

## Pixley and District NDP Independent Examination

### Delegated Decision Statement

11 March 2019

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Pixley and District Neighbourhood Area
Parish Council	Pixley and District Group Parish Council
Submission	28 June to 23 August 2018
Examination Date	October 2018 - February 2019
Inspector Report Received	4 March 2019

#### 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 Pixley and District 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 Pixley and District was designated on 16 August 2016. The Neighbourhood Area follows the boundary of Pixley and District group parish boundary. The Pixley and District NDP have been prepared by Pixley and District 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 August 2016.

- 2.2 The Plan was submitted to Herefordshire Council on 19 June 2018, and the consultation under Regulation 16 took place between the 28 June to 23 August 2018, where the Plan was publicised and representations invited.
- 2.3 On 1 October 2018 Ms Ann Skippers BSc (Hons) MRTPI FRSA AoU was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Pixley and District NDP and to prepare a report of the independent examination.
- 2.4 The examiner's report concludes that subject to making the 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
Modification 1 Setting the scene	Delete "...published in March 2010..." from paragraph 1.8 on page 1 of the Plan	Interests of accuracy and clarity
Modification 2 Vision and objectives	Delete the words "...which excludes market housing" from the first housing objective on page 9 of the Plan	Interests of accuracy and clarity
Modification 3 PIX2	Delete Policy PIX3 and its supporting text	Interests of accuracy and clarity
Modification 4 PIX8	Add the words " <i>in a manner appropriate to their significance and</i> " after "...including their settings..." in the first sentence of the policy	Interests of accuracy and clarity
Modification 5 Appendices	Add a note to section B.2 in Appendix 2 acknowledging the publication of the revised NPPF in July 2018 and stating the references refer to the earlier version.	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. None of the changes are considered to have a significant effect

on the overall appraisals. The updated SEA and addendum is available to accompany the final plan. A HRA is not required for this neighbourhood area.

## 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 Pixley and District 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 Pixley and District 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 16 August 2016.

Signed ..... 

Dated ..... 12.3.19

Richard Gabb  
Programme Officer – Housing and Growth

