

Lower Bullingham NDP Independent Examination

Delegated Decision Statement

25 April 2017

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Lower Bullingham Neighbourhood Area
Parish Council	Lower Bullingham Parish Council
Submission	3 October to 14 November 2016
Examination Date	28 November 2016
Inspector Report Received	22 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 Lower Bullingham 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 Lower Bullingham was designated on 22 August 2013. The Neighbourhood Area follows the Lower Bullingham parish boundary. The Lower Bullingham Development Plan has been prepared by Lower Bullingham 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 August 2013.
- 2.2 The Plan was submitted to Herefordshire Council on 21 September 2016, and the consultation under Regulation 16 took place between the 3 October to 14 November 2016, where the Plan was publicised and representations invited.

- 2.3 On 12 January 2017, Richard High BA MA MRTPI, was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Lower Bullingham 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
Modification 1 Objective 1 Policy LB1	Delete Policy LB1	Policy is very generally phrased and does not add to the Core Strategy Policy MT1 which is more detailed. Criteria could related to a development anywhere and does not contain a local dimension. No specific justifications for the section of the three schemes in terms of road safety, traffic volumes or existing conditions other than a broad reference. Therefore does not meet the basic conditions
Modification 2 Policy LB2	Delete Policy LB2	Justification for the policy is brief. Standards are the same are prescribed within the Highway Design Guide for New Development which are those used by Herefordshire Council. Therefore the policy adds nothing to the existing policy and does not meet the basic

		conditions.
Modification 3 Objective 3 Policy LB4	<p>In Policy LB4 After “Proposals will be expected to demonstrate” delete “that they have taken account of the following”</p> <p>in a) insert “that they have been” before “designed”</p> <p>in b) insert “that they will have” before “no significant...”</p> <p>in c) insert “that “ before “the development does not...”</p> <p>in d) insert “that” before “the development utilises...”</p> <p>reword h) to read “that the design takes into account the potential for adaptation to accommodate changing lifestyles and technologies.”</p>	For clarity and grammatical continuity of the policy.
Modification 4 Objective 4 Policy LB5 Policies map	<p>Amend the title of the “Lower Bullingham Policies Map” to the “Lower Bullingham Neighbourhood Plan Policies Map” and insert the Map into the Plan as Appendix 1</p> <p>In the first line of Policy LB5 insert after “Figures 7, 8 and 9” “and the Open Spaces Map at Appendix 2.</p> <p>Amend the title of the “Lower Bullingham Green Spaces” Map to “Lower Bullingham Neighbourhood Plan Open Spaces Map” and insert the Map into the Plan at Appendix 2</p> <p>On the key to the map amend delete “Local Green Space” and insert “Protected Open Spaces”.</p> <p>Amend the Table of Contents to refer to the two Appendices</p>	For clarity and ensure status of the maps are clear.
Modification 5 Policy LB6 Open Space map	<p>In Policy LB6 after “...open spaces listed below” insert “and shown in the Open Spaces Map in Appendix 2”.</p> <p>Show the The Pastures, the Cycle Path at Rotherwas and the Green Space behind 1 St Clare’s Court on the map to be retitled as “Lower Bullingham Neighbourhood Plan Open Spaces Map” with an additional notation on the key for “Open Spaces for improvement” ensuring that it is clearly legible particularly for the two spaces where the notation for both Policy LB5 and LB6 apply. The cycle path map should either show only the section within the neighbourhood plan area or make it clear that the policy only applies to that section.</p> <p>Amend the 4th bullet point to read “the green</p>	<p>To ensure open spaces are identified on the maps.</p> <p>To ensure that the cycle path is identifiable on the maps</p>

	corridor containing the Rotherwas Cycle Path including the extension and improvement of the cycle path.	
Modification 6 Objective 5 Policy LB8	<p>In Policy LB8 after "...communities in Lower Bullingham" delete "the following should be taken into account in the overall planning of the site, and in individual development phases of the site:" and insert "proposals for the development of the site should include:"</p> <p>Delete point b)</p> <p>In point c) delete "are provided"</p> <p>In point d) delete "Improved" and insert "effective road, public transport, pedestrian and cycle "</p> <p>In point e) after "existing communities and" add "where possible within the legal requirements for section 106 agreements, reduce flooding within the parish at Lower Bullingham Lane and Watery Lane."</p>	<p>To provide clear guidance to the decision maker and ensure the policy reads effectively.</p> <p>Ensure that reference is made to pedestrian and cycle links.</p> <p>Remove elements of repetition and reflect that new development cannot be required to remove existing problems through section 106.</p>
Modification 7 Policy LB9	<p>Change the title of Policy LB9 to "Contributions to Community Infrastructure"</p> <p>Change the first line of the Policy to read "Any funding payable to Lower Bullingham Council under the Community Infrastructure Levy, or any successor legislation, will be used for the following:"</p> <p>In the last paragraph of the Background/Justification for Policy LB9 delete "In preparing the Lower Bullingham Neighbourhood Plan" and insert "When the Lower Bullingham Plan is made".</p>	<p>To ensure that the policy reflects the pending possible legislative changes with regards to CIL.</p> <p>To ensure that the policy text is clear.</p>
Modification 8 Policy LB10	<p>Reword the third sentence of the Policy LB10 to read "Particular importance will be attached to any development that could lead to an increased risk of flooding for areas subject to existing flooding problems. These include:"</p> <p>Delete the fourth bullet point.</p>	<p>To ensure the policy is clearly worded and removed text which does not have a purpose.</p>
Modification 9 Next Steps	Delete Section 7	<p>To ensure that the next steps are not misleading or include superseded 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 Lower Bullingham 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 Lower Bullingham 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 22 August 2013.



Signed

Dated 25 April 2017

Richard Gabb
Programme Officer – Housing and Growth