

Bartestree with Lugwardine NDP Examination

Delegated Decision Statement

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Bartestree with Lugwardine Group Neighbourhood Area
Parish Council	Bartestree with Lugwardine Group Parish Council
First Made	1 December 2016
Review Submission date	13 October 2022
Examination date	January-February 2023
Examiner's Report Received	1 March 2023

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 the review.
- 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 revised Bartestree with Lugwardine Neighbourhood Plan has been amended taking into account the modifications, and that the plan may proceed to referendum.

2 Background

- 2.1 The Bartestree with Lugwardine NDP was first adopted/made in 1 December 2016. In April 2022, the parish council decided that the plan needed to be revised to take account of issues raised during the monitoring of the plan in its first 5 years. The Neighbourhood Planning Act 2017 identifies the circumstances that made arise which a plan may need to be reviewed and a proportionate process for that review to be undertaken. As part of the examination, the examiner determines whether the reviewed plan includes minor, material or significant modifications which would change the nature of the current made/adopted plan.
- 2.2 The revised Plan was submitted to Herefordshire Council on 13 October 2022, and the consultation under Regulation 16 took place between 13 October 2022 to 29 November 2022, where the Plan was publicised and representations invited.

- 2.3 The modifications suggested to the adopted/made Plan included minor rewording of the vision and objectives, deletes 2 policies, add 6 new policies to including three site allocations and three new greenspaces as well as a nutrient neutrality policy to address water quality in the River Lugg. Some policies have also been subject to minor amendments to add local detail.
- 2.4 On 16 January 2023, Ann Skippers MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the revised Bartestree with Lugwardine NDP and to prepare a report of the independent examination.
- 2.5 The examiner’s report concludes that subject to making the minor modifications recommended by the examiner, the reviewed 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 made plan referred to in Section 3 below to ensure that the revised 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
Modification 1 BL8 Community facilities	Delete the words “...and playing fields...” from the first bullet point of the policy	To ensure clarity and to ensure there is no conflicting policies
Modification 2 Policy BL10 Local Green Spaces, Allotments and Rights of Way	Ensure that the green pathway extension to LGS L4 is shown on the Lugwardine village Policies Map Delete land east of Traherne Close as a LGS from the policy and all associated maps and figures Change the first sentence of the last paragraph in Policy BL10 to read: “ <i>Development in the Local Green Spaces will be consistent with national policy for Green Belts.</i> ”	For clarity and implementation. Ensure all green spaces identified are in conformity with the NPPF. Interests of consistency and conformity with NPPF wording.

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 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 in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.
- 5.3 Following the modifications made, the Bartestree with Lugwardine 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 revised Bartestree with Lugwardine NDP progressed to referendum. Consideration has been given as to whether the area should be extended beyond that of the neighbourhood area. Herefordshire Council concur with the examiner that nothing has been suggested which would require an extension of the area beyond the designated on 6 September 2012.

Signed



Tracey Coleman

Service Director – Economy and Environment

Dated 17 March 2023