

Ocle Pychard Group NDP Independent Examination

Delegated Decision Statement

18 December 2018

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Ocle Pychard Group Neighbourhood Area
Parish Council	Ocle Pychard Group Parish Council
Submission	23 March 2018
Examination Date	Summer 2018
Inspector Report Received	17 December 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 Ocle Pychard 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 Ocle Pychard Group was designated on 3 May 2016. The Neighbourhood Area follows the boundary of Ocle Pychard Group parish boundary. The Ocle Pychard Group NDP has been prepared by Ocle Pychard 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 summer 2017.

- 2.2 The Plan was submitted to Herefordshire Council on 23 March 2018, and the consultation under Regulation 16 took place between the 27 March to 8 May 2018, where the Plan was publicised and representations invited.
- 2.3 On 26 June 2018 Ann Skippers was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Ocle Pychard 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 her report along with the justification:

Policy	Modification recommended	Justification
Setting the scene	Delete "...published in March 2010..." from paragraph 1.8 on page 2 of the Plan	Interests of accuracy and clarity
OPG3	Add a new sentence at the beginning of the policy that reads: <i>"A settlement boundary for Burley Gate is defined and is shown on Plan 4 and the Burley Gate Village Policies Map."</i>	Interests of accuracy and clarity.
OPG4	Add a new sentence after the first sentence of the policy that reads: <i>"The site is shown on Plan 4 and the Burley Gate Village Policies Map."</i> Delete the words "...outside but adjacent to..." from criterion 4 and replace with the word "...along..." Delete criterion 5 in its entirety	Interests of accuracy and clarity
OPG5	Add a new sentence at the beginning of the policy that reads:	Interests of accuracy and clarity

	"Two settlement boundaries for Ocle Pychard are defined and are shown on Plan 5 and the Ocle Pychard Village Policies Map."	
OPG6	Add a new sentence at the beginning of the policy that reads: "A settlement boundary for Ullingswick is defined and is shown on Plan 6 and the Ullingswick Village Policies Map."	Interests of accuracy and clarity
OPG12	Revise criterion 2 to read: " <i>preserving or</i> enhancing the character <i>or</i> appearance of the Ocle Pychard and Ullingswick Conservation Areas; and" Include a map of the Ullingswick Conservation Area in the Plan	Interests of accuracy and clarity


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. 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.
- 5.2 The draft plan will be altered in line with Table 1 above and also the points set out in paragraph 3.2, in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.
- 5.3 Following the modifications made, the Ocle Pychard 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 Ocle Pychard 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 designed on 3 May 2016.



Signed

Dated 18.12.18