

Hope under Dinmore NDP Independent Examination

Delegated Decision Statement

10 May 2018

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Hope under Dinmore and Newton Neighbourhood Area
Parish Council	Hope under Dinmore Group Parish Council
Submission	1 June to 13 July 2016
Examination Date	September 2016
Inspector Report Received	11 October 2016
Second submission	23 November to 11 January 2018
Examination Date	January 2018
Inspector Report Received	17 April 2018

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 Hope under Dinmore and Newton 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 Hope under Dinmore and Newton was designated on 28 August 2013. The Neighbourhood Area follows the Hope under Dinmore Group parish boundary. The Hope under Dinmore Group Neighbourhood Development Plan has been prepared by Hope under Dinmore 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 August 2013.
- 2.2 The Plan was submitted to Herefordshire Council on 17 November 2017, and the consultation under Regulation 16 took place between the 23 November to 11 January 2018, where the Plan was publicised and representations invited.
- 2.3 In January 2018, Deborah McCann was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Hope under Dinmore and Newton NDP and to prepare a report of the independent examination.
- 2.4 The Examiner's report concludes that subject to making one modification 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 recommendation made by the examiner within her report along with the justification:

Policy	Modification recommended	Justification
Modification 1 Policy HUD7	Delete policy HUD 7 and its associated paragraph. Delete the allocation from the policies map	The local green space does not meet the requirement of para 77 and therefore the policy and allocation should be deleted.

4 Post Adoption SEA and HRA

- 4.1 The modification 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 recommendation made in the examiner's report and the reasons for them and have decided to accept the modification 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 Hope under Dinmore and Newton Neighbourhood Development 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 Hope under Dinmore and Newton 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 Examiner's conclusion that nothing has been suggested which would require an extension of the area beyond that designated on 29 August 2013.

Signed 

Dated 10.5.2018

Richard Gabb
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