

Bridstow NDP Independent Examination

Delegated Decision Statement

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Bridstow Neighbourhood Area
Parish Council	Bridstow Parish Council
Submission	3 February to 17 March 2021
Examination Date	June - December 2021
Inspector Report Received	8 December 2021

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 Bridstow 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 Bridstow was designated on 23 September 2013. The Neighbourhood Area follows the boundary of Bridstow parish boundary. The Bridstow NDP has been prepared by Bridstow 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 21 January 2021 and the consultation under Regulation 16 took place between the 3 February to 17 March 2021 where the Plan was publicised and representations invited.

- 2.3 On 3 June 2021, Ms Rosemary Kidd MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Bridstow 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
Cover page	Revise the date of the Plan to "2020 – 2031" and show on the front cover of the BNDP.	Interests of accuracy and clarity.
Objectives	<p>Revise Objective 2b) to read "<i>Avoiding development where this would result in significant danger through conflicts between vehicles and pedestrians.</i>"</p> <p>Delete Objectives 3b) and 3c).</p> <p>Add the following new objective after 4c): "<i>Avoiding noise sensitive development on sites with unacceptable levels of traffic noise close to the trunk roads.</i>"</p> <p>Include a paragraph in the Issues section to explain the background to concerns about the impact of traffic noise from the trunk roads and refer to the decision taken on sites with unacceptable levels of highway noise.</p>	<p>Interests of accuracy and clarity.</p> <p>Conformity with NPPF para 174.</p> <p>Address concerns raised at consultation</p>
Policy BR1	<p>Delete "high-level" from the first paragraph of the policy.</p> <p>Delete the second sentence of point a) "Major development ...satisfactory degree."</p>	<p>Removal of superfluous criteria.</p> <p>Interests of conformity to para 177 NPPF.</p>
Policy BR2	<p>In criterion b) replace "Development boundaries" with "<i>Settlement boundaries</i>".</p> <p>In criterion c) delete "or development" from line 1.</p>	<p>Removal of superfluous criteria.</p> <p>Conformity to national and strategic policy.</p>

	Replace “development boundaries” with “settlement boundaries” elsewhere in the supporting text of the BNDP.	
Policy BR4	<p>Delete “All” from the first line of the policy.</p> <p>Revise criterion d) to read “Development within the <i>Green Gap defined on the Policies Map</i> between Bridstow and Wilton that will visually diminish the openness of the Green Gap when viewed from publicly accessible locations, except for <i>that reasonably required for agriculture and forestry purposes or to mitigate flood risk, will not be supported</i>”.</p>	<p>Interests of accuracy and clarity.</p> <p>In regard to national policy.</p>
Policy BR5	<p>Revise the first paragraph to read: “....<i>should be protected, conserved and where possible enhanced through:</i>”</p> <p>Revise point a) to read: “Developments <i>that may result in substantial harm or loss of the Scheduled Ancient Monuments and Grade I and II* Listed Buildings at Wilton Castle and the house attached, Wilton Bridge and Sundial, Churchyard Cross at St Bridget’s Church, St Bridget’s Church and their settings should be wholly exceptional and will require clear and convincing justification.</i>”</p> <p>Delete points b), c) and g).</p> <p>Revise point d) to read “.....<i>that conserves or enhances....</i>”</p> <p>Revise the second sentence of point h) to read: “.....<i>New development associated with historic farmsteads should respect the historic form of the farmstead as demonstrated through thorough research of historic documents to secure a design of exceptional quality.</i>”</p> <p>Additional text may be added to the justification to reference the sections of the NPPF and Core Strategy policies to address those subjects that are to be deleted from the policy</p>	<p>Interests of clarity.</p> <p>Conformity to national and strategic policy.</p>
Policies Map/ Diagram	Show the ecological corridors along the River Wye, Wells Brook and the tributary to that Brook on the Policies Map or on a diagram within the text of the BNDP.	Conformity with NPPF and Core Strategy.
Para 6.9	Revise paragraph 6.9 to read: “This policy is considered consistent with Herefordshire Core Strategy Policy SD4. <i>The Ross Lower Cleeve WwTws serves a wide area comprising Ross-on-Wye and some surrounding villages, including those within</i>	Removal of superfluous criteria.

	<p><i>Bridstow Parish. Dwr Cymru/Welsh Water recently completed a reinforcement scheme at this WwTW. However, the River Wye is a Special Area of Conservation requiring a high priority to be given to maintaining good water quality. Consequently, should there be a future shortfall in WwTWs capacity, this policy maintains a precautionary approach to ensure appropriate protection.</i></p>	
Policy BR9	<p>Revise the first paragraph second sentence to read “....which <i>could</i> include:”</p> <p>Point a) delete “such as photovoltaic panels”.</p> <p>Point b) replace “such as through” with “<i>including</i>”.</p> <p>Revise point g) to read “....and reducing <i>construction</i> waste.”</p> <p>Revise point h) to read: “....they should be of a high quality and fit sensitively within the street scene and landscape and reflect locally distinctive features to maintain the area’s cohesive character.”</p> <p>Add a new point: “<i>For proposals requiring vehicle parking, provision of electric vehicle charging points at an appropriate level, which should be for each dwelling in residential developments, and for other forms of development to suit the needs of the expected level of traffic generation.</i>”</p> <p>Add new point: “<i>Locating noise sensitive development, including housing, in locations that are not subject to unacceptable levels of noise from highways and ensuring effective measures are taken to ensure that ambient noise levels both indoors and outdoors are acceptable.</i>”</p> <p>Revise paragraph 6.11 to include examples of renewable energy infrastructure and sustainable drainage systems that may be employed. Additional text may be added to the justification to explain how these new criteria are to be applied.</p>	<p>Interests of accuracy and clarity.</p> <p>Introduce flexibility to the policy.</p> <p>In conformity to the NPPF.</p>
Policy BR10	<p>Delete point b).</p> <p>Revise the second sentence of paragraph 6.12 to read “Core Strategy Policy <i>SD1</i>” and delete the last sentence of the paragraph.</p>	<p>Interests of accuracy and clarity.</p>
Policy BR11	<p>Delete Policy BR11 and place it in an Appendix or separate section of the Plan headed Community Actions.</p>	<p>This is a community action and not a planning policy.</p>

<p>Policy BR12</p>	<p>Revise Policy BR12 as follows:</p> <p>Revise criterion b) to read: “Adequate provision of off-street parking <i>for residents and visitors.</i>”</p> <p>Revise criterion c) to read: “Proposals <i>would</i> not lead to”</p> <p>Revise criterion d) to read: “The nature of the development <i>would</i> not lead to”</p>	<p>Concerns of deliverability.</p>
<p>Policy BR13 and 14</p>	<p>Amalgamate Policies BR13 and BR14 to read: “<i>Settlement boundaries have been defined for Bannutree, Buckcastle Hill, Claytons and Wilton on the Policies Maps. Housing development will be supported within the settlement boundaries that satisfy other policies in the development plan.</i>”</p> <p>Replace the term “development boundary” with “<i>settlement</i> boundary” in the justification.</p> <p>Correct the typographical error in paragraph 8.11 second sentence “albethey”.</p>	<p>Interests of clarity and consistency.</p> <p>Conformity with NPPF and Core Strategy.</p> <p>Removal of superfluous information.</p>
<p>Policy BR15</p>	<p>Show the site numbers for Policy BR15 on the Policies Maps.</p> <p>Revise paragraph 8.19 second bullet to read “.....and trees <i>should be protected by the use of planning conditions</i> or Tree Preservation Orders, where appropriate. “</p> <p>Replace the fifth bullet point of paragraph 8.19 with: “<i>Care will be needed to ensure the location of dwellings, landscaping and building design reflect the built and landscape character of this part of the settlement in accordance with Policy BR10 a) and b).</i>”</p> <p>Delete the sixth bullet point of paragraph 8.20.</p> <p>Delete the fourth bullet point of paragraph 8.21.</p> <p>Revise the ninth bullet point of paragraph 8.21 to read: “.....the dwelling to the <i>south east</i> of the site....”</p> <p>Publish an Addendum to the Sites Assessment Report to include the objections from HC’s Environmental Health section to sites along the A40 and A49 on the grounds of noise and pollution.</p> <p>Revise paragraph 2.21 to explain the objections to site W2 at Wilton.</p>	<p>In accordance with the guidance set out in the NPPG.</p> <p>Interests of accuracy and clarity.</p>

<p>Policy BR16</p>	<p>Revise the second sentence of the first paragraph of the policy to read: “Within this area, <i>very low density</i> housing development will be supported where it retains or enhances the character <i>of the area and</i> where it meets the following requirements:”</p> <p>Include a definition of “very low density” development in the glossary.</p> <p>Delete “including through the use of Tree Preservation Orders in relation to trees” from criterion e).</p>	<p>Interests of clarity and accuracy.</p> <p>Conformity to national policy.</p>
<p>Policy BR17</p>	<p>Revise criterion d) to read “.....<i>and should avoid</i> the loss of <i>best and most versatile</i> agricultural land, <i>where possible.</i>”</p> <p>Revise criterion h) to read “.....enterprise <i>can</i> be fully mitigated.” Delete “and where they cannot, permission will be refused.”</p>	<p>Conform to national policy NPPF para 84-85 and planning law.</p>
<p>Policy BR18</p>	<p>Revise the last paragraph of the policy to read: “.....will not be supported except in exceptional circumstances <i>as set out in the NPPF and Policy BR3.</i>”</p> <p>Revise paragraph 9.5 to read: “.....Herefordshire Council’s Renewable Energy Study indicates that the Parish falls outside of the resource area for large and medium scale wind energy <i>although it indicates that the Wye Valley AONB may not be suitable for wind turbines, it could still benefit from other technologies. That study defines large and medium sized wind turbines although for the purposes of this policy these would be turbines larger than 100kw. Turbines at or below this figure would normally be those used by individual homeowners or farmers for on-site electricity consumption. Of the other technologies, there may be potential for biomass and solar energy production. In determining whether the scale of buildings and infrastructure associated with these would amount to major development, proposals would need to be comply with BNDP Policies BR3 and BR17. There is no scope for hydro-electricity within the parish. Heat pumps are generally at the individual property scale.....</i>”</p>	<p>Conformity to para NPPF para 177.</p> <p>Conformity to CS strategic policy SD2.</p> <p>Interests of clarity and accuracy.</p>
<p>Policies Maps</p>	<p>Show the location of the community facilities and their curtilages named in Policy BR20 on the Policies Map.</p>	<p>Interests of consistency and clarity.</p>

Policy BR22	Delete Policy BR22. Revise the heading by deleting "Policy BR22". Retain the justification.	Removal of superfluous policy.
Section 11	Revise Section 11 Delivering the Plan as follows: Delete the second and third sentences of paragraph 11.2 "To duplicate these.....held within Herefordshire Council."	Part of this is a community action not a planning policy. Interests of clarity.

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 an updated to the HRA Appropriate Assessment 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 Bridstow 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 Bridstow 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 23 September 2013.

Ho Churchill

Signed

Dated21 January 2022.....