

Border Group NDP Independent Examination

Delegated Decision Statement

23 October 2018

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Border Group Neighbourhood Area
Parish Council	Border Group Parish Council
Submission	16 March to 27 April 2018
Examination Date	May – October
Inspector Report Received	15 October 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 Border Group 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 Border Group was designated on 18 July 2013. The Neighbourhood Area follows the Border Group parish boundary. The Border Group Neighbourhood Development Plan has been prepared by Border 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 July 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 12 March 2018 and the consultation under Regulation 16 took place between the 16 March to 27 April 2018, where the Plan was publicised and representations invited.
- 2.3 In May 2018, Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Border Group 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 Policy BG7 – new homes in Lingen	Amend para f) to read: f) Important green spaces and important views into and out of the village (identified on map 2), should be protected from development;	For clarification and cross reference to the map
Modification 2 Policy BG11 – Land south of Walford	Amend para d) to read: d) Proposal for development which have the potential to impact upon the Severn Trent Elan Valley Aqueduct that runs to the south of the land proposed for development should be accompanied by an appropriate level of site investigation to confirm the exact alignment of the aqueduct and to ensure an appropriate buffer zone is retained.	To ensure that the policy is not overly restrictive
Modification 3 Policy BG13 – Design criteria for residential development	Amend the introductory paragraph to read: 'An integrated approach to achieve a high standard of design is encouraged, in particular measures to achieve the maximum possible reduction in the carbon footprint of any development. Development proposals should contain a coordinated package of design measures where appropriate and achievable which include:	To ensure that the requirements do not have an impact on the viability and deliverability of proposals
Modification 4 Policy BG14 – Support local	Delete criteria a)	To ensure that the policy is not overly restrictive

business		
Modification 5 Policy BG16 – Renewable Energy	Delete the final paragraph of the policy which reads: 'Proposals for wind energy schemes will only be supported where, in addition to meeting the above requirements, the developer has gained the support of the local community.'	Wind energy schemes can now only be considered if a site for development is identified.
Modification 6 Policy BG17 – Highways and Transport Infrastructure	Move the introductory paragraph to a separate section of the plan 'Measures will be promoted, in association with Herefordshire Council, to reduce the impact of vehicles upon amenity, address community concerns and promote greater accessibility, including through public transport. In particular proposals to address the speed of vehicles approaching and travelling through Adforton will be sought'.	To move text which is a community project and aspiration rather than policy to a different section of the plan for clarity.
Modification 7 Policy BG17 – Highways and Transport Infrastructure	Amend b) to read: Proposals would not result in on-street parking but should provide adequate off-street parking for residents and visitors, and if possible address the reduction of any on-street parking problems that may exist within the vicinity'	For clarity
Modification 8 Policy BG18 – Flooding and surface water drainage	Amend policy to read: 'Proposals for new development must comply with the requirements of policy SD3 of the Herefordshire Core Strategy. Regard should be had to the Strategic Flood Risk Assessment for Herefordshire (SFRA) 2009 or any successor document.'	To remove the restrictions beyond those set out at a national and local policy level.
Modification 9 Policy BG19 – Accessibility to services and facilities	Amend the introductory paragraph to read: 'Existing community facilities such as village halls and other premises used to accommodate local services will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected: or it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility.	To remove overly restrictive policy wording.
Modification 10 Policy BG20 – Protecting and enhancing the natural environment	Amend criteria e) to read: Retain where possible important features such as ponds, orchards and hedgerows;	For clarity and ensure that the policy is not overly restrictive

and landscape		
Modification 11 Policy BG21 – Protecting local heritage	<p>Amend the policy to read:</p> <p>‘The historic character and local distinctiveness of the Group parish should be conserved and enhance in accordance with policy LD4 of the Herefordshire Core Strategy and the National Planning Policy Framework.</p> <p>In considering repair, alternations or conversion of historic farm buildings due reference should be made and detailed consideration be given to the Herefordshire Farmsteads Characterisation Project.’</p>	For clarity and avoid repeat of policy LD4
Modification 12 Policy BG22 – Lingen Conservation Area	<p>In the first paragraph replace ‘or’ with ‘and’</p> <p>Amend paragraph 3 to read: ‘The third main characteristic is provided by the quality of the setting of the village, with a variety of views and vistas reinforcing the feeling of space and tranquillity. Proposals for development should conserve important views within, into and from the conservation area. These should remain protected from inappropriate forms of development. The most important views and settings are (see map 2):’</p> <p>Delete Local Green Space a) ‘the separation between the two parts of the village’ from the policy and the map</p> <p>Delete Local Green Space b) ‘Court House Farm’ from the policy and the maps</p>	To accord with the NPPF

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 Border Group 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 Border Group 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 18 July 2013.

Signed 

Dated 24/10/2018

Richard Gabb
Programme Officer – Housing and Growth

