

**Appendix 3: Hickling Parish Neighbourhood Plan
Decision Statement**



Hickling Parish Neighbourhood Plan

Draft Decision Statement

12 October 2021

Hickling Parish Neighbourhood Plan Decision Statement

1. Summary

- 1.1 The draft Hickling Parish Neighbourhood Plan has been examined by an independent Examiner, who issued his report on 10 July 2021. The Examiner has recommended a number of modifications to the Plan and that, subject to these modifications being accepted, it should proceed to referendum. The Borough Council has considered and decided to accept all except two of the Examiner's recommended modifications. The two recommended modifications that the Council does not agree with do not relate to any of the Basic Conditions and therefore it is proposed not to accept these recommendations.
- 1.2 The Borough Council is required to publish and consult on those recommendations it proposes not to accept and the reasons why.

2. Background

- 2.1 In 2017, Hickling 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 Hickling was designated as a Neighbourhood Area on 23 February 2017.
- 2.2 The plan was submitted to Rushcliffe Borough Council on the 11 February 2021 and representations were invited from the public and other stakeholders, with the 6 week period for representations commencing in March and closing on 3 May 2021.
- 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 10 July 2021. He has concluded that, subject to the implementation of the 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 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. All but two of the recommended

modifications have been accepted by the Borough Council. It is proposed that Modification 09 and Modification 10 are not accepted.

3. Decisions and Reasons

Recommended Modifications

3.1 Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action it intends to take in response to each of the Examiner's recommendations. Appendix A sets out each of the Examiner's recommendations and the Borough Council's response to each.

3.2 In summary, the Examiner has recommended 18 modifications, including:

- Less prescriptive wording in relation to noise impact for Policy H3 (Tranquillity) and H18 (Grantham Canal and Hickling Basin) which identifies that activities will only be permitted where it can be demonstrated that they will not result in any significant loss in local tranquillity;
- More positive wording in relation to renewable energy (specifically wind turbines)
- Less prescriptive and onerous requirements in regard to loss of trees;
- Further description of the local green spaces;
- Inclusion of rural exception site development as an appropriate development in the countryside;
- Rewording of Policy H11 (The Wharf) to allow for potential development on a "small" part of the greenfield element of the site beyond the Limits to Development, "where it has been demonstrated that this is required to facilitate the successful relocation of the business" and consequent amendments to Policy 10 (Housing Provision);
- Deletion of criterion requiring the improvement of the immediate setting and character of the area for Policy H13 (Replacement Dwellings);
- Deletion of criterion requiring the rural buildings to be converted to be of architectural or historical interest under Policy H12 (Residential Conversion of Rural Buildings)
- The renaming of Policy H12 and H13.

3.3 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. Examiners can only recommend modifications to a neighbourhood plan that are necessary for the plan to meet the legal tests required if the plan is to proceed to referendum.

- 3.4 The Borough Council is of the view that the majority of his recommendations are needed to satisfy the Basic Conditions and legal requirements. Two of the proposed modifications (modification 09 and modification 10) are not considered necessary to meet these tests and it is therefore proposed these are not accepted. These modifications relate to Policy H10 (Housing Provision) and Policy H11 (The Wharf). As the Borough Council's view differs to that of the Examiner, there is a requirement to publicise the proposal not to accept these recommended modifications for 6 week period. The Borough Council must notify the following people or groups of the proposed decision (and reason for it) and invite representations: the qualifying body (i.e. Hickling Parish Council), anyone whose representation was submitted to the examiner and any consultation body that was previously consulted.
- 3.5 In respect of Policy 11, paragraph 66 of the Examiner's report states that "my view of this policy does not raise any issues as far as the basic conditions are concerned". As the role of the examination is to assess accordance with the Basic Conditions, it is not considered that there is justification for making the change proposed by the Examiner. Further to this, the wording proposed by the Examiner is not considered to improve interpretation of the policy and would hamper effective decision making. Specific concern is the Examiner's use of the term "small" in respect of the area of land outside of the Limits to Development. This term is not defined or described in any more detail which would make effective decision making in respect of a potential future planning application problematic. It is also unclear what type of circumstances would justify requiring the successful relocation of the business. It is assumed by the Borough Council that this means financial viability and the requirement to release additional land to raise finance for a relocation but this is not clearly set out.
- 3.6 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, however, consider that two of the proposed amendments are not required and is of the view that the Submission draft wording should for Policy 11 (The Wharf) should be included instead of the wording suggested 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.

Date 12 October 2021

Appendix A: Proposed Modifications to the draft Hickling Parish Neighbourhood Plan

Mod Ref	Examiner's report paragraph	NP ref	Examiner's Recommendation	Accept or Do not accept	Proposed Modification	Reason
01	34	Policy H2	<ul style="list-style-type: none"> Add reference to important views being shown on Map 3 Add viewpoint 2 to Map 3 	Accept	<ul style="list-style-type: none"> Amend Map 3 to include viewpoint 2 referred to in appendix 1. Amend the first sentence of Policy H2 as follows: "Development should safeguard and, where possible, enhance the following important views and vistas (as shown on the Policies Map <u>and Map 3</u> and set out in Appendix 1)..." 	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic Conditions (conformity with strategic policy).
02	37	Policy H3	<ul style="list-style-type: none"> Reword policy as suggested 	Accept	<ul style="list-style-type: none"> Amend Policy H3 as follows: Delete the following text: "Development that reduces local tranquillity will not be supported. The following will be discouraged: A Industrial, commercial, large-scale agricultural developments, leisure, recreation and sporting proposals that introduce sources of noise, particularly night-time noise, above Lowest Observed Adverse Effect Level; and B Developments requiring floodlights, security lights 	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic Conditions (conformity with strategic policy).

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					<p>and streetlights that cause excessive, misdirected or obtrusive uses of light.</p> <p>And replace with the following text:</p> <p><u>“Planning applications for industrial, commercial, large-scale agricultural, leisure or recreation and sporting activities will only be permitted where it can be demonstrated that they will not result in any significant loss in local tranquility. Development requiring floodlights, security lights and street-lights resulting in excessive, misdirected or obtrusive uses of light will not be permitted.”</u></p>	
03	40	Policy H4	<ul style="list-style-type: none"> Replace last sentence of policy as suggested 	Accept	<ul style="list-style-type: none"> Amend Policy H4 as follows: <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 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 The proposal's visual impact has been fully</p>	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic Conditions (conformity with strategic policy and national policy).

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					<p>assessed and addressed in accordance with Planning Practice Guidance on landscape assessment (Planning Practice Guidance ref: 5-013-20150327); and</p> <p>D The installations are removed when no longer in use.</p> <p><u>Wind turbines will not be supported. Proposals for the development of wind turbines will only be supported where these are compatible with environmental, heritage, landscape and other planning considerations.</u></p>	
04	44	Policy H6	<ul style="list-style-type: none"> amend policy as suggested 	Accept	<ul style="list-style-type: none"> Amend Policy H6 as follows: <p>“Planning applications <u>involving the potential loss of significant affecting</u> trees or hedgerows should be accompanied <u>either (a)</u> by a tree survey that establishes the health and longevity of any affected trees and hedgerows as well as their role in the local ecosystem-; <u>or (b) by a statement explaining why such a survey is not thought necessary, having regard to the scale or character of the proposals and the overall objectives of this policy.</u></p>	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic Conditions (conformity with national policy).

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					Development that damages or results in the loss of ancient trees, or hedgerows or trees of good arboricultural and amenity value, will not only be supported <u>in principle where the benefits of the development are considered to outweigh the harm involved.</u> Instead, 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. Where trees or hedgerows of lower arboricultural and amenity value are to be lost, In these circumstances, then native species replacements should be planted in locations where they would have the opportunity to grow to maturity, increase canopy cover and contribute to the local ecosystem.”	
05	48	Policy H7	<ul style="list-style-type: none"> modify Appendix 3 to include a description and photograph of each LGS 	Accept	<ul style="list-style-type: none"> Amend Appendix 3 as described. 	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic Conditions (conformity with national policy).
06	51	Policy H8	<ul style="list-style-type: none"> remove discrepancy 	Accept	<ul style="list-style-type: none"> Amend the text included at appendix 4 under the description of step 2 as follows: 	Agree with Examiner and accept proposed

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			between the policy and Rushcliffe Local Plan Policy 28		"Must possess qualities that contribute positively towards the amenities of its locality, i.e. have at least one <u>two</u> of criteria C3 – C8"	change. This is needed to ensure policy meets the Basic Conditions (conformity with strategic policy).
07	56	Policy H10	<ul style="list-style-type: none"> reword criterion (a) as suggested to make clear the decisions should have regard to the other policies in the plan 	Accept	<ul style="list-style-type: none"> Amend Policy H10 as follows: "Housing development within the Hickling Limits to Development, as defined on the Policies Map, will be supported. Outside the Hickling Limits to Development, permission for housing development will be limited to: A. The development of previously used (brownfield) land that is well-related to the settlement of Hickling Pastures, <u>in principle, having regard to the other policies in the neighbourhood plan</u>; 	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic Conditions (conformity with national policy).
08	58	Policy H10	<ul style="list-style-type: none"> insert additional criterion (G) into the policy 	Accept	<ul style="list-style-type: none"> Amend Policy 10 as follows: "...E. Replacement dwellings in accordance with Policy H13 (Replacement Dwellings); and F. Rural worker accommodation in accordance with 	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic

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					Policy H17 (Rural Worker Accommodation)-: <u>and G. Rural exception site development where need has been demonstrated through an up-to-date housing needs survey.</u> "	Conditions (conformity with national policy and strategic policy).
09	67	Policy H11	<ul style="list-style-type: none"> delete existing policy and replace as suggested in the report (repeated below): <p>"Policy H11: The Wharf, Main Street, Hickling The Parish Council intend to work constructively with AE Faulks Ltd to achieve a successful relocation of their existing plant-hire business at The Wharf and the redevelopment of the</p>	Do not accept	No change and retain the wording of the policy as included in the Submission draft of the plan.	Paragraph 66 of the Examiner's report states that "my view of this policy does not raise any issues as far as the basic conditions are concerned". As the role of the examination is to assess accordance with the Basic Conditions, it is not considered necessary to make this change. Further to this, the wording proposed by the Examiner is not considered to improve interpretation of the

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			<p>land for housing. The scale, extent and mix of any housing scheme will be a matter of detailed discussion with the company and consultation with local residents, but the guiding principles behind the project will include:</p> <ul style="list-style-type: none"> • acceptance in principle for the development of as much of the site as lies within the defined Limits to Development; • the inclusion of an additional small area of land beyond the 			<p>policy and would hamper effective decision making. Specific concern is the Examiner's use of the term "small" in respect of the area of land outside of the Limits to Development. This term is not defined or described in any more detail which would make effective decision making in respect of a potential future planning application problematic. It is also unclear what type of circumstances would justify requiring the successful relocation of the business. It is assumed by the Borough Council that</p>

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			<p>defined Limits to Development, but only where it can clearly be demonstrated that this is required to facilitate the successful relocation of the business;</p> <ul style="list-style-type: none"> • the incorporation, where feasible, of additional parking space for visitors to Hickling Basin; and • acknowledgement that regard will be had to all other relevant policies in this Plan, including the mix of any housing to be provided." 			<p>this means financial viability and the requirement to release additional land to raise finance for a relocation but this is not clearly set out.</p>

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10	68	Policy H10	<ul style="list-style-type: none"> insert additional criterion (H) into the policy 	Do not accept	<ul style="list-style-type: none"> No change and retain the wording of the policy as included in the Submission draft of the plan. 	<p>This is as a consequence of the recommendation not to accept Modification 09. The principle of releasing a small area of land in the vicinity of Faulks depot is not considered appropriate in the context of Policy 11 therefore is should not be referred to under Policy 10.</p>

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11	70	Policy H12	<ul style="list-style-type: none"> delete criterion A 	Accept	<ul style="list-style-type: none"> Amend Policy H12 as follows: "Policy H12: Residential Conversion of <u>existing Rural Buildings-rural buildings situated beyond the Limits to Development</u> <u>Where planning permission is required for the</u> The re-use and adaptation of redundant or disused rural buildings for residential use, <u>this</u> will be supported where: A. The building is of architectural and historical interest; AB. <u>AB.</u> The building is structurally sound and capable of conversion without significant rebuild or alteration; C. B. <u>C. B.</u> The development will maintain the character of the building, including the retention of important features; D. C. <u>D. C.</u> The use of the building by protected species is surveyed and mitigation measures are approved where necessary; and E. D. <u>E. D.</u> Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the 	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic Conditions (conformity with strategic policy).
12	71	Policy H12	<ul style="list-style-type: none"> reword preamble as suggested 	Accept	<ul style="list-style-type: none"> re-use and adaptation of redundant or disused rural buildings for residential use, <u>this</u> will be supported where: A. The building is of architectural and historical interest; AB. <u>AB.</u> The building is structurally sound and capable of conversion without significant rebuild or alteration; C. B. <u>C. B.</u> The development will maintain the character of the building, including the retention of important features; D. C. <u>D. C.</u> The use of the building by protected species is surveyed and mitigation measures are approved where necessary; and E. D. <u>E. D.</u> Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the 	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic Conditions (conformity with strategic policy).
13	72	Policy H12	<ul style="list-style-type: none"> amend title of policy as suggested 	Accept	<ul style="list-style-type: none"> re-use and adaptation of redundant or disused rural buildings for residential use, <u>this</u> will be supported where: A. The building is of architectural and historical interest; AB. <u>AB.</u> The building is structurally sound and capable of conversion without significant rebuild or alteration; C. B. <u>C. B.</u> The development will maintain the character of the building, including the retention of important features; D. C. <u>D. C.</u> The use of the building by protected species is surveyed and mitigation measures are approved where necessary; and E. D. <u>E. D.</u> Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the 	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic Conditions (conformity with strategic policy).

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					original curtilage.”	
14	73	Policy H13	<ul style="list-style-type: none"> delete criterion A 	Accept	<ul style="list-style-type: none"> Amend Policy H13 as follows: “Policy H13: Replacement <u>of existing Dwellings dwellings situated beyond the Limits to Development</u> Proposals for the demolition and rebuild of an existing dwelling will be supported where: 	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic Conditions (conformity with strategic policy).
15	74	Policy H13	<ul style="list-style-type: none"> amend title of policy as suggested 	Accept	<ul style="list-style-type: none"> A. It leads to an enhancement of the immediate setting and general character of the area; BA. It does not lead to a reduction in the stock of smaller or single-storey dwellings; C. B. The new dwelling is proportionate to the size, scale, mass and footprint of the original dwelling and situated within the original curtilage.” 	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic Conditions (conformity with strategic policy).
16	76	Policy H14	<ul style="list-style-type: none"> reword policy as suggested 	Accept	<ul style="list-style-type: none"> Amend Policy 14 as follows: “Applicants for the development of new dwellings will need to demonstrate how their proposals will meet the housing needs of older households and/or the need for smaller, affordable homes for sale or 	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic Conditions (conformity

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					rent. The development of housing with more than three bedrooms will <u>normally</u> only be supported if it is necessary to make best use of a redundant or disused rural building in accordance with Policy H12 (Residential Conversion of Rural Buildings), (<u>Residential conversion of existing rural buildings situated beyond the Limits to Development</u>).	with strategic policy).
17	81	Policy H18	<ul style="list-style-type: none"> reword criterion A as suggested reword criterion B as suggested 	Accept	<ul style="list-style-type: none"> Amend Policy 18 as follows: <p>"Policy H18: Grantham Canal and Hickling Basin</p>	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic Conditions (conformity with strategic policy and national policy).
18	82	Policy H18	<ul style="list-style-type: none"> amend criterion D as suggested 	Accept	<p>The restoration of the Grantham Canal to make it navigable for boats is supported. Only development that is compatible with the quiet, recreational enjoyment of the Grantham Canal and Hickling Basin, will be supported where:</p> <p>A. Proposals have appropriate regard for the significance of the heritage assets of the canal, basin and their setting, <u>and do not prejudice future restoration of the canal to navigable status</u>;</p> <p>B. Proposals <u>protect and</u> enhance the ecological value of the canal and its landscape features;</p>	Agree with Examiner and accept proposed change. This is needed to ensure policy meets the Basic Conditions (conformity with strategic policy and national policy).

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					<p>C. Traffic implications are fully assessed and addressed. Related measures that will need to be considered include traffic management and car parking improvements; and</p> <p>D. Residential amenities are protected, <u>with full account being taken of the need to protect tranquillity, in accordance with Policy H3.</u> Overall noise exposure should be no greater than the lowest observed adverse effect level.</p>	