

## Little Birch and Aconbury NDP Independent Examination

### Delegated Decision Statement

11 March 2019

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Little Birch and Aconbury Neighbourhood Area
Parish Council	Little Birch and Aconbury Parish Council
Submission	24 September 2018
Regulation 16 Consultation	4 October to 15 November 2018
Examination Date	December-February 2019
Inspector Report Received	1 March 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 Little Birch and Aconbury 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 Little Birch and Aconbury was designated on 24 May 2016. The Neighbourhood Area follows the boundary of Little Birch Parish and Aconbury meeting boundary. The Little Birch and Aconbury NDP have been prepared by Little Birch Parish Council and Aconbury Parish meeting. Work on the production of the plan has been undertaken by members of the local community through a Neighbourhood Plan Steering Group since June 2016.
- 2.2 The Plan was submitted to Herefordshire Council on 24 September 2018, and the consultation under Regulation 16 from 4 October to 15 November 2018, where the Plan was publicised and representations invited.
- 2.3 On 11 January 2019 Ms Liz Beth MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Little Birch and Aconbury 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: LBA1	Policy LBA1, bullet 1 to be amended as follows: <i>"1. enabling new housing to meet the needs and requirements of the Herefordshire Local Plan Core Strategy and the communities in Little Birch and Aconbury; and"</i>	Interests of accuracy and clarity.
Modification 2: LBA5	Amend the first paragraph of Policy LBA5 as follows: <i>"A settlement boundary is defined for Aconbury as shown on Plan 5 within which development proposals for housing and other purposes will be permitted provided that they will: ..."</i>	Interests of accuracy and clarity. Conformity to NPPF.

Modification 3: LBA6	Amend the first sentence of Policy LBA6 to read:  <i>“A range of proposals for employment development and rural diversification <b>that comply with policies in the development plan will be supported, including: ...”</b></i>	Interests of accuracy and clarity.  Conformity to NPPF and comply with BC.
Modification 4: LBA7	Amend the second paragraph of Policy LBA7 as follows:  <i>Proposals which provide for the provision or improvement of walking, cycling and public transport infrastructure will be supported wherever feasible and appropriate, particularly where they deliver enhanced connectivity to existing facilities. A cycle/footway link <b>within the neighbourhood area alongside the A49 between the Kings Pitt Road and the C1263 at Cross in Hand Farm, or similar facility as appropriate, will provide much-needed enhanced access to the existing bus stop on the trunk road at this location.</b></i>	Interests of accuracy and clarity.  Ensure policy is realistic.  Conformity to NPPF and comply with BC.
Examiner's recommendation not made  Plan 2	Amend Plan 2 so that areas of ancient woodland within the neighbourhood area are clearly defined in a visually similar way to those outside of the neighbourhood area.	The shading is the same inside and outside of the boundary, it is the OS base which makes it appear different.

## Post Adoption SEA and HRA

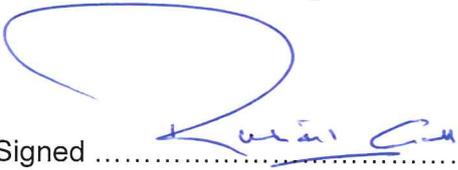
- 4.1 The modifications made as a result of the Examiner's report, as outlined above in Section 3 of this document, have been considered in terms of any resultant changes to the Strategic Environmental Assessment and Habitat Regulations Assessment. None of the changes are considered to have a significant 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 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 Little Birch and Aconbury 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 Little Birch and Aconbury 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 24 May 2016.

  
Signed .....

Dated ... 12 . 3 . 19 .....

**Richard Gabb**  
**Programme Officer – Housing and Growth**