

**Brimfield and Little Hereford Group NDP Independent Examination
Delegated Decision Statement
10 March 2016**

Neighbourhood Planning (General) (Amendment) Regulations 2012

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| Name of neighbourhood area | Brimfield and Little Hereford Group Neighbourhood Area |
| Parish Council | Brimfield and Little Hereford Group Parish Council |
| Submission | 27 August 2015 to 8 October 2015 |
| Examination Date | February 2016 |
| Inspector Report Received | 8 March 2016 |

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 Brimfield and Little Hereford 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 Brimfield and Little Hereford Group was designated on 3 July 2013. The Neighbourhood Area follows the Brimfield and Little Hereford Group parish boundary. The Brimfield and Little Hereford Group NDP has been prepared by

Brimfield and Little Hereford Group 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 April 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 5 August 2015, and the consultation under Regulation 16 took place between the 12 August 2015 to 23 September 2015, where the Plan was publicised and representations invited.
- 2.3 On 14 November 2015 Ann Skippers BSc (Hons) Dip Mgmt (Open) PGC(TLHE)(Open) MRTPI FHEA FRSA AoU was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Brimfield and Little Hereford 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 his report along with the justification:

| Policy | Modification recommended | Justification |
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| Modification 1 Throughout the Plan | Update references to the relevant HC level policies (UDP and CS) as necessary on pages 34, 37, 51, 59 and 64 | Update to reflect the adoption of the Core Strategy |
| Modification 2 Executive Summary | Update as necessary | To follow the passage of time |
| Modification 3 Introduction and Background | Update paragraphs 1.11 and 1.13 as necessary to reflect the adoption of the Core Strategy | To follow the passage of time |
| Modification 4 Section 2 | Check that the right appendices are referred to in paragraphs 2.5, 2.7 and 2.8 | Interests of accuracy |
| Modification 5 Section 4 | Ensure that it is clear in key issue three that the preparation of the Plan has resulted in the identification of assets suitable to be put forward as ACV but that the Plan itself cannot identify such assets | Interests of clarity |
| Modification 6 Section 5 | Delete "...and support the local community to... Right to Buy initiatives." From objective 6 Ensure | Cannot be achieved through or by the plan. |

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| | that any other references to objective 6 throughout the Plan are revised in line with the above modification | |
| Modification 7 Section 6 | Update paragraphs 6.1.1 – 6.1.5 and 6.1.9 to reflect that the CS has now been adopted and Policy H4 of the UDP replaced by CS Policy RA2 and consider whether there is any benefit in retaining Map 3 Delete the last sentence in paragraph 6.1.10 | |
| Policy BLH1 | No modifications required | Meets the Basic Conditions |
| Modification 8 Policy BLH2 | The following modifications are therefore recommended: <ul style="list-style-type: none"> Reword the last sentence in the first paragraph of Policy BLH2 to read: <i>“Development of approximately 20 dwellings will be acceptable. The density of any scheme should be consistent and compatible with the existing and prevailing density and reflect the locally distinctive character of the locality in which the new development is proposed so that the village feel is retained.”</i> Delete the sentence “...subject to other policies in the Brimfield... Core Strategy.” from paragraph two of Policy BLH2 Replace the word “will” in the first sentence of paragraph three of Policy BLH2 to “<i>is encouraged to</i>” | To ensure flexibility and to be in line with the Core Strategy and the NPPF. |
| Modification 9 Policy BLH 3 | In order to meet the basic conditions, the following modifications are recommended: <ul style="list-style-type: none"> Update paragraph 6.1.19 to refer to the adopted CS and the relevant figure in the CS (Figure 4.15) Add “<i>an element of</i>” after “...where it comprises...” and before “...one or a combination of the following types:...” in the policy Change the words “the elderly” in criterion 3 of the policy to “<i>older people</i>” | Policy is currently too restrictive; wording will help to provide a balance between the delivery of housing and addressing local needs. |
| Policy BLH4 | No modifications required | Meets the Basic Conditions |
| Policy BLH5 | No modifications required | Meets the Basic Conditions |
| Modification 10 Policy BLH6 | The following modifications are therefore suggested: <ul style="list-style-type: none"> Delete the words “as community assets” from the first sentence of the policy Revise criterion B to read: <i>“There is no longer a need for the facility and this is</i> | To ensure it reflects who the decision makers are and that it must be demonstrated to Herefordshire Council. |

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| | <i>demonstrated to the satisfaction of the Local Planning Authority advised as appropriate by the Parish Council."</i> | |
| Modification 11 Policy BLH7 | Therefore the following modifications are recommended: <ul style="list-style-type: none"> • Delete the words "Once the local heritage list for Brimfield and Little Hereford has been adopted by Herefordshire Council" from the start of the policy • Add at the end of the first paragraph of the policy <i>"taking account of the significance of the heritage asset."</i> • Reword the final sentence of the policy so that it reads: <i>"The whole or partial loss of any locally listed building or structure will normally be resisted."</i> | Reflects national policy and guidance, and to enhance clarity and precision. |
| Modification 12 Policy BLH8 | The following modifications are therefore recommended: <ul style="list-style-type: none"> • Change "within design and access statements" at the end of criterion 1 to read <i>"through the submission of a design and access statement or similar evidence."</i> • Change the word "display" in criterion 2 to <i>"demonstrate"</i> • Delete the sentence which begins "Proposals must not feature designs specific to a generic scheme..." from criterion 2 and replace it with <i>"Proposals must be designed in such a way that reflects the locally distinctive character of the area in which they are to be sited and design individuality and innovation are strongly encouraged. Proposals which do not demonstrate a locally distinctive design will be resisted."</i> • Add at the end of criterion 5 <i>"or any successor guidance."</i> | To ensure the policy is future proofed. To make sure the policy is positively worded and provides a practical framework for decision making. |
| Policy BLH9 | No modifications required | Meets the Basic Conditions |
| Modification 13 Policy BLH10 | The following modifications are recommended: <ul style="list-style-type: none"> • Delete "...under paragraphs 76... Framework." from the policy • Add after "...on the openness of these sites" in the final paragraph of the policy <i>"or the attributes for which they were designated will not be acceptable other than in very special circumstances."</i> • Delete area 2 St Michael's Gate | To ensure that the policy meets the requirements for Local Green space as set out in the NPPF. |

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| | <p>amenity area as a Local Green Space</p> <ul style="list-style-type: none"> Consequential amendments to the text and the maps, including the separate Policies Map, will be needed | |
| Policy BLH11 | No modifications required | Meets the Basic Conditions |
| Modification 14 Paragraph 6.4 Map 2 | <p>The suggested modifications are:</p> <ul style="list-style-type: none"> Add a notation to Map 2 that the flood zone information is correct as at [insert date] but reference should always be made to the most up to date information available from the Environment Agency Review paragraph 6.4.6 to delete references to the "Technical Guidance to the National Planning Policy Framework" and to ensure the most up to date national policy and guidance is included | To keep up with the passage of time. |
| Policy BLH12 | No modifications required | Meets the Basic Conditions |
| Modification 15 Policy BLH13 | <p>The only modification recommended is:</p> <ul style="list-style-type: none"> Add to criterion 2 "<i>wherever possible and take account of the sequential approach to the location of development to avoid flood risk</i>" after "...("low probability")..." and before "...and must not increase flooding issues downstream." | To reflect the sequential approach set out in national policy and guidance. |
| Modification 16 Policy BLH14 | Change the final paragraph of Policy BLH14 to remove any specific trade name and use a general term for the type of system sought or delete the paragraph as preferred | To ensure no specific trade names are used |
| Modification 17 Policy BLH15 | <p>In order to meet the basic conditions, the following modifications are recommended:</p> <ul style="list-style-type: none"> Change the word "must" in paragraph one of the policy to "<i>should</i>" Change the word "must" in the second paragraph to "<i>could</i>" Change the first "must" in the third paragraph to "<i>should</i>" Change the word "must" in the final paragraph to "<i>should</i>" | To remove the prescriptive and onerous element of the policy. |
| Modification 18 Policy BLH16 | <ul style="list-style-type: none"> Change both appearances of the word "must" in paragraph one of the policy to "<i>should</i>" Change the word "must" in the second paragraph to "<i>should</i>" Change the first "must" in the third paragraph to "<i>should</i>" and add "<i>wherever possible</i>" at the end of the paragraph | To increase flexibility |
| Policy BLH17 | No modifications required | Meets the Basic Conditions |

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| Policy BLH18 | No modifications required | Meets the Basic Conditions |
| Policy BLH19 | No modifications required | Meets the Basic Conditions |
| Modification 19 Section 7 | Consider the need to retain this section or at the very least update it | To keep plan updated |
| Modification 20 Appendices | <ul style="list-style-type: none"> • Add a date to Appendix II i.e. "listed buildings as at XXXX" and a note to remind readers to obtain the most up to date information, perhaps from HC or Historic England (?) • Remove Appendices III, IV, V and VII as this information is now in the Consultation Statement • Remove Appendix VI • Consequential amendments to the appendices in the Plan may be required | To be future proofed, and to make it more user friendly and manageable |

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.

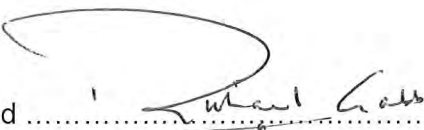
5.2 Herefordshire Council have considered each of the recommendations made in the examiner's report and the reasons for them and have decided to accept the modifications to the draft plan. The draft plan will be altered in line with Table 1 above in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.

5.3 Following the modifications made, the Brimfield and Little Hereford 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 Brimfield and Little Hereford 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 designated on 3 July 2013.

Signed 

Dated *15th March 2016*

Richard Gabb
Programme Officer – Housing and Growth

