



## **Brampton Abbots and Foy Group NDP Independent Examination**

### **Delegated Decision Statement**

**30 June 2020**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Brampton Abbots and Foy Group Neighbourhood Area
Parish Council	Brampton Abbots and Foy Group Parish Council
Submission	20 November 2019
Examination Date	24 January 2020
Inspector Report Received	4 June 2020

#### **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 Brampton Abbots and Foy Group 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 Titley Group was designated on 29 January 2013. The Neighbourhood Area follows the boundary of Brampton Abbots and Foy Group parish boundary. The Brampton Abbott and Foy Group NDP has been prepared by Brampton Abbots and Foy Group Parish Council. Work on the production of this plan has been undertaken by members of the local community through a Neighbourhood Plan Steering Group since summer 2018.
- 2.2 The Plan was submitted to Herefordshire Council on 20 November 2019, and the consultation under Regulation 16 took place between the 25 November 2019 to 20 January 2020, where the Plan was publicised and representations invited.
- 2.3 On 3 March 2020, Liz Beth was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Brampton Abbots and Foy Group 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 her report along with the justification:

Modifications are boxed in this report, with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

Policy	Modification recommended	Justification
BAF1	Modification 1:  <b>1. A settlement boundary for Brampton Abbots is designated as shown on Figure 6. Within the Settlement Boundary a balanced mix of new housing development of good design</b> <del>within the defined Brampton Abbots Settlement Boundary, as shown on the Policies Map (Figure 6),</del> <i>will be supported when:</i>	For clarity, as required by the NPPF (para 16d) the policy wording needs to formally designate the boundary and for clarity and

	<p><i>a. It is of good design when assessed against Policy BAF2 of this plan and Policy SD1 of the Herefordshire Local Plan Core Strategy and in keeping with the character, appearance and local distinctiveness of the settlement;</i></p> <p><i>b. It conserves and enhances the landscape and scenic beauty of the Wye Valley Area of Outstanding Natural Beauty (AONB);</i></p> <p><i>c. It does not lead to significant adverse surface water flooding or local road traffic and highway safety impacts; and</i></p> <p><i>d. It conserves the linear road side settlement pattern. Where possible such proposals should provide a mix of dwelling types, which include lower cost housing that benefit older people, people or families with disabilities, young families and single people, thereby creating a genuine lifetime community.</i></p> <p><u>Delete Section 2.</u></p> <p><del>3- 2. Residential Development outside the Settlement Boundary and not within the AONB</del></p> <p><del>New housing development in these areas outside the defined Brampton Abbotts Settlement Boundary and not in the AONB will be subject to the provisions of Herefordshire Local Plan Core Strategy Policy RA3 "Herefordshire's Countryside."</del></p> <p><u>Figure 6 to use an OS base with more boundary detail (if available) so that the settlement boundary location is clear in all places. The defined settlement boundary to be amended to include all current residential planning permissions including APP/W1850/W/19/3232124 and P182085F.</u></p> <p><b>Modification 1A:</b> The following textual changes to the document are recommended to ensure that policy justification is consistent with changes to Policy BAF1 set out in Modification 1, and that the Plan as a whole complies with the Basic Conditions:</p> <p><b>Para 6.2:</b> <u>a fourth bullet point to be added stating "It preserves and enhances the scenic beauty of the AONB and its setting".</u></p>	<p>compliance with the basic conditions and ensuring due regard for nation policy and conformity with the local development plan.</p>
--	---	---

	<p><b>Para 6.4:</b> <u>The current commitments to be updated to include the recent appeal decision for a further 10 homes, and make any other changes as required.</u></p> <p><b>Para 6.6:</b> <u>delete all text beyond the first four sentences: “....The NPPF places great weight on conserving and enhancing landscape and scenic beauty in the AONB. To provide some degree of flexibility to go ...” delete to end of paragraph.</u></p> <p><b>Para 6.7:</b> <u>Amend the first sentence as follows: “Outside the Brampton Abbotts Settlement Boundary and in areas that do not adjoin this boundary all new development will be classed as being in the countryside.....”</u></p>	
BAF3	<p><b>Modification 2:</b> <u>The first paragraph of Policy BAF3 is to be amended as follows:</u></p> <p><i>Development proposals should conserve and enhance local non-designated heritage assets as defined in Appendix 1 and their setting in a manner appropriate to the identified asset’s significance. In particular, Development proposers proposals should take account of the following non-designated heritage assets:</i></p> <p>.....</p>	<p>The policy needs to be clear what assets are covered by the policy in order to Comply with the Basic Conditions and the requirements of the NPPF for clarity of policy (para 16d).</p>
BAF4	<p><b>Modification 3:</b> <u>Criteria b) of Policy BAF4 to be amended as follows:</u></p> <p><i>... b) ) Impact on <b>attractive and outstanding</b> views within the Neighbourhood Development Plan area including, but not limited to, those of the Neighbourhood Development Plan area’s settlements, and along the River Wye Valley, together with those to Ross-on-Wye, and views of Goodrich Castle, Hay Bluff and May Hill. Where appropriate, <b>the potential impact on views of a development proposal should be identified and assessed in a Landscape Visual Impact Assessment to ensure that the development preserves and enhances the scenic beauty of the Wye Valley AONB and its setting.</b> Where a negative impact is identified, suitable mitigation should be acceptable but only in circumstances where it reduces the impact to a minimal level and enhances landscape features;</i></p>	<p>For clarity, as required by the NPPF, and only imposing reasonable burdens on development as required by the NPPG and in order that the policy meets the requirements of the NPPF with regard to protection of the AONB landscape,</p>

		to comply with the Basic Conditions
BAF5	<b>Modification 4:</b> <u>Criteria e) of Policy BAF5 to be deleted.</u>	In order to comply with the Basic Conditions and have due regard to national policy.
	<p><b>Modification 5:</b> <u>Policy BAF6 to be amended as follows:</u></p> <p><del>Within those parts of the Neighbourhood Development Plan area that are within the Wye Valley Area of Outstanding Natural Beauty (AONB), when planning permission is required for Development Proposals for polytunnels and their ancillary development, such development will be required to comply with the Poly tunnels Planning Guide Herefordshire Council June 2018 or any document superseding this guidance and have due regard to the need restricted to protect the landscape and scenic beauty of the Wye Valley Area of Outstanding Natural Beauty and its setting. this area.</del></p> <p><del>Where proposals for polytunnels and ancillary works are considered to be major development such proposals will only be allowed in exceptional circumstances: where it can be demonstrated that such major development is in the public interest when assessed against the criteria in national planning policy paragraph 172.</del></p>	In order to comply with the Basic Conditions and avoid repetition.
BAF7	<p><b>Modification 6:</b> <u>The second sentence of Policy BAF7 to be amended as follows:</u></p> <p><i>... "Development assessed to be in line with other policies in <del>the this Neighbourhood Development Plan</del> that would enhance or improve these facilities, or in the case of St Michael &amp; All Angel Church would bring the Church back to a place of worship with a certain level of commercial activity to fund it which would complement the Village Hall, will be supported. <del>subject to compliance with BAF2, BAF3 and BAF4.</del></i></p>	In order to comply with Basic Conditions and for clarity and accuracy required by the NPPF.

#### 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. 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.
- 5.2 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 Brampton Abbots and Foy Group 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 Brampton Abbots and Foy Group 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 29 January 2013.



Signed .....

Programme Director Housing and Growth

Dated .....1 July 2020.....