

Bosbury and Catley NDP Independent Examination

Delegated Decision Statement

11 April 2019

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Bosbury and Catley Group Neighbourhood Area
Parish Council	Bosbury and Coddington Parish Council
Regulation 14 draft plan stage	18 December 2014 to 12 February 2015
Regulation 16 plan stage	14 May to 25 June 2015
Regulation 16 plan re-submission stage	16 November 2016 to 11 January 2017
1 st Examination	March 2017
Regulation 16 second re-submission stage	15 June to 27 July 2018
Examination report	April 2019

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 Bosbury and Catley 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 Bosbury and Coddington was designated on 1 August 2014. The Neighbourhood Area follows only part of the boundary of Bosbury parish boundary. The Bosbury and Catley NDP has been prepared by Bosbury 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 summer 2014.
- 2.2 The plan was previously sent to examination on 17 January 2017, the examiner's report was received on 16 March 2017. The Parish Council decided not to take on the examiner's recommendations as they did not reflect the community's expectations and aspirations for the plan. Following the examination, the Parish Council decided to revise and update the Neighbourhood Plan and undergo another regulation 16 consultation and examination.
- 2.3 The Plan was re submitted to Herefordshire Council on 8 June 2018, and the consultation Regulation 16 took place between the 15 June to 27 July 2018, where the Plan was publicised and representations invited.
- 2.4 On 26 September 2018 Ms Ann Skippers BSc (Hons) MRTPI FRSA AoU was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the re examination of the Bosbury and Catley NDP and to prepare a report of the independent examination.
- 2.5 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.
- 2.6 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
P5 Introduction	<p>Delete the last paragraph under the heading “The Neighbourhood Plan. Policies” on page 5 of the Plan that states:</p> <p>“Whilst the Neighbourhood Plan is first and foremost a land-use document, a number of issues falling outside of the planning system’s remit were identified by the local community during consultation events. Alongside its core policies the Plan therefore includes a number of aspirations to encourage interventions by wider stakeholders. These are included within each topic where relevant.”</p>	<p>Interests of accuracy and clarity</p> <p>Removal of inaccurate and outdated information</p>
Vision	<p>Replace the word “slowly” in the first sentence of paragraph two on page 4 of the Plan with the word “gradually”</p>	<p>Interests of accuracy and clarity. Reads more positively.</p>
Policy 1 Village Character	<p>Rewrite the section titled “Options for the Neighbourhood Plan” on page 7 of the Plan changing the title of the section to “<i>Housing Delivery</i>”.</p> <p>Replace the information in this section with: <i>“The proportional growth target for the Group Parish area is 51 dwellings over the Plan period. This is based on the whole Group Parish rather than the smaller Plan area as it is difficult to provide separate figures for the latter.</i></p> <p><i>A combination of completions and commitments to 2018 have resulted in 36 units leaving a residual of 15. It is anticipated that Old Court Barns and North of Old Court Farm will provide some units. There is an extensive range of traditional cattle sheds, standalone open sheds and a large old Dutch barn on the site. Further possibilities lie in developing the hop kilns and the Bishops Palace buildings. In addition other windfall opportunities exist. The Buchanan Trust seeks to provide accommodation, employment, training and support for ex-military beneficiaries. Whilst this site lies outside the Plan area, there are plans to provide accommodation on this site.”</i></p> <p>Change the Bosbury Village Policies Map to include the whole of the commitment site boundary within the Settlement Boundary.</p> <p>Reword element 1A of the policy to read:</p> <p>“Sustainable and appropriately design-led development proposals will be permitted within the settlement boundary of Bosbury which is defined on the Bosbury Village Policies Map.”</p> <p>Delete 1B from the policy.</p> <p>Delete the “Proposed Housing Site (Policy 1B)” from the Policies Map.</p>	<p>Interests of accuracy and clarity.</p> <p>Clarification of the text and to add more detail/certainty.</p> <p>Ensures the policy takes account of national policy and guidance and generally conforms to the CS and CS Policy H1 in particular. It will help to achieve sustainable development and therefore meet the basic conditions.</p>

	<p>Replace the words "...and if over 11 dwellings..." in 1D with "<i>and for 11 or more dwellings...</i>"</p>	
Village Character	<p>Change the section heading to "<i>Local Character</i>" on page 7 of the Plan.</p> <p>Replace the first sentence in the first paragraph under this section heading on page 7 of the Plan with:</p> <p><i>"The settled agricultural landscape around Bosbury derives its character from centuries of mixed farming."</i></p> <p>Retain the first paragraph on page 8 as is; move the information on Building for Life on page 12 of the Plan and insert this as a new second paragraph on page 8; move the existing third paragraph on page 8 to follow under this new Insertion.</p> <p>Delete the "(now stating 20 measures instead of the 12 defined a few years ago)" from the existing second paragraph on page 12.</p> <p>Change the existing third paragraph to read: "<i>The Parish Council urges applicants to include an assessment of how their scheme performs against the Building for Life criteria with any application.</i>"</p> <p>Remove the "(see note on P12)" from the end of the existing first paragraph on page 8</p>	<p>Interests of accuracy and clarity. In line with the NPPF.</p> <p>Ensures the policy reads and flows better.</p>
Policy 2	<p>Reword Policy 2 to read:</p> <p><i>"All new development should: 2A -Respect and conserve the local character; its historic and natural assets, and take every opportunity, through design and materials, to reinforce local distinctiveness and a strong sense of place and 2B -Respect the surrounding local landscape character beyond the built form within the Conservation Area</i></p> <p><i>In addition:</i></p> <p>2C -The removal of any trees that have a significant amenity value will be resisted. An arboricultural report by an appropriately qualified <i>individual or company</i> should be provided to evidence the necessity of any removal. New schemes should allow space for existing and proposed trees to mature, to avoid any later pressure for their removal;</p> <p>2D – New development <i>must</i> be protected from flood <i>risk through appropriate</i> siting and/or design and not worsen any flood risk to other parts of the village <i>and</i></p> <p>2E – <i>Where appropriate</i> new development should <i>take</i> account of known surface and sub-surface archaeology and ensure unknown and potentially significant deposits are identified and appropriately considered during development.</p> <p>2F – Renewable low carbon energy development that</p>	<p>Interests of accuracy and clarity.</p> <p>Ensure policy is in keeping with CS Policies SS6, LD1, LD2, LD4, SD2, and SD3 in particular and will help to achieve sustainable development</p>

	respects its surroundings will be supported.”	
Policy 3	Delete the references to CS Policies RA3 and RA4 from 3B Delete element 3C from the policy	Ensure policy is not confusing. Remove superfluous and misleading information.
Policy 4	Delete the first paragraph of the policy that begins: “Proposals for development will be required...” Change the second sentence of 4B to read: <i>Applications are likely to be refused unless evidence in line with Policy SC1 of the Core Strategy is presented to justify such a loss.</i> Add at the end of 4B <i>“...of the Core Strategy and in relation to open spaces in line with Policy OS3 of the Core Strategy.”</i>	Interests of accuracy and clarity. Improve conformity with the NPPF and Core Strategy, SC1 in particular.
Policy 6	Replace the reference on page 11 of the Plan to the “Hereford Way” with “ <i>Herefordshire Trail</i> ” Add at the end of 6A: <i>“Net gains in biodiversity should be provided where possible.”</i> Delete paragraph 2. from 6B of the policy	Ensures policy is clearly worded. Helps to conform to CS Policies SS6, LD1, LD2 and LD3 in particular and will help to achieve sustainable development.
Plan delivery and implementation	Add the words “ <i>and Catley</i> ” after “The Bosbury...” and before “...Neighbourhood Plan is a living document...” on page 12 of the Plan	Interests of accuracy and clarity.
Housing Volume Calculation basis	Delete the Housing Volume Calculation Basis from the Plan	Removal of superfluous information.

Maps	<p>Delete the Bosbury Settlement Boundary map on page 13 of the Plan.</p> <p>Add a sentence that reads: <i>“The information on this map reflects information correct at the time of writing the Plan. Up to date information should be sought from the local planning authority, the Parish Council or appropriate statutory body to the Flood Risk Map with Overlays on page 16 of the Plan</i></p>	<p>Removal of superfluous information.</p> <p>Interests of accuracy and clarity.</p>
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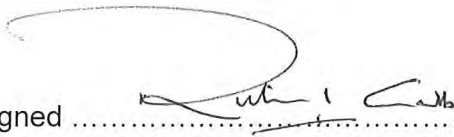
4 Post Adoption SEA and HRA

- 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 (A Habitat Regulations Assessment is not required in this area). None of the changes are considered to have a significant effect on the overall appraisals. The updated SEA is 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 and also the points set out in paragraph 3.2, in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.
- 5.3 Following the modifications made, the Bosbury and Catley 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 Bosbury and Catley Neighbourhood Plan progresses to referendum. Consideration has been given as to whether the area should be extended beyond that of the neighbourhood area. The plan area is smaller than the Bosbury and Coddington Group parish area and it is considered that there is merit in extending the referendum area to the Group parish area.
- 5.5 The two reasons highlighted for this are to ensure residents living within the group parish area can participate as the plan has a direct impact on the parish in which they live and to ease the burden administratively as electoral services use parish boundary areas for election purposes.
- 5.6 Herefordshire Council concur with examiners conclusion that the Group parish boundary should be utilised for the referendum which would be an extension of the area beyond that designed on 1 August 2014.

Signed 

Dated 11. 4. 2019

Richard Gabb
Programme Officer – Housing and Growth

