

**Marden NDP Independent Examination
Delegated Decision Statement
20 June 2016**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Marden Neighbourhood Area
Parish Council	Marden Parish Council
Submission	24 November 2015 to 12 January 2016
Examination Date	February 2016
Inspector Report Received	15 June 2016

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 Marden 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 Marden was designated on 14 October 2013. The Neighbourhood Area follows the Marden parish boundary. The Marden NDP has been prepared by Marden 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 October 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 11 November 2015, and the consultation under Regulation 16 took place between the 24 November 2015 to 12 January 2016 where the Plan was publicised and representations invited.
- 2.3 In February 2016, Ann Skippers BSc (Hons) Dip Mgmt (Open) PGC(TLHE)(Open) MRTPI FHEA FRSA AoU was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Marden 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
Modification 1 Policies introduction	Correct date of the NPPF in paragraph 8.8 from '2011' to '2012'	Correct factual error
Modification 2 Policy M1	<p>Include the whole of the commitment site as Rose Villa shown on the Marden Village Policies Maps to the Settlement boundary</p> <p>Change the reference to 'as shown below and in Appendix 10' in the first paragraph of the policy 'as shown on the Marden Village Policies Map'</p> <p>Reword criterion (c) to read; 'the density of any scheme should be consistent and compatible with the existing and prevailing density and reflect the locally distinctive character of the locality in which the new development is proposed so that the village feel is retained'</p>	<p>Whole site should be included as it has the benefit of planning permission</p> <p>Correct error</p> <p>Little explanation for the maximum density and imposition of maximum figures which may unnecessarily restrict and lead to inefficient use of land. Take into account the NPPF and to be in general conformity with the core strategy.</p>

	<p>Change criteria (e) so that it reads; 'provides appropriate residential amenity for future occupiers including consideration of any adjacent noise generating agricultural, industrial or commercial activities'</p> <p>Change the word 'given priority' on the final sentence of the policy to 'strongly encourage'</p>	<p>In the interest of clarity and providing a practical framework, criteria has been widen to reflect not only noise.</p>
<p>Modification 3</p> <p>Policy M2</p>	<p>Reword criteria (a) to read "within the settlement boundary as shown on the policies maps for each settlement"</p> <p>Delete criterion (b)</p> <p>Change criterion (e) so that it reads "provides appropriate residential amenity for future occupiers including consideration of any adjacent noise generating agricultural, industrial or commercial activities"</p> <p>Delete the definition of infill which begins "For the purpose of this policy infill is defined as...." To end of the policy</p>	<p>To ensure that sustainable growth can take place appropriately and the policy is clearly worded.</p> <p>Little explanation is given for the restrictions. Current delineation and definition of infill would result in very little development coming forward</p>
<p>Modification 4</p> <p>Policy M3</p>	<p>Delete Policy M3 in its entirety</p>	<p>Little merit including as similar to Policy RA3 of the Core strategy but not included in it's entirety. For completeness reference to policy RA3 should be made within the plan text.</p>
<p>Modification 5</p> <p>Paragraph 8.18</p>	<p>Make it clear that para 8.19 is quoting Core Strategy policy LD4 in its entirety</p> <p>Correct errors in criteria 2 of para 8.19</p> <p>Consider the purpose of the reference to Policy LD 4 at this juncture</p>	<p>Little correlation between Policy LD4 and M4, therefore if continues to be included within the plan, clear reference should be made to its being a repeat of LD4.</p>
<p>Modification 6</p> <p>Policy M4</p>	<p>Change the word 'considered' in the first sentence of the policy to 'permitted'</p> <p>Delete criteria (a), (b), (c) and (f) in their entirety</p> <p>Change the sentence in the second part of the policy to read; 'In seeking to protect and enhance the identity of the parish, all development proposals are expected to comply with all of the following criteria;..'</p> <p>Change criterion (i) to read: 'Ensure</p>	<p>Correct grammatical error</p> <p>Criterion are unworkable, meaningless or unnecessary</p> <p>Ensure more practical in operation</p>

	<p>the suitability of the overall design and appearance of the proposal (including size, scale, density, layout, access considerations) in relation to surrounding buildings, spaces and other key features in the street scene. Originality and innovation in design is encouraged;</p> <p>Delete the word 'of' from criterion (j)</p> <p>Change criterion (k) to read; 'Respect the pattern and use of spaces and use landscape design principles and landscaping where appropriate'</p> <p>Change criterion (l) to read; 'Ensuring movement to, within, around and thorough the development is satisfactory;'</p> <p>Delete criterion (n) (as this has been included in amended (i))</p> <p>Delete the word 'of' from criterion (o)</p>	
Modification 7 Policy M5	Make clear that para 8.23 is quoting Core Strategy policy H3	Add clarity
Modification 8 Policy M6	<p>Change the first para of the policy to read; 'Developments are expected to make a proportionate contribution to the provision of community facilities subject to viability testing. Any new or expanded facilities should be, wherever possible, located in or adjacent to the settlement boundary or close to existing facilities or in an otherwise convenient and suitable location' (For the avoidance of doubt criteria (a) to (d) are deleted as they are covered in the suggested amendment)</p> <p>Add at the end of (old) criterion (f) 'or that it is no longer viable or fit for purpose and where appropriate has been vacant and marketed for community use without success in line with Core Strategy policy SC1'</p> <p>Move the final para of the policy which begins 'The current local community facilities with the parish include....' to the supporting text</p> <p>Consequential changes to the policy criteria numbering will be needed.</p>	<p>Concern criteria could have rendered development unviable and undevelopable.</p> <p>To reflect policy SC1</p> <p>Remove supportive information to the text rather than in policy</p>
Modification 9	Make clear that para 8.32 is quoting	Add clarity

Para 8.32	Core strategy policy E1	
Modification 10 Policy M7	Delete the words '..within the settlement boundary and allocated sites..' from the policy	Reflect national policy within the NPPF which does not restrict economic growth to settlement boundaries
Modification 11 Policy M8	<p>Insert 'insofar as planning permission is required' at the beginning of the policy</p> <p>Start a new paragraph at the second sentence of the policy</p> <p>Change the words '..will be considered 'to '.will be permitted..'</p> <p>Move the third element to underneath the first element</p>	<p>Reflect permitted development rights</p> <p>Add clarity to the policy and read more logically</p>
Modification 12 Para 8.36	<p>Make clear that para 8.36 is quoting Core Strategy policy LD4 in its entirety</p> <p>Correct errors in criterion 2 of para 8.36</p>	To add clarity
Modification 13 Policy M10	<p>Remove the references to the para in the NPPF from the policy</p> <p>Delete the word ' and shown below and in Appendix 11..' from the policy and replace with the words 'and shown on the Marden Village Policies Map'</p> <p>Delete 'area at Small Ashes' and 'area opposite Paradise Meadows' as Local Green Spaces</p> <p>Consequential amendments to the text and the maps will be required</p> <p>The maps should be made more legible</p>	<p>Not required</p> <p>Correct and update map reference</p> <p>Small Ashes is green area on highway verge and nothing demonstrably special and insufficient evidence for inclusion. Does not meet the criteria</p> <p>'Area opposite Paradise Meadows' – nothing obviously special and does not meet the criteria.</p> <p>Maps hard to read and would benefit being a large scale</p>
Modification 14 Policy M12	Reword the first para of the policy to read: 'All development should be preferentially located within Flood Zone 1. Where this is not possible, we would expect proposals to demonstrate that they are safe and will not increase flood risk to third parties. This is in accordance with the sequential and exceptions test set out in national policy. Proposal must have regards to Herefordshire's Strategic	To provide clarity

	Flood Risk Assessment. Flood risk betterment should be provided wherever possible.'	
Modification 15 Policy M13	Replace the words 'should include the following enhancements..' in the third paragraph of the policy with the words ' should take every available opportunity to include the following enhancements'	To make policy more implementable
Modification 16 Proposals Maps	Remove any duplicate maps from the plan	Add clarity and remove duplication
Modification 17 Appendices	<p>Add a date to Appendix 1 ie 'listed buildings as at xxxx' and a note to remind readers to obtain the most up to date information from Herefordshire Council and/or Historic England</p> <p>Delete Appendix 2</p> <p>Add Appendix 3 to the Consultation Statement</p> <p>Delete Appendices 4,5,6,7, and 8 in their entirety</p> <p>Remove one or other of the maps should the Local Green Spaces and ensure retained map reflects modifications to Policy M10</p> <p>Remove Appendix 10 or retain it as a newly titled and spate list of community aspirations with an appropriate brief explanation I the main body of the plan</p> <p>Consequential amendment to the plan will be required.</p>	<p>To ensure reader has most up to date information</p> <p>To remove potential out of date information and in the interest of clarity</p> <p>Not required for this stage of the plan</p> <p>To remove duplication</p> <p>To remove duplication</p> <p>No mention in body of text to this appendix. Change to provide clarity</p> <p>To ensure plan is logically referenced and numbered in light of amendments.</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.
- 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 Marden 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 Marden 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 designated on 14 October 2013.



Signed

Dated 22/06/2016

Richard Gabb
Programme Officer – Housing and Growth