

## Bishops Frome NDP Independent Examination

### Delegated Decision Statement

**14 December 2017**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Bishops Frome Neighbourhood Area
Parish Council	Bishops Frome Parish Council
Submission	24 May to 12 July 2017.
Examination Date	October/ November 2017
Inspector Report Received	23 November 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 Bishops Frome 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 Bishops Frome was designated on 8 November 2013. The Neighbourhood Area follows the boundary of Bishops Frome parish boundary. The Bishops Frome NDP has been prepared by Bishops Frome 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 November 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 17 May 2017, and the consultation under Regulation 16 took place between the 24 May to 12 July 2017, where the Plan was publicised and representations invited.
- 2.3 On 23 August 2017 Ms Ann Skipper MRTPI FRSA FHEA AoU was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Bishops Frome 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 Objective 2	Modify the second sentence of Objective 2 to read: " <i>New housing development should be appropriate in terms of size, scale, design and sustainability and the ability of services and facilities to support them</i> "	Interests of accuracy and clarity
Recommended Modification 2 Policy BF1	Add the words " <i>where possible</i> " after "Protect the existing ecological biodiversity of sites and..." in criterion (b) Add the words ", <i>and where possible enhance</i> ," after the "Protect..." in criterion (c)	For clarity, consistency and accuracy.
Recommended Modification 3 Policy BF3	Delete the words "...and that the amenity of all new residential development is not adversely affected by existing industrial or commercial uses." from criterion (d) of the policy  Change criterion (e) of the policy to read: " <i>Where it is demonstrably viable and desirable, developments should provide a mix of dwelling types.</i> "  Add the words " <i>the significance of</i> " after "...have an adverse impact on..." in criterion (g) of the policy	Clarification of the text and to add more detail/certainty  Strengthen policy  For the policy to offer greater flexibility
Recommended Modification 4 Policy BF4	Add the words " <i>or respect</i> " after "Properties and extensions reflect..." in criterion (a) of the policy	For clarity, consistency and accuracy.

Recommended Modification 5  Policy BF5	Replace the word "farm" in the first sentence of the policy with " <i>rural</i> "  Replace the word "farm" in the supporting text on page 34 of the Plan with " <i>rural</i> "	Clarification of the text
Recommended Modification 6  Policy BF6	Add to the end of paragraph two: " <i>or the facility is no longer required.</i> "  Delete the third paragraph from the policy	Policy unlikely to be implementable. Lack of evidence and framework provision.
Recommended Modification 7  Policy BF7	Change the notation on Map 4 from "Protected Open Space (BF7)" to " <i>Local Green Space (BF7)</i> "  Change the notation on Map 5 from "Protected Open Space (BF7)" to " <i>Area of Search for new recreational open space (BF7)</i> "  Make any necessary consequential changes to other maps including the Policies Maps	Strengthen and clarification of policy.  Interests of consistency and accuracy.
Recommended modification 8  Policy BF9	Delete the words "and reduce obstructions caused by on-street parking" from the first paragraph of the policy  Delete the fourth paragraph of the policy which begins "Proposals to restrict traffic speeds..." in its entirety  Correct "throuhout" to " <i>throughout</i> " and "Bisops" to " <i>Bishops</i> " in paragraph three of the policy	To ensure it fully reflects the thrust of national policy and guidance, along with the Core Strategy.  Interests of consistency and accuracy.
Recommended modification 9  Policy BF10	Reword the first paragraph of the policy to read:  <i>"Development should embrace the principles of sustainable water management. Proposals must address flood risk appropriately and will be subject to the sequential test and, where needed, the exceptions test in line with national policy and Core Strategy Policy SD3 and have regard to the latest Strategic Flood Risk Assessment and local information on flooding."</i>	For clarity, consistency and accuracy.  Should be modified to reflect national policy and guidance.
Recommended modification 10  Appendix 1	Add a paragraph at the start of the appendix that reads:  <i>"All of the policies in the Core Strategy should be considered. However, the following policies are considered to be of particular relevance to this neighbourhood plan."</i>	Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy
Recommended	Affordable Housing – remove the references	Interests of accuracy and clarity.

modification 11	to gross earnings and mortgages	
Glossary	<p>Brownfield Land – add at the end: <i>“This term refers to both land or premises. It excludes land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”</i></p> <p>Flood Risk Zones – delete the word “Risk” as the correct term is “Flood Zone” and add the word “river” to the definition of Flood Zone 3</p> <p>Village Envelope – delete the words “limited infilling” and replace with “development”</p>	Encourage flexibility within the policy.

#### 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 Bishops Frome 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 Bishops Cleeve 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 8 November 2013.

Signed  .....  
Dated 28.12.2017 .....

Richard Gabb  
Programme Officer – Housing and Growth

