverse effect on residential amenity, including through traffic generation, will be supported where they;</p> <ul style="list-style-type: none"> <li>• Develop and diversify agricultural and other land based rural businesses</li> <li>• Develop rural tourism</li> <li>• Extend existing employment premises</li> <li>• Convert and re-use redundant rural</li> </ul>   | <p>Ensuring that the policy has regards to the components of the NPPF; supporting a prosperous rural economy, requiring good design, conserving and enhancing the natural environment and conserving and enhancing the historic environment.</p> |

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|                                      | <p>buildings to business use, including live work units</p> <ul style="list-style-type: none"> <li>• Develop well-designed new employment buildings in previously developed land or other suitable sites</li> <li>• Enable home working, including through extensions of existing residential properties.</li> </ul> <p>To be supported proposals that would result in the loss of existing business premises must demonstrate the existing use is no longer viable, or that the premises are to be replaced with business premises of an equivalent size, quality and accessibility.</p>   |  |
| Modification 7<br><br>Policy LD INF1 | <p>Replace Policy LD INF1</p> <p>'Development proposals for mobile phone and superfast broadband infrastructure will be supported where they demonstrate they will not adversely affect residential amenity or the historic and natural environment. To be supported all new development proposals must include on-site provision to enable access to superfast broadband.</p> <p>Development proposals will be supported where they provide for safe pedestrian and vehicular access to the highway network.</p> <p>Development proposals for new homes will be supported where they demonstrate they will not result in on-street parking of vehicles.</p> <p>Development proposals will be supported where they demonstrate they will not result in an increase in surface water run-off.</p> <p>Development proposals will be supported where they demonstrate adequate public sewerage capacity.</p> | To improve clarity and ensure a practical framework for decision making  |
| Modification 8<br><br>Policy LD RE1  | <p>In Policy LD RE1</p> <p>In the 1<sup>st</sup> paragraph after 'proposals' insert 'for buildings' and delete 'within individual private proposals'</p> <p>In the 2<sup>nd</sup> paragraph delete 'in addition' and delete 'if further consultation with the parish indicates there was majority community support'</p> <p>In the 3<sup>rd</sup> paragraph delete 'renewable energy proposals will need to' and insert 'to be supported renewable energy proposals must demonstrate they'</p> <p>Delete the 4<sup>th</sup> paragraph</p>   | To remove reference to the nature of ownership which is not a material planning consideration.<br>To ensure clarity and certainty in terms of the NPPF |

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| Modification 9<br><br>Policy LD CF1     | In policy LD CF1<br><br>Replace the 1 <sup>st</sup> bullet point with<br>'Proposals that will result in loss or reduction of the following community facilities will only be supported where it is clearly demonstrated they are no longer fit for purpose or viable, or that an equivalent equally accessible alternative community facility is/or will be available within the parish;<br><ul style="list-style-type: none"> <li>• The Plough Inn</li> <li>• The Church</li> <li>• The Village Hall</li> <li>• The recreational playing field and adjacent Adventure Park</li> </ul> | To improve clarity and ensure a practical framework for decision making |
| Modification 10<br><br>Minor amendments | Modifications of general text will be necessary to achieve consistency with the modified policies.   | To ensure the final plan reads consistently                             |

#### **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.
- 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 Little Dewchurch 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 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 Little Dewchurch 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 5 September 2013.

A handwritten signature in blue ink, appearing to be 'R. Gabb', with a horizontal line underneath.

Signed

Dated 9 March 2017

**Richard Gabb**  
**Programme Officer – Housing and Growth**