

**Bartestree with Lugwardine Review Neighbourhood Plan Examination
Procedural Matters – Formal Determination
Examination Note 1**

Following the submission of the Bartestree with Lugwardine Review Neighbourhood Plan 2022 – 2036 for examination, I write to advise you on initial procedural issues.

Initial matters

I confirm receipt of the submission draft revised Neighbourhood Plan (the Review Plan) and accompanying documents including the statements from the Parish Council and local planning authority, Herefordshire Council (HC) regarding the proposed modifications and whether they are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace, giving reasons why, and the Regulation 16 consultation responses.

This has provided sufficient information to undertake my initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).

Determination under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

I am required to determine to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Review Plan would replace. The purpose of this determination is to establish the appropriate examination process for the draft Plan which will, amongst other things, affect whether or not the draft Plan will need to be the subject of a referendum if it is to be made.

The original Plan was made in December 2016. Since then there have been a number of changes to national policy. In addition, experience with the operation of the made Plan and new surveys undertaken by the Parish Council revealed a need for updates to the Plan across a number of topic areas.

The Parish Council has submitted a comprehensive and helpful Statement of Modifications document that details the changes. The Parish Council considers that a number of changes to the Plan are material, but do not change the nature of the neighbourhood plan.

The local planning authority, HC, has reached the same conclusion.

In this context, the draft Review Plan intends, amongst other things, to:

- Make changes to the vision and core objectives including the addition of new core objectives
- Make changes to all existing made policies through updating and/or making them clearer, more robust, specific or detailed including through the addition of new criteria
- Delete two made policies on housing in the countryside and working from home (made Policies BL5 and BL10)
- Propose three new areas for designation as Local Green Space

- Include four new policies (BL6, BL8, BL11 and BL12) on a variety of topics which were either covered more briefly in existing made policies or the supporting text of the made Plan and/or are reflected in policies in the adopted Core Strategy and given a local interpretation
- Include two new policies (BL4 and BL5) which respectively refer to a new settlement gap and three site allocations for housing.

I have considered the proposed modifications, the views of the Parish Council and the local planning authority and the representations received as well as the advice on updating neighbourhood plans in Planning Practice Guidance

I consider that the inclusion of a new policy that proposes three sites for new housing does constitute a change in nature of the made Plan. In reaching this conclusion, I have noted that the made Plan does not contain any housing allocations and that the three new sites now proposed are, of themselves, small scale in nature.

Therefore in my assessment, the modifications to the made Plan are so significant or substantial as to change the nature of the made Plan and I formally determine accordingly under paragraph 10(1) of Schedule A2.

Consequently, I consider the examination of the Bartestree with Lugwardine Review Neighbourhood Plan should proceed under the provisions of Schedule 4B to the Town and Country Planning Act 1990 (as amended). In turn, this means a referendum would be required.

Accordingly, I therefore request the formal consent of the qualifying body (in accordance with paragraph 10(5) of Schedule A2) for the examination to proceed under the provisions of Schedule 4B, as set out above.

Subject to receipt of the formal consent of the qualifying body for the examination of the Review Plan to proceed under the provisions of Schedule 4B, I will issue a further procedural note concerning the arrangements for the examination as well as any questions of clarification or other matters that may arise.

If the Parish Council or local planning authority have any questions relating to the examination process at this stage, please do not hesitate to get in touch and I will do my best to answer any such queries.

Ann Skippers MRTPI
Independent examiner
31 January 2023