

Eaton Bishop NDP Independent Examination

Delegated Decision Statement

25 April 2017

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Eaton Bishop Neighbourhood Area
Parish Council	Eaton Bishop Parish Council
Submission	25 October 2016 to 6 December 2016.
Examination Date	February 2017
Inspector Report Received	24 March 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 Eaton 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 Eaton Bishop was designated on 17 September 2014. The Neighbourhood Area follows the boundary of Eaton Bishop parish boundary. The Eaton Bishop NDP has been prepared by Eaton Bishop 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 September 2014.
- 2.2 The Plan was submitted to Herefordshire Council on 17 October 2016, and the consultation under Regulation 16 took place between the 25 October 2016 to 6 December 2016, where the Plan was publicised and representations invited.

- 2.3 On 26 January 2016 Ms Rosemary Kidd BA(Hons) DipTp MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Eaton Bishop 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 his report along with the justification:

Policy	Modification recommended	Justification
Recommended Modification 1	Revise the date on the front cover to 2017 - 2031.	Interests of accuracy and clarity
Recommended Modification 2	Revise the Parish Policies Map as to Proposals Map and show the plan boundary, the boundary of the Inset Maps and the location of priority habitats. Retitle the Village Policies Maps as Inset Maps and show the settlement boundaries, site allocations and community facilities. Revise the keys of the Maps to refer to the relevant policies of the Neighbourhood Plan.	For clarity, consistency and accuracy.
Recommended Modification 3	Include a brief description of the location of and significance of the unregistered parks and gardens and the River Wye SAC in Section 2.	Clarification of the text and to add more detail/certainty
Recommended Modification 4	Delete objective one, the first sentence of objective two and objective 4. Delete "Also to" from the second sentence of objective two. Renumber the objectives and update Appendix III.	For clarity, consistency and accuracy.
Recommended Modification 5 Policy EB1	Revise Policy EB1 as follows: Add the following at the end of paragraph 6.1.4 to read " <i>Taking into account the existing commitments of seven dwellings, the net housing requirement is at least 26 new dwellings over the plan period.</i> " Revise the first paragraph of Policy EB1 to read: " <i>New housing development of at least 26 net additional dwellings will be supported</i> "	Strengthen and clarification of policy Clarification of the text and to add more certainty For the policy to offer greater flexibility Reflect relevant legislation

	<p><i>on the Proposals Map in the plan period up to 2031.”</i></p> <p>Delete the second and third sentences of the third paragraph of Policy EB1: “In particular, linear development character of the villages.”</p> <p>Delete paragraph 4 of Policy EB1: “Where possible, development should be restrictedRuckhall.”</p> <p>Delete “etc” from the fifth paragraph of Policy EB1.</p> <p>Replace the words “are required to” in paragraph 5 of Policy EB1 and “will be required to” in paragraph 6 of Policy EB1 with the word “should”.</p> <p>Revise the final paragraph of Policy EB1 to read: “Outside the identified settlement boundaries, <i>housing development will only be supported exceptionally where it is in accordance with the NPPF and Core Strategy Policies RA3 and RA4. Affordable rural housing schemes will be supported where they accord with Core Strategy Policy H2 on Rural Exception Sites.</i>”</p> <p>Revise the Executive Summary to refer to 90% of the development being in Eaton Bishop and 10% in Ruckhall.</p>	
<p>Recommended Modification 6</p> <p>Policy EB3</p>	<p>Delete Policy EB3.</p>	<p>Policy unlikely to be implementable Lack of evidence and framework provision.</p>
<p>Recommended Modification 7</p> <p>Policy EB4</p>	<p>Revise Policy EB4 by replacing paragraphs one and two with:</p> <p><i>“New housing development should provide a mix of house types, sizes and tenures to meet the needs of those seeking affordable homes to rent and market homes to purchase including first time buyers, young families and older people. Bungalows and properties designed to meet the needs of older people are particularly encouraged.”</i></p> <p><i>“Where a need for affordable housing has been demonstrated, new housing development on sites of more than 10 dwellings should include an element of affordable housing in accordance with the requirements of Core Strategy Policy H1. The type and size of affordable housing shall be based on evidence from the latest Local Housing Needs Survey.”</i></p> <p>Delete paragraph 3 of Policy EB4.</p>	<p>Strengthen and clarification of policy Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy.</p> <p>Encourage sustainable development.</p>

<p>Recommended modification 8</p> <p>Policy EB5</p>	<p>Revise Policy EB5 as follows:</p> <p>Revise Green Infrastructure paragraph 1 to read “New developments <i>should include....</i>”</p> <p>Revise Green Infrastructure paragraph 2 to read “<i>Support will be given to enhancements such as.....</i>”</p> <p>Revise Green Infrastructure paragraph 3 to read: “<i>Nature conservation sites and habitats, and important species shall be retained and protected in accordance with their status as set out in Core Strategy Policy LD2. The following sites are located in the Plan area: List sites and their status and show on Proposals Map.</i>”</p> <p>Revise the second sentence of criterion 3 of the Landscape Design section to read: “Existing hedgerows should be <i>retained</i> and enhanced where practical and the planting of new hedgerows....”</p> <p>Revise the first sentence of criterion 4 to read: “Mature and established trees should be <i>retained where practical</i> and incorporated into....”.</p> <p>Revise the second sentence of criterion 5 to read “Development <i>proposals should avoid</i> the removal of existing local orchards or areas of woodland unless it can be clearly demonstrated</p> <p>Revise the first sentence of criterion 6 to read “<i>Where feasible</i>, all new development should incorporate....”</p> <p>Revise the first sentence of criterion 7 to read “<i>Public footpaths should be retained</i> through development sites....”.</p>	<p>To ensure it fully reflects the thrust of national policy and guidance, along with the Core Strategy.</p> <p>Interests of consistency and accuracy.</p>
<p>Recommended modification 9</p> <p>Policy EB6</p>	<p>Revise Policy EB6 as follows:</p> <p>Delete “<i>Proposals should fit in with the neighbouring settlements and enhance physical and visual connections and linkages with them</i>” from criterion 1.</p> <p>Delete “<i>to both the Parish Council and Herefordshire Council</i>” from criterion 2.</p> <p>Delete “<i>to assist the local economy and sustainability objectives</i>” from criterion 5.</p>	<p>For clarity, consistency and accuracy.</p> <p>Should be modified to reflect national policy and guidance.</p>
<p>Recommended modification 10</p> <p>Policy EB7</p>	<p>Revise Policy EB7 as follows:</p> <p>Include the playing field in the bulleted list in paragraph 1 of Policy EB7.</p>	<p>Lack of evidence and framework provision.</p> <p>Encourage flexibility within the</p>

	<p>Revise the second paragraph of Policy EB7 to read: <i>“The change of use of the village hall or church or playing field to residential use will only be supported if:</i></p> <ul style="list-style-type: none"> • <i>• an equivalent or enhanced community facility has been provided within the settlement boundary or within a nearby accessible location; or</i> • <i>• the developer has satisfactorily demonstrated that there is no longer a need for the premises by the community as they have been unused for a minimum of two years and during that period it has been actively marketed without securing a viable community use.”</i> <p>Include the following text in the justification: <i>“The facility must have been actively marketed for a minimum of two years through a commercial land and premises agent using advertisements and promotional activity on the internet and in regional property journals, without securing a viable alternative community use.”</i></p> <p>Include the following text in the justification: <i>“Any new community facilities should have a safe access on foot and cycle with adequate car parking. They should be located within the settlement boundary or close by.”</i></p> <p>Revise the third paragraph of Policy EB7 to list the infrastructure priorities: <i>“.....to support the following priorities to local infrastructure: set out priorities in a bulleted list.”</i></p> <ul style="list-style-type: none"> • The location of the community facilities referred to in Policy EB7 should be shown on the Proposals Maps. 	policy.
<p>Recommended modification 11</p> <p>Policy EB8</p>	<p>Revise Policy EB8 as follows:</p> <p>Revise the third paragraph on Reducing the Flood Risk as follows: <i>“.....rainwater filtration) should be provided within development sites wherever possible.”</i></p> <p>Revise the first line of the section on Flood Resilience to read: <i>“Development in areas liable to flooding....”</i></p> <p>Revise the last line of the final paragraph of Policy EB8 to read:</p> <p><i>“This could include boundary walls and fencing such as solid gates with waterproof seals, and where possible integral drains or fencing. The lower levels should be constructed to be more resistant to flooding.”</i></p>	Interests of accuracy and clarity.

<p>Recommended modification 12</p> <p>Policy EB10</p>	<p>Revise Policy EB10 as follows:</p> <p>Revise the second paragraph to read “ that the proposals address the factors set out <i>in Core Strategy Policies RA5 and RA6 and the following criteria:</i>”</p> <p>In criterion 1 replace “fragile road network” with “local road network”.</p> <p>Revise criterion 2 to read “.....industrial buildings and parking.”.</p>	<p>Interests of accuracy and clarity. Positive wording provides a better reflection of the Plan.</p>
<p>Recommended modification 13</p> <p>Policy EB11</p>	<p>Revise Policy EB11 as follows:</p> <p>Correct the title of the SPD in paragraph 6.4.5 to “Polytunnels SPD”.</p> <p>Revise paragraph 6 of Policy EB11 to read: “<i>The siting of poly-tunnels, agricultural units and associated developments should be sited so that they do not have an unacceptable adverse impact on the amenity of residents of nearby dwellings.</i>”</p> <p>Delete paragraph 8 of Policy EB11.</p>	<p>Interests of accuracy and clarity.</p> <p>Should be modified to reflect national policy and guidance.</p>
<p>Recommended modification 14</p> <p>Policy EB14</p>	<p>Revise the title of Policy EB14 to “Community Energy Schemes”.</p> <p>Add the following to the beginning of paragraph 6.4.8 “<i>The Plan seeks to encourage new community led energy schemes in appropriate locations to help increase the supply of renewable and low carbon energy.</i>”</p>	<p>Interests of accuracy and clarity.</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 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 Eaton Bishop 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 Eaton Bishop 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 17 October 2014.

A handwritten signature in blue ink, appearing to read 'Richard Gabb', with a horizontal line underneath.

Dated 25 April 2017

Richard Gabb
Programme Officer – Housing and Growth