

# Upton Bishop NDP Independent Examination

## Delegated Decision Statement

### Neighbourhood Planning (General) (Amendment) Regulations 2012

<b>Name of neighbourhood area</b>	Upton Bishop Neighbourhood Area
<b>Parish Council</b>	Upton Bishop Parish Council
<b>Submission dates</b>	25 March to 6 May 2022
<b>Examination date</b>	June – July 2022
<b>Examiner's Report Received</b>	24 August 2022

## 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 Upton 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 Upton Bishop was designated on 18 April 2013. The Neighbourhood Area follows the boundary of Upton Bishop parish boundary. The Upton Bishop NDP has been prepared by Upton Bishop 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 spring 2013.
- 2.2 The Plan was submitted to Herefordshire Council on 15 March 2022, and the consultation under Regulation 16 took place between the 25 March and 6 May 2022, where the Plan was publicised and representations invited.
- 2.3 On 13 May 2022, Liz Beth BA (Hons) MA Dip Design in the Built Environment MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Upton Bishop 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:

Policy	Modification recommended	Justification
Modification 1 Policy UDP2	<p>Add new criteria 6</p> <p>The implications of the proposal for the local and strategic road networks are demonstrated in a Transport Assessment accompanying any future planning application for the development which is to include consideration of any impacts anticipated on the Travellers Rest/M50 J4 junction; and</p> <p>Amend criteria 7 to read:</p> <p>The Transport Assessment to include proposals to improve and maximise pedestrian and cycle connectivity to village facilities and traffic calming proposals to include a scheme to the B4224. The proposals to ensure that the traffic environment of the village is not adversely impacted by the development and be delivered as part of the development; and</p>	In order to add clarity and the requirements of national policy
Modification 2 Policy UBP7	Amend Plan 7 to show KV1 taken from footpath UB1	Amend a mapping error

### 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 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 Upton Bishop 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 Upton 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 examiners conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 18 April 2013.

Signed



Dated: 31 August 2022

**Tracey Coleman**

**Interim Service Director – Economy and Environment**