

Bredenbury, Wacton and Grendon Bishop NDP Independent Examination

Delegated Decision Statement

27 February 2020

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Bredenbury and District Group Neighbourhood Area
Parish Council	Bredenbury and District Group Parish Council
Submission	19 September to 31 October 2019
Examination Date	January and February 2020
Inspector Report Received	21 February 2020

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 Bredenbury, Wacton and Grendon Bishop 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 Bredenbury and District Group was designated on 5 November 2013. The Neighbourhood Area follows the boundary of Bredenbury and District Group parish boundary. The Bredenbury and District Group NDP has been prepared by Bredenbury and District 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 winter 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 15 September 2019 and the consultation under Regulation 16 took place between the 19 September to 31 October 2019, where the Plan was publicised and representations invited.
- 2.3 On 5 December 2019 Ms Ann Skippers MRTPI FHEA FRSA AoU was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Bredenbury and District 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 her report along with the justification:

Policy	Modification recommended	Justification
Plan period P8	Include "2011 – 2031" on the front cover of the Plan Insert a new paragraph in the Plan in a suitable location to state that the Plan covers a time period from 2011 to 2031	Interests of accuracy and clarity.
The story so far section p 14	Change "Character Assessment" to " <i>Characterisation Study</i> " in: <ul style="list-style-type: none"> • paragraph 2.0.8 on page 10, • in criterion 1.i. of Policy BW&GB 10 on page 29, • in criterion 3. Of Policy BW&GW 10 on page 30, • in the last paragraph of Policy BW&GB 10 on page 30 and in the monitoring indicator column on page 47 of the Plan in relation to Policy BW&GB 10 	Interests of accuracy and clarity. Removal of inaccurate and outdated information.
Policy BW&GB2	Remove the 'triangle' area of woodland east of St Andrews Close from the settlement boundary and amend Map 2 Change the second sentence of the first paragraph of the policy to read: "Limited small-scale development opportunities will be supported outside of the settlement <i>provided that any effects on amenity and the environment, especially the landscape and local road network are acceptable.</i> " Delete the last sentence in criterion 1 of the policy delete criterion 2. of the policy	Ensures policy longevity. Definition and clarification of the settlement boundary. Help to achieve sustainable development.
Policy BW&GB3	Remove the second paragraph and the four numbered points from the policy to the supporting text Add a reference to CS Policy H2 in paragraph 4.2.6 on page 20 of the Plan	Interests of accuracy and clarity.

	Consequential amendments may be required	
Policy BW&GB4	<p>Add to Site 2 South of Brockington House a sentence that reads: <i>"The site's historic potentially contaminative use will require consideration prior to any development scheme coming forward."</i></p> <p>Delete the word "broadly" from Site 5 Garage Field</p> <p>Add a new sentence at the end of Site 5 Garage Field which reads: <i>"Attention should also be paid in any detailed design to providing visual gaps to retain views through the site identified in the Characterisation Study."</i></p>	<p>Help to plan positively.</p> <p>Interests of accuracy and clarity.</p>
Policy BW&GB6	Substitute the word "main" in the policy with " <i>original</i> "	Interests of clarity.
Policy BW&GB7	<p>Reword criterion 1. to read:</p> <p>"Incorporating locally distinctive features and materials – although new innovative design or features will <i>be supported</i> where they fit sensitively within their immediate surroundings."</p>	<p>Conformity with NPPF and Core Strategy.</p> <p>Help to achieve sustainable development.</p>
Policy BW&GB8	Delete the word "or" between "...impractical..." and "...where it would be inconsistent..." and add the words " <i>or if up to date housing needs information demonstrates a different mix is required</i> " to the end of the last sentence of the policy	<p>Conformity with NPPF support for housing of different sizes, types and tenures to meet the needs of different groups and Core Strategy policy H3.</p> <p>Help to achieve sustainable development.</p>
Policy BW&GB9	Delete "consistent with Neighbourhood Plan Policy BW&GB 5" from the first numbered point in the policy	Interests of accuracy and clarity.
Policy BW&GB10	Delete the word "Protect" and replace with " <i>Not significantly adversely affect</i> " in criterion 3 of the policy	<p>In the interests of national policy and guidance. Conformity to CS policies SS6, LD1, LD2 and LD3.</p> <p>Help to achieve sustainable</p>

		development.
Policy BW&GB11	<p>Change the third paragraph of the policy to read:</p> <p><i>"A balanced judgement will be required about the effects of any development proposal on or affecting any non-designated heritage asset, including those identified in Appendix 1, having regard to the scale of any harm or loss and the significance of the heritage asset."</i></p>	<p>In the interests of national policy and guidance.</p> <p>Better reflect CS policies SS6 and LD4.</p> <p>Help to achieve sustainable development.</p>
Policy BW&GB14	<p>Add a full stop at the end of the policy</p> <p>Change "Policy BW&GB16" in paragraph 4.5.8 to "Policy BW&GB14"</p>	<p>Improve punctuation.</p> <p>Interests of accuracy and clarity.</p>
Policy BW&GB18	<p>Update paragraph 4.7.4 on page 42 of the Plan by changing the fifth sentence to read:</p> <p><i>"Planning permission was granted on 1 May 2019 (reference P184612/F) for a vehicle access and parking area."</i></p> <p>Amend the Policies Map to show the area land next to St Andrews Church correctly (as per the map on page 42 of the Plan)</p>	<p>Ensure maps match.</p> <p>Update current position.</p>
Policy BW&GB19	<p>Change the word "assets" in the policy to <i>"facilities valued by the local community"</i></p> <p>Add a new paragraph after paragraph 4.7.6 that reads:</p> <p><i>"The Community Survey highlighted the importance of the protection and enhancement of key community facilities, in particular the Village Hall, the Barneby Inn and the Primary School. This policy addresses the requirements of the NPPF in relation to planning positively for the provision and use of those community facilities and other local services which enhance the sustainability of communities. This policy is in addition to protection provided through the Assets of Community Value legislation discussed further below"</i>.</p>	<p>Interests of clarity and consistency.</p> <p>Conformity with NPPF and Core Strategy.</p>
5.0 Implementation and Monitoring	<p>Add a new paragraph at the start of subsection 5.2 that reads:</p> <p><i>"Policies in neighbourhood plans must relate to the development and use of land. Sometimes as a result of the engagement carried out as part of the work on the neighbourhood plan, aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land emerge. Any such policies or projects must be clearly identifiable within the neighbourhood plan. This section and the Action Plan do not form part of the statutory plan."</i></p> <p>Delete the words "...as proposed in Policy BW&GB 18" from</p>	<p>Ensure the status of the action plan is clear and to remove any doubt.</p>


	<p>point 3. of the Action Plan</p> <p>Delete the last paragraph which begins “Developer contributions...” from the Action Plan</p>	
Glossary	<p>Change the definition of Brownfield Land to that in the NPPF which reads:</p> <p><i>“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”</i></p> <p>Change the “character and appearance” in the definition of Conservation Areas to “character or appearance”</p> <p>Change the definition of Floodplain to “A nearly flat plain along the course of a stream or river that is naturally subject to flooding”</p> <p>Delete “Greenfield land that has not been previously developed, often in agricultural use.” from the definition of Geodiversity</p> <p>Insert the words “...forms part of the development plan and...” after “Adopted on 23rd March 2007” and delete the word “emerging” from the definition of Unitary Development Plan</p> <p>Change the definition of Windfalls to that in the NPPF which reads: “Sites not specifically identified in the development plan.”</p>	Interests of clarity and accuracy.

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. 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 Bredenbury and District 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 Bredenbury, Wacton and Grendon Bishop Neighbourhood Plan progresses to referendum. Herefordshire Council concur with examiners conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 5 November 2013.


Signed

Dated 3. 3. 2020

Richard Gabb
Programme Officer – Housing and Growth