

## **Kimbolton NDP Independent Examination**

### **Delegated Decision Statement**

**19 February 2017**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Kimbolton Neighbourhood Area
Parish Council	Kimbolton Parish Council
Submission	11 October to 22 November 2017
Examination Date	January 2017
Inspector Report Received	31 January 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 Kimbolton 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 Kimbolton was designated on 7 July 2015. The Neighbourhood Area follows the boundary of Kimbolton parish boundary. The Kimbolton NDP has been prepared by Kimbolton 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 July 2015.

- 2.2 The Plan was submitted to Herefordshire Council on 6 October 2017, and the consultation under Regulation 16 took place between the 11 October to 22 November 2017, where the Plan was publicised and representations invited.
- 2.3 On the 11 January 2018 Mr Christopher Edward Collison BA (Hons) MBA MRTPI MIED MCMI IHBC was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Kimbolton 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 Policy K1	Delete the final paragraph	Interests of accuracy and clarity
Modification 2 Policy K2	Delete the second paragraph  In provision 1 delete "in accordance with relevant policies set out in this Neighbourhood Plan, including K5"  In provision 2 delete "relevant policies in" and insert "Policy RA3 of"; and delete the text after "Strategy"	For clarity, conformity, consistency and accuracy in regards to the NPPF framework.
Modification 3 Policy K3	After "new homes" insert "(including around 35 new dwellings constructed or with planning permission granted between April 2011 and April 2017)"  Delete all text after "2031."	For clarity, consistency and accuracy in regards to the NPPF conformity.  For the policy to provide a more practical and clear framework.
Modification 4 Policy K4	Delete "subject to Policy K10"	For clarity, consistency and accuracy.
Modification 5 Policy K5	Delete "listed in Neighbourhood Plan Policy K21"  Add additional criterion 6 "Where the amenity"	For clarity, conformity, consistency and accuracy in regards to the NPPF framework.

	<p>of occupants of any new dwellings would not be compromised by existing agricultural or commercial activity;"</p> <p>Add additional criterion 7 "Where a proposed dwelling is of truly exceptional quality or innovative design helping to raise standards of design more generally in rural areas; reflects the highest standards in architecture; significantly enhances its immediate setting; and is sensitive to the defining characteristics of the local area."</p> <p>Replace the final sentence with "In locations where extension or modification of a permitted dwelling is likely to have an adverse impact on its landscape setting, or on visual amenity, permitted development rights relating to extension and modification of that dwelling will be removed."</p>	For the policy to provide a more practical and clear framework.
Modification 6 Policy K7	<p>Delete the first sentence</p> <p>Delete "Development proposals should" and insert "To be supported development proposals must"</p> <p>Delete "the provision of energy and water conservation measures"</p> <p>Insert "and" before "broadband"</p> <p>Delete "and energy renewable infrastructure such as discreetly sited photovoltaic panels"</p> <p>Delete "in accordance with Policy K 12"</p>	<p>For clarity, conformity, consistency and accuracy in regards to the NPPF framework.</p> <p>For the policy to provide a more practical and clear framework to implement.</p>
Modification 7 Policy K8	<p>Replace the second sentence with "In order to even out the size range of dwellings available in the Parish and meet identified needs, proposals must be for smaller dwellings of two or three bedrooms, unless it can be demonstrated this is not appropriate."</p> <p>Delete the second paragraph</p>	<p>Strengthen and clarification of policy.</p> <p>Make the policy implementable.</p> <p>Interests of consistency and accuracy.</p>
Modification 8 Policy K9	Delete "consistent with Neighbourhood Plan Policy K5"	<p>Interests of consistency and accuracy.</p> <p>Should be modified to reflect national policy and guidance.</p>
Modification 9 Policy K10	<p>Delete "Developments of up to three dwellings are the optimum size"</p> <p>Delete "Protect" and insert "Not significantly adversely affect"</p> <p>Transfer principle 1vi to the Implementation and Monitoring section of the Neighbourhood Plan.</p>	<p>For clarity, consistency and accuracy.</p> <p>Should be modified to reflect national policy and guidance.</p> <p>Lack of justification</p> <p>Provide a practical framework to implement.</p>
Modification 10	In line 1 delete i after assets	Ensure the policy has a better

Policy K11	<p>Delete "consider" and insert "demonstrate consideration"</p> <p>Delete "should take" and insert "must demonstrate they have taken"</p> <p>The policy title as it appears in the list of policies presented on page 4 of the Neighbourhood Plan should be changed to the title "Heritage Assets" to correspond with the title of the policy presented on page 28 of the Plan.</p>	<p>reflection of relevant legislation in the NPPF and Core Strategy</p> <p>For the policy to provide a more practical and clear framework to implement.</p>
Modification 11 Policy K12	Delete "or the general enjoyment of the night sky"	<p>Interests of accuracy and clarity.</p> <p>Encourage flexibility within the policy.</p>
Modification 12 Policy K13	Delete "where it is practicable to do so" and insert "unless it is demonstrated that provision is not practicable"	Interests of accuracy and clarity.
Modification 13 Policy K14	<p>In the first paragraph delete "also" and delete "and their scale reflects the community's needs"</p> <p>In the second paragraph after "impact on" insert "visual amenity or"</p> <p>Delete the third paragraph</p>	<p>Interests of accuracy and clarity.</p> <p>Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy</p>
Modification 14 Policy K15	Delete Policy K15 and transfer the text to the Implementation and Monitoring section of the Neighbourhood Plan	Interests of accuracy and clarity.
Modification 15 Policy K16	<p>In point 2 continue "having regard for parking standards in the Local Transport Plan in accordance with Core Strategy Policy MT1"</p> <p>In point 5 delete "and in accordance with Policy K12"</p> <p>Transfer the final sentence to the Monitoring and Implementation Section of the Neighbourhood Plan</p>	<p>Interests of accuracy and clarity.</p> <p>Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy Particularly policy MT1.</p>
Modification 16 Policy K17	<p>Delete "encouraged and insert "supported"</p> <p>Delete "with priority being given to" and insert "in particular"</p> <p>Delete "small scale"</p> <p>Delete the final sentence</p>	<p>Interests of accuracy and clarity.</p> <p>Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy.</p> <p>For the policy to provide a more practical and clear framework to implement.</p>
Modification 17 Policy K18	In Policy K18 delete the first sentence	<p>Interests of accuracy and clarity.</p> <p>For the policy to provide a more practical and clear framework to implement.</p>



Modification 18 Policy K21	After "re-use" insert "for other purposes" Delete "Such sites should meet the requirements of Policy K20"	Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy particularly policy SC1  For the policy to provide a more practical and clear framework to implement.
Modification 19 Policy K22	Replace the second sentence with "New development on these sites is ruled out other than in very special circumstances."	Interests of accuracy and clarity.  Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy.

#### 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 Kimbolton 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 Kimbolton 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 7 July 2015.

Signed .....  .....

Dated ..... 19<sup>th</sup> February 2018 .....

**Richard Gabb**  
**Programme Officer – Housing and Growth**