

Bishopstone NDP Independent Examination

Delegated Decision Statement

7 March 2019

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Bishopstone Group Neighbourhood Area
Parish Council	Bishopstone Group Parish Council
Submission	24 May to 5 July 2018
Examination Date	August 2018 - February 2019
Inspector Report Received	4 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 Bishopstone 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 Bishopstone was designated on 18 March 2013. The Neighbourhood Area follows the boundary of Bishopstone Group parish boundary. The Bishopstone Group NDP has been prepared by Bishopstone 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 March 2013.
- 2.2 The Plan was submitted to Herefordshire Council on 18 May 2018, and the consultation under Regulation 16 took place between the 24 May to 5 July 2018, where the Plan was publicised and representations invited.

- 2.3 On 12 August 2018, Ms Rosemary Kidd Dip TP MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Bishopstone Group NDP and to prepare a report of the independent examination.
- 2.4 During the examination an additional consultation on the SEA and HRA had taken place from 14 January to 18 February 2019 in response to one of the examiners questions. This consultation took into screened all of the alternative site options that were not previously screened in the previous SEA and HRA report.
- 2.5 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.
- 2.6 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 his report along with the justification:

Policy	Modification	Reason
Modification 1 Cover	Include the date of the Plan period on the front cover "2019 – 2031".	Clarity
Modification 2 Basic Conditions statement	Revise the Basic Conditions Statement to demonstrate how the BGNDP contributes to Sustainable Development and the Assessment on Human Rights.	Clarity and conformity to the basic conditions on sustainability and human rights.
Modification 3 Figure 1	Revise Figure 1 to only show the boundary of the Neighbourhood Plan area. Include the Policies Map for the whole Plan area in the document at an appropriate scale so that it is legible. Add figure numbers to all maps.	Interests of accuracy and clarity.
Modification 4 Policies and justification section	Rewrite Policies and justification in the third person to remove reference to the parish council supporting certain types of development.	Interests of accuracy and grammatical correctness.
Modification 5 Policy H1	Revise Policy H1 as follows: Revise part 1 to read: "...in the NDP area <i>within the settlement boundary shown on the Bishopstone Policies Map.</i> " Delete part 2 and place in the justification to the policy to read "The settlement boundary for Bishopstone <i>has been</i> extended	Interests of accuracy and clarity. Conformity to NPPF and Local Plan. Clarify wording to

	<p>to includehousing development.”</p> <p>Revise part 3 to read: “<i>Land at Bishon Farm shown on the Bishopstone Policies Map is allocated for housing development. The development shall comprise a mixture of 2, 3 and 4 bedroom houses and bungalows and including a proportion of affordable housing for local people in accordance with.....village. The layout and design of the development shall be sensitive to the natural environment particularly the priority traditional orchard habitat of the site and its village setting close to the listed farmhouse. Access to the site shall be improved to the satisfaction of the Highways Authority.</i>”</p> <p>Combine parts 4 and 5 to read: “<i>Proposals for housing development on the allocated site at Bishon Farm must take account of Policy G1 and must include.....area. The area to the east of the access road shown on the Bishopstone Policies Map is designated as a community orchard and shall be safeguarded / retained in accordance with the Management Plan with public access and information displays about the history and ecology of the orchard. The community orchard shall include a community open space with a seat near the Millennium Tree.</i>”</p> <p>The proposal for the Parish Council to work with the landowner to create a management plan for the conservation of the remainder of the orchard should be deleted from part 5 of the policy and included in a separate section of the plan as a community project.</p> <p>Revise part 6 to read: “Within the settlement <i>boundary</i>, the conversion of redundant buildings, including those at Bishon Farm, to housing will be supported provided that:”</p> <p>Revise part 7 to read: “...within the settlement <i>boundary</i> ...providing that the <i>proposals</i> are in keeping with Policy G1 and there is no <i>unacceptable detrimental impact to the amenities</i> of adjacent properties.” Delete part 8.</p> <p>Revise the key of the Bishopstone Policies Map to “Housing Allocation (Policy H1)” and “Designated Community Orchard (Policy H1)”. Delete “Safeguarding Mineral Reserve”. Delete repeated text in the justification section.</p> <p>Revise the third paragraph on page 17 to refer to “land adjoining Pleck Cottage” instead of “the Pleck site”.</p> <p>Add a new paragraph to the justification to explain the important factors that should be taken into account in the design and layout of the development. Suggest an indicative number of about 20 dwellings for the site as a whole.</p>	<p>make policy easier to implement.</p>
<p>Modification 6</p> <p>Policy H2</p>	<p>Revise Policy H2 as follows:</p> <p>Amalgamate parts 1 and 2 to read: “Within the settlement <i>boundaries</i> at Lower Byford and Byford Common <i>shown on the Byford Villages Policies Map</i>, new housing development will be supported provided that:”</p>	<p>Ensure policy is appropriately worded.</p> <p>Interests of clarity and consistency.</p>

	<p>Delete "with between one and six houses on a site" from part 2(a).</p> <p>Revise part 3 to read "Within the settlement <i>boundaries at Lower Byford and Byford Common</i>, the conversion of redundant...to housing will be supported provided that:"</p> <p>Delete part 4.</p>	
Modification 7 Policy H3	<p>Revise the title of Policy H3 to: "Housing in <i>the countryside including Bridge Sollars, Kenchester and Mansell Gamage</i>".</p> <p>Revise the policy to read: "Housing development <i>outside the settlement boundaries</i> will be supported.....Policies G1 and G2."</p> <p>Delete the final sentence.</p> <p>Revise the justification to explain that the policy relates to the plan area outside the settlement boundaries.</p>	<p>Avoid repetition of the Core Strategy.</p> <p>Interests of clarity and consistency.</p>
Modification 8 Policy G1	<p>Delete part 1.</p> <p>Revise part 2a) to read "...massing, <i>rooflines</i>, materials....design."</p> <p>Revise part 2f) to read "Impact on the existing <i>environmental features and wider landscape</i>."</p> <p>Revise part 2(g) to read "Impact on the residential amenity of <i>nearby dwellings</i>"</p> <p>Add "and" at the end of the penultimate criterion.</p> <p>Delete part 3 and add an explanation in the justification of how the requirements of relevant Core Strategy Policies (OS2, LD2 and LD3) are to be applied in the plan area. This should explain what the priority habitats are, with a map if this is available.</p> <p>Revise part 4 to read "...any environmental or <i>contamination</i> issues...."</p>	<p>Conformity to Core Strategy.</p> <p>Removal of restrictive wording.</p> <p>Interests of clarity and consistency.</p>
Modification 9 Policy G2	<p>Delete "or change of use" from parts 1, 2 and 3.</p> <p>Include a reference to Core Strategy Policy SD3 in the justification and an explanation of the requirements of both Policies SD3 and G2 to avoid flood risk and manage surface water.</p>	<p>Conformity to Core Strategy.</p> <p>Removal of superfluous information.</p>
Modification 10 Policy G3	<p>Delete parts 1 and 2 of Policy G3.</p> <p>Revise part 3 to read: "Improvements to broadband speed and mobile phone reception <i>will be supported</i> provided that...landscape."</p> <p>Revise the title of Policy G3 to reflect the change to the policy: "<i>Improvements to Broadband and Mobile Phone Reception</i>".</p> <p>Revise the justification to the business section to state that support will be given to new small scale business development, especially those connected to agriculture and tourism in</p>	<p>Conformity to Core Strategy.</p> <p>Removal of superfluous information.</p>

	accordance with Policy RA6. Incorporate material from the justification to Policy G5.	
Modification 11 Policy G4	Delete the second sentence of part 1. Delete part 2 and place in a separate section of the Plan as a Community Project along the lines of “ <i>The Parish Council will work with the Highways Authority to encourage initiatives to improve road safety.....</i> ”	To be in conformity with Planning policy guidance.
Modification 12 Policy G5	Delete Policy G5. Move the justification to an introductory section on business.	Removal of superfluous information.
Modification 13 Policy G6	Delete Policy G6. Include part 3 in a separate section of the Plan as a Community Project.	Removal of superfluous information.
Modification 14 Monitoring and review section	Revise the first paragraph of the Monitoring and review section to read: ‘The Bishopstone Group Neighbourhood Development Plan will be made by Herefordshire Council and will be used...’	Interests of clarity and consistency.
Typographical error Page 11	Amend first paragraph to ‘The population of the group in 2011 was 456...’	

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

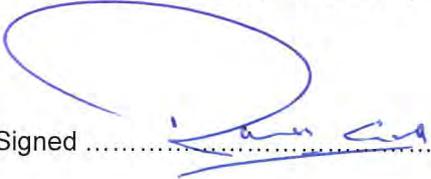
- 4.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the examiner made in the report under paragraph 10 of Schedule 4A to the 1990 act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.

4.2 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.

4.3 Following the modifications made, the Bishopstone Group 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 Bishopstone 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 examiners conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 18 March 2013.

Signed 

Dated 12.3.19

Richard Gabb
Programme Officer – Housing and Growth