

Clifford NDP Independent Examination

Delegated Decision Statement

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Clifford Neighbourhood Area
Parish Council	Clifford Parish Council
Submission dates	14 December 2021 – 8 February 2022
Examination date	June – July 2022
Examiner's Report Received	25 July 2022

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 Clifford 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 Clifford was designated on 25 March 2013. The Neighbourhood Area follows the boundary of Clifford parish boundary. The Clifford NDP has been prepared by Clifford Parish Council. Work on the production of this plan has been undertaken by members of the local community through a Neighbourhood Plan Steering Group since spring 2013.
- 2.2 The Plan was submitted to Herefordshire Council on 12 December 2021, and the consultation under Regulation 16 took place between the 14 December 2021 and 8 February 2022, where the Plan was publicised and representations invited.
- 2.3 On 16 February 2022, Barbara Maksymiw BSc (Hons) MSc MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Clifford 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
Modification 1 Policy CNP2	Reword the second para of Policy CNP2 to read: 'Business needs, infrastructure provision and associated development will be accommodated within Clifford Parish primarily through the conversion of redundant farm and other rural buildings and limited new buildings and extensions'.	For clarity and removing term 'necessary development'
Modification 2 Policy CND10	Add new paragraph to the end of Policy CND10 to read: 'Any development proposals for the development of the Lower Court Farm site should protect the setting of the Listed Buildings within the complex and full consideration given to the relationship with the potential impact on the Clifford Castle SAM. Development proposals should be accompanied by a Heritage Impact Assessment and full landscape scheme'	Address Historic England's comments and refer in policy to the requirements within para 6.13 (iii)
Modification 3 Policies Maps	Add a suitable notation to the Clifford Village Policies Map to denote the three allocated housing sites and amend the key accordingly	For clarity
Modification 4 Policy CNP12	Add 'housing' between 'new' and 'development' in the first line of Policy CNP12. In clause CNP12(i), after 'Housing to provide for' add the ' the needs of '	For clarity
Modification 5 Policy CNP16	Delete Policy CNP16 and paragraph 7.8 Renumber subsequent policies and paragraphs accordingly	Policy duplicates Policy E3 in Core Strategy

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 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 in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.

5.3 Following the modifications made, the Clifford 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 Clifford 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 25 March 2013.

Signed



Dated 15 August 2022

Tracey Coleman

Interim Service Director – Economy and Environment