

**Appendix 2: Upper Broughton Neighbourhood
Plan Decision Statement**



Upper Broughton Neighbourhood Plan Decision Statement

TBC October 2019

Upper Broughton Neighbourhood Plan Decision Statement

1. Summary

- 1.1 The draft Upper Broughton Neighbourhood Plan has been examined by an independent Examiner, who issued his report on 14 October 2019. The Examiner has recommended a number of modifications to the Plan and that, subject to these modifications being accepted, it should proceed to referendum. Rushcliffe Borough Council has considered and decided to accept all the Examiner's recommended modifications and, therefore, agree to the Upper Broughton Neighbourhood Plan proceeding to a referendum within the Parish of Upper Broughton.

2. Background

- 2.1 In 2016, Upper Broughton Parish Council, as the qualifying body, successfully applied for its parish area to be designated as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish of Upper Broughton was designated as a Neighbourhood Area on 15 November 2016.
- 2.2 The plan was submitted to Rushcliffe Borough Council in March 2019 and representations were invited from the public and other stakeholders, with the 6 week period for representations commencing on 26 April 2019 and ending on 7 June 2019.
- 2.3 The Borough Council appointed an independent Examiner; Andrew Mead, to examine the Plan and to consider whether it meets the 'Basic Conditions' and other legal requirements, and whether it should proceed to referendum.
- 2.4 The Examiner has now completed his examination of the Plan and his report was provided to Rushcliffe Borough Council on the 14 October 2019. He has concluded that, subject to the implementation of the policy modifications set out in his report, the Plan meets the prescribed Basic Conditions and other statutory requirements and that it should proceed to referendum.
- 2.5 Having considered all of the Examiner's recommendations and the reasons for them, the Borough Council has decided to make the modifications to the draft Plan, as set out at Appendix A, in order to ensure that the Plan meets the Basic Conditions and other legal requirements.

3. Decisions and Reasons

3.1 The Examiner has concluded that, with the inclusion of the modifications that he recommends, the Plan would meet the Basic Conditions and other relevant legal requirements. The Borough Council concurs with this view and has made the modifications proposed by the Examiner in order to ensure that the Plan meets the Basic Conditions and for the purpose of correcting errors in the text, as set out at Appendix A. Deleted text is shown as ~~struck through~~ and additional text is shown as underlined text, unless otherwise indicated.

3.2 As the Plan, with those modifications set out at Appendix A, meets the Basic Conditions, in accordance with the requirements of the Localism Act 2011 a referendum will now be held which asks the question:

“Do you want Rushcliffe Borough Council to use the Upper Broughton Neighbourhood Plan to help it decide planning applications in the neighbourhood area.”

3.3 The Borough Council has considered whether to extend the area in which the referendum is to take place, but agrees with the Examiner that there is no reason to extend this area beyond the Neighbourhood Plan area (the Parish of Upper Broughton). The referendum will be held in the Parish of Upper Broughton on a date to be decided.

3.4 The Borough Council considers the Examiner’s Report to be comprehensive and one which addresses the relevant issues raised through the Examination process in relation to the Basic Conditions and legal compliance. It does not consider that it is appropriate to make any additional amendments further to those proposed, nor does it disagree with any of the amendments proposed by the Examiner. The Borough Council is satisfied that issues raised at Regulation 16 stage that have not resulted in a Proposed Modification are not required to be addressed by a modification in order for the relevant policy to meet the Basic Conditions. For example, the Borough Council suggested that Policy UB8 should include references to further examples of where net gains in biodiversity could be provided. The policy as originally drafted would satisfy the Basic Conditions without those amendments so the Borough Council is satisfied that no proposed change has been included in this regard.

Date: TBC 2019

Appendix A: Proposed Modifications to the draft Upper Broughton Neighbourhood Plan

Please note that deleted text is shown as **~~struck through~~** and additional text is shown as **underlined** text, unless otherwise indicated.

Proposed modification number (PM)	Page no./ other reference	Modification	Decision	Reason for decision
PM1	Front cover	Insert 2011 – 2028.	Accept	For clarity
PM2	Paragraph 1.26	<p>Amend policy as follows:</p> <p>When the Plan is adopted <u>made</u>, it will form part of the Statutory Development Plan for Upper Broughton alongside the Rushcliffe Borough Council's Local Plan. Rushcliffe Borough Council will continue to be responsible for determining most <u>most</u> planning applications <u>in the parish and will base decisions on policies contained within both the Local Plan and the Neighbourhood Plan.</u> , but in Upper Broughton the policies in the Neighbourhood Plan will form the basis for those decisions. In accordance with planning legislation, planning decisions will be taken in accordance with the Development Plan unless material considerations indicate otherwise.</p>	Accept	For clarity and to meet Basic Conditions.
PM3	Policy UB11	<p>Delete criterion A.</p> <p>Policy UB11: Residential Conversion of Rural Buildings</p>	Accept	To meet Basic Conditions (compliance with national policy and guidance)

Proposed modification number (PM)	Page no./ other reference	Modification	Decision	Reason for decision
		<p>The re-use and adaption of redundant or disused rural buildings for residential use will be supported where:</p> <p>A. The building is of architectural and historical interest,</p>		
PM4	Policy UB14	<p>Amend policy as follows:</p> <p>Policy UB14: The re-use of rural buildings for business use</p> <p>The re-use, adaptation or extension of rural buildings for business use will be supported where:</p> <p>A. The existing buildings are suitable for the proposed new use(s);</p> <p>B. Any enlargement is proportionate to the size, scale, mass and footprint of the original building;</p> <p>C. The development would not have a detrimental effect on the fabric, character and setting of historic buildings;</p> <p>D. The development respects local building styles and materials;</p> <p>E. The use of the building by protected species is surveyed and mitigation measures are approved where necessary;</p>	Accept	<p>To meet Basic Conditions</p> <p>(compliance with both national policy and local policy)</p>

Proposed modification number (PM)	Page no./ other reference	Modification	Decision	Reason for decision
		<p>F. The proposed development would not <u>have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe</u> generate traffic of a type or amount harmful to local rural roads, or require improvements which would detrimentally affect the character of such roads or the area generally; and</p> <p>G. The proposed development would not materially harm the character of the surrounding rural area.</p>		
PM5	Policy UB17	<p>Delete policy UB17.</p> <p>Policy UB17: Nottingham Heliport Development that gives rise to a material increase in heliport capacity or capability will only be supported if the proposal incorporates measures that will reduce the number of residents affected by noise as a result of the airport's operation, as well as reducing the impact of noise on the wider landscape and especially local Public Rights of Way.</p>	Accept	To meet Basic Conditions (compliance with both national policy and national guidance)
PM6, PM7	Policy UB2 Locally Important Views	<p>Amend policy as follows:</p> <p>Policy UB2: Locally Important Views</p> <p>Development proposals should safeguard and, where possible, enhance the following important respect the open views and vistas (as shown on the Policies Map and set out in Appendix 3). Proposals which would have a significantly</p>	PM6 – Accept PM 7- Accept	PM6 (to meet Basic Conditions – compliance with Local Plan policy and national guidance) PM7 (contrary to S38A of the Planning and Compulsory Purchase Act)

Proposed modification number (PM)	Page no./ other reference	Modification	Decision	Reason for decision
		<p><u>detrimental impact on these views and vistas will not be supported:</u></p> <ol style="list-style-type: none"> 1. From Colonel's Lane looking east 2. From the north of Church Lane towards the north-east 3. Views of the village from the A606 4. Views of Top Green from the A606 5. From Bottom Green, opposite the Old Saddlery, looking south 6. From Bottom Green, either side of The Barn, looking south 7. From Station Road, across the tennis courts, looking south 8. From the western edge of the village looking south and west 9. Other open space and gaps between properties to the south of Station Road 10. Upper Broughton from the south west 11. Upper Broughton from the south east <p>Development should protect views of St Luke's Church.</p>		2004 as amended. The viewpoints are outside the designated plan area).
PM8 (Deletion on criterion A)	Policy UB7	<p>Amend policy as follows:</p> <p>Policy UB7: Renewable Energy</p>	PM8 – Accept PM9 (First part) - accept	PM8 – (To meet Basic Conditions - compliance

Proposed modification number (PM)	Page no./ other reference	Modification	Decision	Reason for decision
<p>Second part of PM9 (delete last line of policy and substitute with new text)</p>		<p>Ground-mounted solar photovoltaic farms will only be supported where:</p> <p>A They are on previously developed (brownfield) or non-agricultural land;</p> <p>B A Their location is selected sensitively and well planned so that the proposals do not impact on any features of local heritage or wildlife interest;</p> <p>C B The proposal’s visual impact has been fully assessed and addressed in accordance with Planning Practice Guidance on landscape assessment (Planning Practice Guidance ref: 5-013-20150327); and</p> <p>D C The installations are removed when no longer in use.</p> <p>Wind turbines will not be supported.</p> <p><u>Proposals for wind turbines over 25 metres in height would not be supported. Proposals for wind turbines of a height less than 25 metres may be considered suitable if:</u></p> <ul style="list-style-type: none"> (i) <u>following consultation with the local community it can be demonstrated that any planning impacts have been fully addressed; and</u> (ii) <u>the proposal has the backing of the local community.</u> 		<p>with national guidance and local policy)</p> <p>PM9 – (To meet Basic Conditions – compliance with national guidance and policy and local policy)</p>

Proposed modification number (PM)	Page no./ other reference	Modification	Decision	Reason for decision
First part of PM9 (amendment to justification text)	Paragraph 6.12	<p>Amend paragraph as follows:</p> <p>One of the key factors determining the acceptability or otherwise of wind turbines is their potential impacts on the local landscape – this is due to their height and the movement they introduce into the landscape (i.e. rotating blades). In June 2015, Rushcliffe Borough Council adopted a Wind Energy Supplementary Planning Document that assists the interpretation and application of those policies within the Core Strategy that concern wind turbine proposals. The Supplementary Planning Document refers to the Melton and Rushcliffe Landscape Sensitivity Study (MRLSS) as important in determining the acceptability of different types of wind turbine development within the Borough. The landscape sensitivity assessment indicates identifies that the Vale of Belvoir landscape <u>is of low – medium sensitivity to turbines below 25 metres in height (to tip), of medium sensitivity to turbines between 26 metres and 50, of medium – high sensitivity to turbines between 50 and 74 metres and highly sensitive to turbines over 75 metres</u>". would be particularly sensitive to turbines over 50m to tip and highly sensitive to turbines over 75m in height. It also notes that the landscape is likely to be highly sensitive to clusters of turbines over 3 in size. The Widmerpool Clay Wolds landscape is <u>of low-medium sensitivity to turbines below 25 metres in height (to tip), of medium sensitivity to turbines between 26 metres and 75 metres, of medium-high sensitivity to turbines between 76 and 110 metres and highly sensitive to turbines over 111 metres</u>". likely to be particularly</p>	Accept	PM9 – (To meet Basic Conditions – compliance with national guidance and policy and local policy)

Proposed modification number (PM)	Page no./ other reference	Modification	Decision	Reason for decision
		<p>sensitive to turbines over 75m and highly sensitive to turbines over 110m. The Widmerpool Clay Wolds landscape is likely to be highly sensitive to clusters of more than two to three turbines.</p>		
PM10	Policy UB8	<p>Policy UB8: Ecology and Biodiversity</p> <p>Development should not harm the network of local ecological features and habitats which include (as shown on the Policies Map): <u>The following Local Wildlife Sites are defined on the Policies Map:</u></p> <ol style="list-style-type: none"> 1. Upper Broughton Meadow II 2. Upper Broughton Meadow 3. Upper Broughton Pasture 4. Railway, Upper Broughton Standard Meadow 5. Upper Broughton Meadows 6. Upper Broughton Pond 7. Broughton Wolds Grasslands 8. Upper Broughton Pond <p><u>Development likely to have a significant adverse effect on the Local Wildlife Sites and other valuable local ecological features and habitats will be considered by the methodology expressed in Policy 36 of the Local Plan Part 2.</u></p>	Accept	Basic Conditions – compliance with national and local policy.

Proposed modification number (PM)	Page no./ other reference	Modification	Decision	Reason for decision
		<p>New development will be expected to provide net gains for biodiversity for example by:</p> <p>A Enhancing existing ecological corridors and landscape features (such as watercourses, grassland, hedgerows and tree-lines) for biodiversity;</p> <p>B Enhancement of existing and creation of new ponds;</p> <p>C Incorporating built-in bat and bird boxes into buildings; and</p> <p>D The inclusion of Sustainable Urban Drainage System components that make a significant contribution to biodiversity.</p>		
PM11	Policy UB9	<p>Amend policy as follows:</p> <p>Policy UB9: Trees and Hedges</p> <p>Development that damages or results in the loss of ancient trees, or hedgerows or trees of good arboricultural and amenity value, will not be supported. Proposals should be designed to retain ancient trees, or hedgerows or trees of arboricultural and amenity value as they help to define the character of the area. Planning applications affecting trees or hedgerows should be accompanied by a tree survey that establishes the health and longevity of any affected trees and indicates replanting where appropriate.</p>	Accept	Basic Conditions – compliance with national and local policy.

Proposed modification number (PM)	Page no./ other reference	Modification	Decision	Reason for decision
		<u>Replanting should be with native species of local origin and provenance</u>		
PM12	Policy UB4	<p>Amend policy as follows:</p> <p>Policy UB4: Local Heritage Assets</p> <p>The determination of planning applications which would affect features of local heritage interest will balance the need for or public benefit of the proposed development against the significance of the asset and the extent to which it will be harmed. Non-designated heritage features are included in Appendix 4 and shown on the Policies Map.</p> <p><u>In considering planning applications which directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</u></p>	Accept	Basic Conditions – compliance with national policy.
PM13	<p>Policies Maps and Heritage Asset Map</p> <p>Appendix 4.</p>	<p>Delete reference to local heritage assets on Heritage Asset Plan and Policies Map</p> <p>Delete Appendix 4.</p>	Accept	Basic Conditions – compliance with national policy and guidance