

**Appendix 2: Colston Bassett Neighbourhood Plan
Decision Statement**



Colston Bassett Neighbourhood Plan

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11 February 2020

Colston Bassett Neighbourhood Plan Decision Statement

1. Summary

- 1.1 The draft Colston Bassett Neighbourhood Plan has been examined by an independent Examiner, who issued his report on 3 January 2020. 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 Colston Bassett Neighbourhood Plan proceeding to a referendum within the Parish of Colston Bassett.

2. Background

- 2.1 In 2016, Colston Bassett 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 Colston Bassett was designated as a Neighbourhood Area on 15 November 2016.
- 2.2 The plan was submitted to Rushcliffe Borough Council on the 22 July 2019 and representations were invited from the public and other stakeholders, with the 6 week period for representations commencing in August and closing on 16 September 2019.
- 2.3 The Borough Council appointed an independent Examiner; David Kaiserman, 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 3 January 2020. 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

Recommended Modifications

- 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.
- 3.2 The Examiner has recommended modifications to Policy H1 (see Appendix A), this includes the removal of criteria which require trial trenching. The need for trail trenching was established following the undertaking of a Heritage Impact Assessment by Rushcliffe Borough Council and the identification of ridge and furrow and earthworks within Site 2. Rushcliffe Borough Council subsequently advised that trial trenching was required. However as stated in paragraph 46 of the Examiners Report, paragraph 189 of the NPPF states that local planning authorities should require desk-based assessments and, where necessary, a field evaluation where a site has the potential to include archaeological remains.
- 3.3 As advised by the Examiner the supporting text for Policy H1 has been amended and reference to paragraph 189 of the NPPF has been included. Given this, Rushcliffe Borough Council has no objection to the removal of this criteria. Furthermore, Rushcliffe Borough Council have concluded that the requirements within the paragraph 189 of the NPPF would rule out significant environmental effects and the requirement to undertake a Strategic Environmental Assessment.

Additional Modifications

- 3.4 In accordance with the Paragraph 12 of Schedule 4B of the Town and Country Planning Act (1990), Rushcliffe Borough Council may make modifications to the plan which have not been recommended within the Examiner's Report. Rushcliffe Borough Council has made one additional modification to the draft Neighbourhood Plan. This minor change removes text referring to the submission of plan and the forthcoming referendum within the introduction to the plan. As this is the final version of the neighbourhood plan and will formally become part of the development plan, this text would be out of date when the plan is 'made' and unnecessary.

Referendum

- 3.5 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 Colston Bassett Neighbourhood Plan to help it decide planning applications in the neighbourhood area?”

- 3.6 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 Colston Bassett). The referendum will be held in the Parish of Colston Bassett on Thursday 26 March 2020.

Date: 11 February 2020

Appendix A: Proposed Modifications to the draft Colston Bassett Neighbourhood Plan

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
32	Plan as a whole	Number all paragraphs	Paragraphs have been numbered	For clarity
37	Policy S1	The last sentence of Policy S1 should be deleted.	<i>"Exceptions will be development essential to the operational requirements of agriculture and forestry or small-scale development for employment, recreation, sport and tourism"</i> Deleted	To meet the Basic Conditions
45	Policy H1	Delete criterion 4 from Site 1	<i>"Site investigations to be carried out as a requirement of any planning consent"</i> Deleted	To meet the Basic Conditions
46	Policy H1	Delete criterion 3 under site 2.	<i>"Archaeological evaluation of the site via a scheme of trial trenching will be necessary to inform any planning proposals on this site. The results and findings of such a scheme should be submitted in support of a planning application for development of this site and in the absence of such a report applications may be refused on the basis that it will not have been demonstrated that development can</i>	To meet the Basic Conditions

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
			<p><i>avoid harm to heritage assets of archaeological significance. Depending upon the findings of this evaluation further archaeological investigation and/or mitigation may be required by way of condition. Should any necessary mitigation requirements prove impractical or render development on this scale unviable then development may not be able to proceed” Deleted</i></p> <p>Text in paragraph 102 which states “Policy H1 was therefore strengthened to require further investigations to take place as part of any planning application process with mitigation measures applied if necessary to avoid risk to any heritage assets on the site” Deleted</p> <p>Replace text in paragraph 102 (see deletion above) with “A desktop research exercise and, if necessary, field evaluations should</p>	

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
			<i>be undertaken at the planning application stage</i>	
47	Policy H1	Criterion 5 in relation to site 1 and criterion 4 in relation to site 2 should be deleted.	<i>"Development will be subject to a condition that future permitted development rights are removed for this development to protect the Conservation Area"</i> Deleted from site 1 and 2.	To meet the Basic Conditions
48	Policy H1	Criterion 1 in relation to site 2 should be restricted to the words <i>"it is for four dwellings which should be single or one and a half storey and constructed to meet the needs of older people"</i> .	Amendment made as proposed	To meet the Basic Conditions
49	Paragraph 97 and Policy H1	Recommend that the references should be <i>"up to"</i> 6 and 4 dwellings respectively. The discrepancy between paragraph 97 which refers to a maximum height of one and a half storeys and	Amendment made as proposed Change site 1 criterion 2 to say 'no more than 1 ½ storeys'	To meet the Basic Conditions

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
		Policy H1 Site 1 part 2 which refers to no more than two storeys should be removed.		
50	Policy H1	The word " <i>avoiding</i> " in the phrase " <i>avoiding the uncertainty that comes with speculative development....</i> " should be replaced with " <i>reducing</i> " in paragraph 70.	Amendment made as proposed	For clarity
53	Policy H2 and Policy H3	Policies H2 and Policy H3 should start with an overarching policy (based on H2) which sets out the approach to new housing to be taken throughout the Parish, followed by any additional requirements which relate only to site 1,	New section titled Windfall development has replaced Section 7.2.3 (Housing Mix) of the submitted plan. <i>"7.2.3 Windfall Development</i> <i>A windfall site is defined in the NPPF as one which has not been</i>	To meet the Basic Conditions

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
		<p>site 2 and windfall sites. At the same time, it should be made clear what is intended to be a policy requirement as opposed to supporting text</p>	<p><i>specifically identified in the development plan.</i></p> <p><i>To help protect the village character, development beyond the housing allocation described in H1 above will be restricted to windfall sites wholly within the Settlement Boundary and will be of no greater size than two new properties on any single site.</i></p> <p><i>To meet the need for smaller dwellings, single unit developments will be of a suitable scale to the site but developments of two units will include at least one dwelling that is no more than three bedrooms in size.</i></p> <p><i>The mix of housing proposed within the Neighbourhood Plan is based on the available statistical data and the views of residents obtained through various consultation</i></p>	

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			<p><i>exercises including open events and a community questionnaire.</i></p> <p><i>Colston Bassett is a very small parish and at the time of the 2011 Census was home to 220 residents living in 104 households. Analysis of the Census shows that the majority (55%) of residential dwellings are detached which is higher than average for the district and for the region generally (32%). There is evidence that the population is ageing and in line with national trends the local population is likely to live longer and require "old persons friendly" housing provision as average life expectancy continues to rise.</i></p> <p><i>More than 45% of households live in houses with four bedrooms or more, which is higher than the district (33%) and the regional figure of 20%. Around 55% of all</i></p>	

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
			<p><i>occupied households have two or more spare bedrooms and around 32% have one spare bedroom. Under-occupancy is higher than the district, regional (20%) and England (19%),</i></p> <p><i>The specific housing mix required in the allocated sites is stipulated in policy H1.</i></p> <p><i>Policy H2 recognises that further windfall sites may come forward during the Plan period and specifies the housing requirements beyond the residential allocations provided in Policy H1. Further evidence of housing need is provided in the housing needs report (2016) as set out in Appendix 5.</i></p> <p>POLICY H2: WINDFALL SITES - Development proposals for infill and redevelopment sites of less</p>	

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
			<p><i>than three dwellings will be supported where:</i></p> <p><i>a) The location is within the Settlement Boundary for Colston Bassett;</i></p> <p><i>b) It retains existing important natural boundaries such as gardens, trees, hedges and streams;</i></p> <p><i>c) It provides for a safe vehicular and pedestrian access to the site;</i></p> <p><i>d) It does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling(s).</i></p> <p><i>e) The development provides a mixture of housing types specifically to meet identified local needs in Colston Bassett as evidenced in the Parish Housing Needs Report (2016) or any more</i></p>	

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
			<p><i>recent document updating this report. Dwellings of 3 bedrooms or fewer and single storey accommodation suitable for older people will be supported where in accordance with other policies.</i></p> <p><i>Any two-unit development should include at least one dwelling of 3 bedrooms or fewer."</i></p>	
54	Policy H4 (renumbered as H3)	The key criteria to be used in any assessment of harm (both to residential amenity and more generally) should be set out in the policy.	Following text has been added "... <i>Harm includes where this development reduces existing garden space to such an extent it adversely impacts on the character of the area or provides inadequate levels of private residential amenity of neighbouring and proposed dwelling(s)."</i>	For clarity and to meet the Basic Conditions
55	Policy D1	Policy D1 should be amended to read: <i>"Development will <u>be required to preserve or</u></i>	Amendment made as proposed	For clarity and to meet the Basic Conditions

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
		<i>enhance the local distinctiveness....”</i>		
59	Policy ENV1	The last sentence within the policy countenances the complete loss of one or more of the protected areas – something which I imagine was not the policy's intention. I recommend that that phrase be deleted and replaced with <i>“and must not undermine their visual and social importance”</i> .	Amendment made as proposed	For clarity and to meet the Basic Conditions
60	Figure 4	Figure 4 be amended appropriately to mirror Policy ENV1.	Policy changed to link to map reference and map amended to link to policy.	For clarity
61	Policy ENV2	The second sentence of the Policy (ENV 2) be amended to read: <i>“Where development is considered acceptable in principle, having regard to other relevant policies in this Plan, it will be supported</i>	Amendments to text made as proposed. Figure 5 has been amended to make clear that it refers also to sites considered to additionally have historical significance.	For clarity and to meet the Basic Conditions

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
		<p><i>subject to the following requirements:</i>"</p> <p>In addition, Figure 5 appears not to show the sites considered to have historical (as opposed to environmental) significance. I recommend that Figure 5 be amended appropriately.</p>		
62	Policy ENV3 & Figure 6	It is difficult to understand whether the scope of the policy (ENV 3) is entirely reflected in the map, and it is recommended that this matter is clarified.	<i>"As shown in fig 6 below"</i> has been removed	For clarity
63	Policy ENV3	It is not clear whether policy ENV3 is intended to relate only to the land shown in figure 6, or to the whole of the Plan area. This should be clarified.	It applies to the whole of the Plan area. Propose changing the sentence to <i>"New development in the Plan area must seek to promote biodiversity and will be supported where:"</i>	For clarity

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
		<p>The phrase <i>“New development must seek to promote biodiversity and will be supported where.....”</i> should be altered to read <i>“New development in the Plan area must seek to promote biodiversity. Where appropriate and practicable, the following measures will be required...”</i></p>	<p>Amendment made as proposed with addition of <i>“in the Plan area”</i> (see above)</p>	
64	Policy ENV3	<p>Recommend the adoption of RBC suggested re-wording of Policy ENV3 point d): <i>“Development which is likely to significantly harm a local or nationally-important biodiversity asset will require an ecological assessment”</i>.</p>	<p>Amendment made as proposed</p>	<p>To meet the Basic Conditions</p>

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
67	Policy ENV5	Reference to Figure 8 should be included within the wording of Policy ENV5.	Amendment made as proposed	For clarity
68	Policy ENV6	It is recommended that either the supporting text for Policy ENV6 (section 7.3.11) or the policy itself give some indication as to where the priority lies for new or enhanced connections. This information could usefully be included in Figure 9 in diagrammatic form.	There are no priorities for new or enhanced connections. Policy amended to delete <i>"and should provide additional connectivity across the parish, where appropriate."</i>	For clarity and to meet the Basic Conditions
71	Policy ENV9	The phrase <i>"any adverse impact"</i> should be inserted within Policy ENV9, so that it reads: <i>"Renewable energy developments will only be permitted where any adverse impact on the parish landscape and tranquillity can be mitigated"</i> .	Amendment made as proposed	For clarity and to meet the Basic Conditions

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
76	Policy TSR1	Recommended that more specific guidance be given about the need to improve pedestrian connectivity, including the geographical areas to which priority should be given, and that the issue be dealt with under Policy TRS3	No change to policy TRS1 required. The following priority locations for pedestrian connectivity improvements added to TRS3: <ul style="list-style-type: none"> • Church gate – improved footpath for access to St. John's Church and the Village Hall • Harby Lane - New footpath to the Dairy • Sandpit Hollow – Improved accessibility for pedestrians 	For clarity and to meet the Basic Conditions
79	Policy TRS2	Recommended that the policy clarify whether or not it is intended to apply both to new-build and changes of use.	<i>"...involving new build or changes of use..."</i> included within first paragraph.	For clarity
80	Policy TRS3	Policy TRS3 is a series of objectives. One of these (<i>"encouraging walking over car-use"</i>) is not a land-use policy and it should either be deleted or re-phrased as a Community Action.	Criterion b) deleted.	To meet the Basic Conditions

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
		The preamble to the policy should be re-worded: <i>"Developments will be supported where they would maintain and, where appropriate, upgrade or extend the pedestrian footpath network"</i>	Amendment made as proposed	
82	Policy BE1	The reference to <i>"future potential employment opportunities"</i> should be deleted.	Amendment made as proposed	To meet the Basic Conditions
83	Policy BE1	Recommend that Policy BE1 be amended to read: <i>"Applications for the change of use of land or buildings which would involve the loss of an existing employment opportunity will only be supported where....."</i> [Followed by the two requirements].	Amendment made as proposed	To meet the Basic Conditions

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
85	Policy BE4	Policy BE4 should be brought into line with LP22 and that the phrase " <i>conversion / adaptation work does not harm the local character...</i> " at the start of criterion a) be replaced with " <i>the development respects the local character....</i> "	Amendment made as proposed	For clarity and to meet the Basic Conditions
86	Policy BE5	I recommend that criterion a) in Policy BE5 be deleted.	Amendment made as proposed	To meet the Basic Conditions
Additional Modifications Proposed by Rushcliffe Borough Council				
N/A	Introduction	N/A	The plan which is approved for referendum should be the version which will subsequently be adopted by RBC. References to the submission process, examination and the referendum process have been removed.	For clarity

Examiner's Report Paragraph	Neighbourhood Plan Reference	Report Recommendation	Response	Reason
			<p>Two paragraphs which precede paragraph 12 have been removed.</p> <p>Paragraph 12 has been amended to clarify the status of the plan once 'made.'</p>	
N/A	Contents Page	N/A	<p>The Basic Condition Statement and the Consultation Statement are listed on the Contents page (Appendix 1 and 2). These however are procedural documents legally required to support the plan and inform the examination process. As they do not assist RBC interpret policies within the plan they have been removed.</p> <p>Subsequent Appendices and references to them within the plan have been renumbered.</p>	For clarity