

Burghill NDP Independent Examination

Delegated Decision Statement

3 December 2018

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Burghill Neighbourhood Area
Parish Council	Burghill Parish Council
Submission	10 May and 21 June 2018
Examination Date	July – October
Inspector Report Received	29 November 2018

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 Burghill 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 Burghill was designated on 11 September 2013. The Neighbourhood Area follows the Burghill parish boundary. The Burghill Neighbourhood Development Plan has been prepared by Burghill 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 9 May 2018 and the consultation under Regulation 16 took place between the 10 May to 21 June 2018, where the Plan was publicised and representations invited.
- 2.3 In July 2018, Rosemary Kidd Dip TP, MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Burghill NDP and to prepare a report of the independent examination.
- 2.4 The Examiner's report concludes that subject to making the 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 the report along with the justification:

Policy	Modification recommended	Justification
Modification 1 Front cover	Revise the date of the plan period to 2018 -2031	To revise to the date the plan is made
Modification 2 Policies map	Give the housing allocations and commitment site reference numbers which are shown on the policies map The site shown as a private low intensity leisure use on Map 4 should be deleted Delete Map 6 Change the unit of area measures to 'hectares'	For ease of reference To remove site which is not a private low intensity leisure use To remove legible map To ensure measurements are in metric
Modification 3 Introduction	Summarise the key issues facing the parish that are to be addressed in the plan in section 3 and place the questionnaire results in a background evidence report.	To ensure the plan is up to date
Modification 4 Vision and objectives	Revise the action against Objective 5 to read: 'To seek to safeguard and enhance the community facilities' Delete Objective 7 and its action	To related the actions to Policy B11 Remove an objective which could be considered as unduly restrictive and not justified by robust evidence

<p>Modification 5</p> <p>Housing section</p>	<p>Revise the Introduction to the Housing Section as follows:</p> <p>Update the table in paragraph 6.1.6 to the 2018 housing figures</p> <p>Amend column 3 to 123 to be consistent with paragraph 6.1.5</p> <p>Delete paragraph 6.1.7 and place the up to date list of housing commitments in an appendix</p> <p>Additional text should be added to the justification to state that the large housing commitment sites are shown on Map 2 and 3 as Housing commitments and numbered:</p> <ul style="list-style-type: none"> • Site HC1: Tillington Road /Roman Road, 50 dwellings • Site HC2: Pyefinch, 24 dwellings • Site HC3: Adjacent to Bredstone House, outline 10 dwellings <p>Revise paragraph 6.1.31 to read ‘..the potential to meet the approved housing requirement set out in the Core Strategy and...’</p> <p>Update the settlement boundaries on Maps 3 and 4 where necessary to include sites with planning permission</p>	<p>To ensure the made plan is up to date</p>
<p>Modification 6</p> <p>Policy B1</p>	<p>Revise the first paragraph of Policy B1 to read:</p> <p>‘Land opposite Burghill Golf Club, Burghill (site HA1 on Map3) is allocated for housing development’</p> <p>‘New housing development will be supported on the allocated site and on infill sites within the settlement boundaries of Lower Burlton, Burghill and Tillington in accordance with the Herefordshire Core Strategy and the following criteria:’</p> <p>Revise criteria f to read: ‘Demonstrates ...types and sizes including affordable housing and housing for older people in accordance with Core Strategy policies to meet the most recent evidence of housing need in the area’</p> <p>Revise the final paragraph of Policy B1 to read: ‘...should be in accordance with...’</p> <p>Include the reference numbers of the housing commitments and the housing allocation on the policies map.</p> <p>Delete the shading and site numbers from site 10 and 25 from Map 4.</p> <p>No change to the settlement boundaries.</p>	<p>To ensure clarity</p> <p>Remove</p>

	Revise the justification to reflect the modifications to the Policy wording	
Modification 7 Policy B2	Delete policy B2	To remove wording that is vague and imprecise and not capable of being interpreted consistently
Modification 8 Policy B3 and B4	Amalgamate policies B3 and B4 as follows: 'New employment development will be encouraged to the Tillington Business Park, Burlton Court Farm Business Zone, through the re-use of a brownfield site or the conversion of a suitable existing building, including an agricultural building, providing that: Criteria c to f of policy B3 'Where the development proposal involves the conversion of an agricultural building that forms part of an historic farmstead, the development should meet the following criteria b to h of Policy B4	To remove the degree of overlap and conflict between the policies
Modification 9 Policy B6	Delete the first and second paragraphs of Policy B6 and replace with: 'Proposals to extend Burghill Academy should: criteria a to e with grammatical revisions as necessary.	To ensure clarity
Modification 10 Policy B7	Delete Policy B7 and its justification Include it as a community project with revised wording as follows: 'The Parish Council will work with the Highway Authority to improve road safety and traffic management' Revise the bullet points so that they an indication of the measures to be sought to improve traffic in the village as a whole and not as a requirement for specific development proposals	No evidence has been provided that the development proposals will be of a scale and a kind that will require the infrastructure proposed.
Modification 11 Policy B8	Delete the first sentence and the first part of the second sentence 'in accordance with.....Appendix 3' Revise the second sentence to read: 'All new development will be expected to make a positive contribution to the distinctive character of the local area and to be of...' Revise criteria a) to delete comma after identify Revise criteria e) to read: '...detrimental impact on the character of residential amenities of the adjacent existing dwellings..'	To ensure clarity

	<p>Revise criteria i) to read: 'Highways and footpaths to, within and through the development should be designed to promote highway safety and encourage active travel modes.'</p> <p>Add 'and' at the end of criterion m and a full stop at the end on criteria n</p> <p>Include reference to the Burghill Design Guidance in the justification and explain its status</p>	
<p>Modification 12</p> <p>Policy B9</p>	<p>Revise Policy B9 as follows:</p> <p>Revise the first paragraph to read: 'Development proposals should protect, conserve and enhance the local landscape character including the historic settlement pattern, historic buildings and their settings and traditional farmstead'</p> <p>Delete criteria a, e and g</p> <p>Revise paragraph 6.5.38 to read 'Principle Settled Farmland'</p>	<p>To ensure clarity</p> <p>To remove extensive area of land which is not defined within the plan and no evidence submitted of any special qualities. Therefore contrary to NPPF.</p>
<p>Modification 13</p> <p>Policy B10</p>	<p>Revise Policy B10 as follows:</p> <p>Revise the first paragraph of Policy B10 to read: 'The following sites shown on Maps 3 and X (new map for St Mary's) are designated as Local Green Spaces'</p> <p>Delete sites 1, 2, 3 and 8</p> <p>Revise the area for site 4 to the larger area of open space in the centre of the estate and the frontage areas behind the bus stop and exclude the verges and hedgerows.</p> <p>Revise that area shown on the map for site 7 to exclude the car park and site of the portacabins.</p> <p>Include a larger scale map of site 6 at St Mary's Park</p> <p>Revise Table 3 to only include the designated sites.</p>	<p>To ensure clarity and consistency with the NPPF</p> <p>Sites 1, 2 and 3 are common land owned by the parish council and agricultural land not considered to meet NPPF requirements. Site 8 is a large area of agricultural land</p>
<p>Modification 14</p> <p>Policy B11</p>	<p>Revise the first sentence to read: '...of the following existing community facilities:</p> <ul style="list-style-type: none"> • The Simpson Hall • Burghill Academy and Messy Boots Play Group • Burghill Scout and Guide Hut 	<p>To ensue clarity</p>

	<ul style="list-style-type: none"> • St Mary's Church • The Copse Leisure Area • Burghill and Tillington Cricket Club <p>Show the location of the facilities on the relevant policies map with reference numbers</p> <p>Revise the second sentence to read: 'The re-use of the community facilities will be supported for other health....'</p>	
Modification 15 Policy B12	Revise the wording and include it as a community project	No evidence provided that development proposals will be of a scale and kind to require infrastructure proposals.
Modification 16 Policy B14	<p>Revise the title to 'Development of Renewable and Low Carbon Energy Facilities'</p> <p>Delete the first paragraph</p> <p>Revise the second paragraph to read 'Proposals for renewable and low carbon energy developments for biomass, hydro, solar, landfill and biogas will be suggested when.'</p> <p>Revise paragraph 6.8.3-4 to read: 'Through the call for sites process a potential site was identified for a commercial solar farm at the former Winslow Pit at Burghill which is a close landfill site (Map 7). For the avoidance of doubt, Policy B14 does not allocate the site for a solar farm development. Any future planning application...development; to agree an appropriate Remediation Scheme; and undertake an assessment of the potential impact of the development of the solar farm on the countryside, landscape, biodiversity and local heritage assets.'</p> <p>The title and key to Map 7 should be revised to read 'Potential solar farm site'</p>	No evidence has been provided that the proposed site has been assessed in terms of environmental impact.
Modification 17 Appendix 3	Revise Appendix 3 Burghill Design Guidance as recommended in paragraphs 3.109- 3.113	Amendments to reflect the changes made to policies within the plan.

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 Burghill 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 Burghill 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 11 September 2013.

Signed 

Dated 3rd December 2018

Richard Gabb
Programme Officer – Housing and Growth

