

Hampton Bishop NDP Independent Examination

Delegated Decision Statement

8 May 2019

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Hampton Bishop Neighbourhood Area
Parish Council	Hampton Bishop Parish Council
Submission	23 October to 4 December 2018
Examination Date	January to May 2019
Inspector Report Received	7 May 2019

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 Hampton 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 Hampton Bishop was designated on 7 May 2013. The Neighbourhood Area follows the Hampton Bishop parish boundary. The Hampton Bishop Neighbourhood Development Plan has been prepared by Hampton 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 7 May 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 19 October 2018 and the consultation under Regulation 16 took place between the 23 October and 4 December 2018, where the Plan was publicised and representations invited.
- 2.3 In Winter 2019, Ann Skippers MRTPI FRSA AoU was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Hampton Bishop NDP and to prepare a report of the independent examination.
- 2.4 The Examiner's report concludes that subject to making the 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 the report along with the justification:

Policy	Modification recommended	Justification
Modification 1 Plan period	Insert the start date of the plan as '2011'	For clarification with the Core Strategy.
Modification 2 Section 2	Update references to the NPPF as necessary Delete any reference and links to the 'Technical Guidance to the NPPF document (paragraphs 2.3 and 2.4 and links 5 and 7) Replace any reference to the 'Technical Guidance to the NPPF' document with relevant references to PPG	To update references to the NPPF
Modification 3 Para 5.1.32	Revise paragraph 5.1.32 on page 23 of the plan to read: 'For proposals in Zone 2 and 3 applicants may need to submit a Sequential Test of alternative sites in lesser Flood Zones to identify if a more suitable site is available. A Sequential Test is not needed if one has already been done for the type of development proposed or for some types of minor development and changes of use. It is therefore important to check what is needed' (Retain the rest of the paragraph from the existing second sentence')	To ensure accuracy and clarity
Modification 4 Policy HB1	Change the words 'will be' to 'may be' and add the words 'in line with national and local policy requirements' after 'Sequential Test' in the first	To ensure accuracy and clarity

	<p>sentence of the second paragraph of the policy.</p> <p>Change the reference to 'Map 6' in the sixth paragraph of the policy to 'Map 5'</p>	Correct typographical error
Modification 5 Policy HB3 / 5.2	Change 'Appendix II' in paragraph 5.2.3 on page 29 of the plan to 'Appendix I'	Correct typographical error
Modification 6 Policy HB4	Add a new second sentence to the policy which reads: 'In relation to non-designated heritage assets, a balance judgement will be made having regard to the scale of any harm and the asset's significance'	To ensure the distinction is made between designated and non-designated assets
Modification 7 Policy HB6	Change criterion 1 of the policy to read: 'Proposals are designed to respond positively to character of the surrounding area and preserve or enhance heritage assets such as conservation areas..'	To ensure text reflects the statutory duty within the Planning (Listed Building and Conservation Area) Act 1990
Modification 8 Policy HB8	Delete criterion 4 from the policy	To delete text within is not appropriate for policy
	Reword the second sentence of criterion 5 to read: 'Mature and established trees should be integrated and incorporated into landscaping schemes and be protected unless there are compelling reasons to support their loss'	To ensure the text is sufficiently robust
	Reword criterion 7 to read: 'Locally distinct landscapes should be retained unless there are compelling reasons to support their loss'	Reference to traditional orchards are within policy HB9, therefore remove duplicate text.
Modification 9 Policy HB10	Add the words 'within the Plan area' at the end of the policy title	To ensure clarity
Modification 10 Policy HB11	Reword the second paragraph of the policy to read: 'Otherwise acceptable proposals or transport related proposals which improve traffic conditions or contribute to its better management will normally be supported. Example of enhancements include (retain existing a to c)	To ensure the text is clear and related to land use policy
	Add the words 'Otherwise acceptable' at the start of the third paragraph of the policy	
	Delete the fourth paragraph from the policy; it could be included in the support text if desired.	
Modification 11 Next steps	Update and remove this section from the final version of the plan	To ensure text is up to date

Modification 12	Add a sentence to Appendix I that reads: 'The information on this map reflects information correct at the time of writing the plan. Up to date information should be sought from the local planning authority, the parish council or appropriate statutory body.	To ensure that the most up to date information is available
Appendices		

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 Hampton Bishop 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
 - The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 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 Hampton 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 Examiner's conclusion that nothing has been suggested which would require an extension of the area beyond that designated on 7 May 2013.

Signed 

Dated 8.5.2019.

Richard Gabb
Programme Officer – Housing and Growth

