

Belmont Rural NDP Independent Examination

Delegated Decision Statement

15 June 2017

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Belmont Rural Neighbourhood Area
Parish Council	Belmont Rural Parish Council
Submission	2 November to 14 December 2016
Examination Date	March/April 2017
Inspector Report Received	16 May 2017

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 Belmont Rural 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 Belmont Rural was designated on 26 June 2013. The Neighbourhood Area follows the Belmont Rural parish boundary. The Belmont Rural Neighbourhood Development Plan has been prepared by Belmont Rural 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 June 2016.

- 2.2 The Plan was submitted to Herefordshire Council on 26 October 2016, and the consultation under Regulation 16 took place between the 2 November 2016 to 14 December 2016, where the Plan was publicised and representations invited.
- 2.3 In February 2017, Ann Skippers MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Belmont Rural 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
Modification 1 Front cover	Add a sentence to the Plan to indicate the time period is 2011 -2031 to align with the Core Strategy.	For clarity
Modification 2	Replace 'December 2015' in paragraph 4.2 on page 12 of the plan with October 2015	To amend an error
Modification 3	Add a sentence at the end of paragraph 4.7 on page 13 of the plan to indicate that; 'it is recognised some of the issues are achievable through mechanisms other than planning policy'	For clarity
Modification 4 Objective 2	Refer to the Western Relief Road proposal under objective 2 or remove the reference to the appeal decision	To completeness and accuracy
Modification 5 Para 5.12	Delete the last sentence of para 5.12 on page 21 of the plan which begins 'It is recognised there are little opportunities..'	To ensure consistency as Policy 3 supports development
Modification 6 Para 5.14	Add; 'this can be achieved by working' before the second sentence in paragraph 5.14 on page 22 of the plan which currently begins 'Working with Herefordshire Council...'	To include some missing text
Modification 7 Policy 1	Change Figure 8 on page 28 of the plan by including what is referred to as '5. Northholme Community Centre' within 2. Abbey View East so that there are four identified areas. This can be done by changing 2 to read; '2. Abbey View East incorporating Northholme Community Centre' in the first column.	To ensure clarity

	<p>Move text from the second column at 5 to the text at 2 with the addition of word 'and' and moving the text from the third column at 5 to the text at 2</p> <p>Change reference to 'Figure 8' in criterion b) to 'Figure 9'</p> <p>Amend the wording of criteria c) to read: 'Other Open Spaces within the parish identified below will also be protected. Any proposals which would result in the loss of these open spaces will be determined in line with Core Strategy Policy OS3'</p> <p>Follow with the retained list of open spaces and the sentence on enhancement</p> <p>Delete 'identified on Figure 8' from criteria c)</p> <p>Delete criterion f)</p>	<p>To ensure correct cross-reference</p> <p>To ensure conformity with the Core Strategy</p> <p>To remove confusion</p> <p>To remove imprecision</p>
<p>Modification 8</p> <p>Policy 2</p>	<p>Reword to read: Any development on land at Home Farm and land adjacent to Ruckhall Lane as identified on Figure 10 must have regard to the character and appearance of the area and conserve or enhance the character or appearance of heritage assets.</p> <p>Opportunities to enhance ecological networks and habitats including hedgerows will be promoted and support is given for a walking and cycling link between Abbey View West and Belmont Abbey</p> <p>Any proposals must have regard to policies SS4 and HD3 of the adopted Hereford Local Plan Core Strategy and any other strategic policy or proposal concerning the proposed Hereford Relief Road and it is not intended that this policy will prejudice the implementation of the Hereford Relief Road'</p> <p>The supporting text will need revision to ensure it reflects the wording of the policy.</p>	<p>To ensure wording positive and not restrictive to prevent strategic proposals within the Core Strategy.</p> <p>To ensure conformity with Core Strategy policy SS4 and HD3</p> <p>To achieved sustainable development in terms of cycling and walking links.</p>
<p>Modification 9</p> <p>Policy 3</p>	<p>Reword the first paragraph of the policy to read: 'Future development of the former Belmont Golf Course site (see Figure 11) will be supported if proposals secure the future of Belmont House and other heritage assets. Existing buildings should, wherever desirable and viable to do so, be reused and converted. Enabling development will be considered favourable if appropriate in location and scale and it if respects the setting of the site.'</p> <p>Change the second paragraph of the policy so that it begins; 'A range of uses including housing, B1</p>	<p>To ensure clarity and increase flexibility in relation to the redevelopment of existing buildings.</p> <p>To ensure the deliverability of the policy</p> <p>To ensure clarity and accuracy regarding flooding.</p>

	<p>employment and leisure uses will be supported... (retain the remainder of the paragraph as is and retain criteria a to g)</p> <p>Delete the words; 'The site lies within a flood zone, and' from criteria f) of the policy so that it begins 'Future development..' (retain the remainder of the criterion as is).</p>	
<p>Modification 10</p> <p>Policy 4</p>	<p>Change the words 'community and recreation type uses' in the second paragraph of the policy to 'community, social or recreation uses'</p> <p>Change '18 months' in criterion b) to 'of at least 12 months'</p> <p>Add a new criterion c) that reads; 'Development can only proceed where any likely significant effect on the River Wye SAC can be avoided or mitigated'</p>	<p>To ensure conformity with the Core Strategy</p> <p>To ensure conformity with the Core Strategy in the absence of supporting evidence for the longer time period</p> <p>To ensure the River Wye SAC is safeguarded.</p>
<p>Modification 11</p> <p>Policy 5</p>	<p>Revise criterion b) to read: 'will not have a harmful impact on the privacy or other living conditions of the occupiers of nearby properties or is inconsistent with the character and appearance of the locality'</p> <p>Reword criteria c) to read: 'A mix of property type, size or tenure should be provided on appropriate sites'</p> <p>Add a new criterion that reads; 'All new dwellings will have useable gardens space and provide appropriate parking provision within the site curtilage'</p>	<p>To ensure sustainable development and conformity with the NPPF</p> <p>To ensure conformity with the Core Strategy</p> <p>To ensure clarity</p>
<p>Modification 12</p> <p>Policy 6</p>	<p>Reword the second sentence of the policy to read; 'New development should take every available opportunity to provide new and enhanced safe footpaths and cycleways'</p>	<p>To increase flexibility in line with national policy</p>
<p>Modification 13</p> <p>Appendix A</p>	<p>Add to Appendix A a sentence that reads: 'The information in the appendix is correct at the time of writing the plan. Up to date information should be sought from the local planning authority, the Parish Council or other relevant organisation such as Historic England'</p>	<p>To refer to the most up to date information</p>

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.
- 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 in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.
- 5.3 Following the modifications made, the Belmont Rural Neighbourhood Development 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 Belmont Rural 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 Examiner's conclusion that nothing has been suggested which would require an extension of the area beyond that designated on 26 June 2013.

Signed 

Dated 15/6/2017

Richard Gabb
Programme Officer – Housing and Growth

