

Orcop NDP Independent Examination

Delegated Decision Statement

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Orcop Neighbourhood Area
Parish Council	Orcop Parish Council
Submission dates	15 June to 27 July 2022
Examination date	September / October 2022
Examiner's Report Received	3 November 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 Orcop 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 Orcop was designated on 20 May 2013. The Neighbourhood Area follows the boundary of Orcop parish boundary. The Orcop NDP has been prepared by Orcop 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 27 May 2022, and the consultation under Regulation 16 took place between the 15 June to 27 July 2022, where the Plan was publicised and representations invited.
- 2.3 On 2 August 2022, Liz Beth BA (Hons) MA Dip Design in the Built Environment MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Orcop 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 ORC1	Delete first two sentences of criteria 3 of Policy ORC1 and the policy amended as follows: <i>3. not having an adverse effect on the River Wye Special Area of Conservation (SAC) and species of European importance. In particular, planning permission will only be granted if clear and convincing evidence is provided which shows that the proposed development would not increase nutrient inputs to the SAC. This could include the delivery of mitigation measures to make a proposal nutrient neutral. Reference should be made to Herefordshire Council's Phosphate Calculator and associated guidance. There should be no adverse effects on the water quality of the Garren Brook and its tributaries; and</i>	To demonstrate clarity and ensure the policy has due regard to national policy in the NPPF with regard to policy clarity (para 16d)
Modification 2 Policy ORC2	Amend final paragraph of Policy ORC2 to read as follows: <i>A development within sight of one of the above key views in the neighbourhood area, and likely to have significant impact on that view, will be required to provide a Landscape and Visual Impact Assessment or similar study to demonstrate that the levels of effects are acceptable, and that the scheme has been sited and designed sensitively and appropriately reflecting, respecting, and where possible, enhancing the landscape context within which it is situated.</i> ...	Clarity and in order to not be too prescriptive and more positive, in line with the requirements on an NDP and NPPG.
Modification 3: Policy ORC8	Amend the first sentence of Policy ORC8 to be amended as follows: <i>Settlement boundaries are designated for Orcop Hill and Orcop, as defined and shown on Plan 6 for Orcop Hill and Plan 7 for Orcop</i>	For clarity and in accordance with national policy.

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 Orcop 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 Orcop 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 20 May 2013.

Signed

A handwritten signature in black ink that reads "Tracey Coleman". The signature is written in a cursive style with a large initial 'T' and 'C'.

Dated 21/11/22

Tracey Coleman

Interim Service Director – Planning and Regulatory Services