

Ballingham Bolstone and Hentland Group NDP Independent Examination

Delegated Decision Statement

11 December 2018

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Ballingham, Bolstone and Hentland Group Neighbourhood Area
Parish Council	Ballingham, Bolstone and Hentland Group Parish Council
Submission	19 April to 31 May 2018
Examination Date	September-November 2018
Inspector Report Received	December 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 Ballingham, Bolstone and Hentland 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 Ballingham, Bolstone and Hentland was designated on 8 April 2014. The Neighbourhood Area follows the group parish boundary of Ballingham, Bolstone and Hentland. The Ballingham, Bolstone and Hentland NDP has been prepared by Ballingham, Bolstone and Hentland Group 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 spring 2014.

- 2.2 The Plan was submitted to Herefordshire Council on 13 April 2018, and the consultation under Regulation 16 took place between the 19 April to 31 May 2018, where the Plan was publicised and representations invited.
- 2.3 On 3 September 2018 Ms Barbara Maksymiw BSc (Hons) MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Ballingham, Bolstone and Hentland 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 her report along with the justification:

Policy	Modification recommended	Justification
Recommendation 1 Consultation Statement	Add missing representation dated 17 March 2017 and Parish Council response to Consultation Statement.	Interests of accuracy and clarity
Recommendation 2 HRA Report	In the updated HRA report delete "The submission NDP incorporates the modifications that the second examiner has recommended within the examiner's report" from paragraph 7.1 and substitute "The submission NDP incorporates the changes made post regulation 14"; in paragraph 7.2 delete "final NDP following the examination" and substitute "post regulation 14" and in paragraph 8.8 delete "from the examination" and substitute "made post regulation 14".	Interests of accuracy and clarity.
Recommendation 3 Section 3	Update dates in Section 3 as appropriate.	Interests of accuracy and clarity
Recommendation 4 Policy BB1	Reword second sentence of BBH1 to read: "Sustainable housing growth within the settlement boundaries of Hoarwithy and St Owen's Cross will be supported". Delete "or sustainable additions to the settlements" from BBH1b. Reword first sentence of para 6.5 to read "To encourage such growth Policy BBH1 supports proportionate growth within the existing settlements of Hoarwithy and St Owen's	Interests of accuracy and clarity. Conform with NPPF. Clarification of the text and to

	Cross, within the defined settlement boundaries.”	add more detail/certainty.
Recommendation 5 Proposals Maps	Delete Proposals Maps 1 and 2 on pages 25 and 26 of the NP document and substitute Proposals Maps 1 and 2, at a scale of 1:5,000 from the NP website. Add boundary of Hoarwithy Conservation Area to Proposals Map 1. Amend key on Hoarwithy Policies Map to refer to Hoarwithy Settlement Boundary.	Interests of accuracy and clarity.
Recommendation 6 Policy BBH5	In first paragraph of Policy BBH5, delete “significantly” and add “natural heritage and historic assets” after “residential amenity “. Reword final paragraph of Policy BBH5 to read “These sites will be protected for outdoor tourism, leisure and recreational uses. Development of these sites will not be supported, unless as part of a development proposal which would provide alternative provision of equal or improved community benefit elsewhere within the neighbourhood area and in a location accessible to the community it is intended to serve by active modes of travel and by private car”	Interests of accuracy and clarity
Recommendation 7 Policy Maps	Consider denoting allocations made in policy BBH5 as Sites A and B and amending Policies Maps 1 and 2 and third paragraph of Policy BBH5 accordingly.	Interests of accuracy and clarity. Site A and B have not been added to the maps. As it is not standard practice by HC.
Recommendation 8 Policy BBH6	Change “when” to “provided” in second line of Policy BBH6. Add as new paragraph at the end of BBH6: “Planning applications should: <ul style="list-style-type: none"> • ensure that the development is of a scale appropriate to its location and setting • generate traffic movements that can safely be accommodated within the local road network” 	Interests of accuracy and clarity
Recommendation 9 Policy BBH7	Amend title of Policy BBH7 to “Communications infrastructure development” and reword first line of policy BBH7 to read “New communications infrastructure development will be supported... ”	Interests of accuracy and clarity and precision.
Recommendation 10 Policy BBH8	Amend BBH8 to read “they protect and enhance the Wye Valley AONB, the Wye Valley SAC and other designated areas such as wildlife sites, listed buildings, conservation areas and ancient monuments”. In para 6.17 add “and the Wye Valley SAC” after the “Wye Valley	Interests of accuracy and clarity. Consistency with the NPPF and strategic

	AONB” in the second sentence. Change “the Country Rights of Way Act 2000” in the fifth sentence of para 6.17 to “the Countryside and Public Rights of Way Act 2000.”	policy.
Recommendation 11 Policy BBH10	Amend Policy BBH10 to read “Development proposals should be designed in such a way that they conserve and enhance the local landscape and local heritage assets listed in Appendix 1.” Add to end of paragraph 6.20 “These assets are listed in Appendix 1 and mapped on the Historic Environment Record website https://www.herefordshire.gov.uk/info/200177/conservation/95/archaeology and the historic environment - advice and information/”. Add new Appendix 1- List of Local Landscape and Heritage Assets.	Interests of accuracy and clarity. Further explanation.
Recommendation 12 Section 7	Delete Section 7 and adjust the paragraph numbering for the remainder of the plan accordingly	Interests of accuracy and clarity.

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.

4 Decision

- 4.1 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. In response to the examiner's recommendation 7 amending the proposals maps and making reference to Site A and B. These changes have been made to ensure consistency with Herefordshire Council's standard approach of what features on a policies map.
- 4.2 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.
- 4.3 Following the modifications made, the Ballingham Bolstone and Hentland 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.

4.4 It is recommended that the Ballingham Bolstone and Hentland 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 8 April 2014.

Signed 

Dated 12.12.18

Richard Gabb
Programme Officer – Housing and Growth

