

Edwyn Ralph NDP Independent Examination

Delegated Decision Statement

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Edwyn Ralph Neighbourhood Area
Parish Council	Thornbury Group Parish Council
Submission dates	2 August to 13 September 2022
Examination date	October/November 2022
Examiner's Report Received	14 December 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 Edwyn Ralph 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 Edwyn Ralph was designated on 6 August 2019. The Neighbourhood Area follows the boundary of Edwyn Ralph parish boundary but does not include the wider parish area of the Thornbury Group. The Edwyn Ralph NDP has been prepared by a steering group on behalf of Thornbury Group 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 summer 2019.
- 2.2 The Plan was submitted to Herefordshire Council on 25 July 2022, and the consultation under Regulation 16 took place between the 2 August and the 13 September 2022, where the Plan was publicised and representations invited.
- 2.3 On 23 September 2022, Barbara Maksymiw BSc (Hons) MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Edwyn Ralph 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	Change the title of Table 1 of the Basic Conditions Statement so that it relates to the Edwyn Ralph NDP	Correct typographical error
Modification 2 Policy ER1	Delete 'infrastructure limits' from clause 3 and replace with 'the capacity of existing infrastructure' Delete 'the effects' in clause 4 and replace with 'any adverse effects' in line 2	To strengthen the wording
Modification 3: Policy ER3	Add a suitable referenced version of Map 9 of the Neighbourhood Plan Characterisation Study to show the key views listed in clause 3 of Policy ER3 Amend clause 3 accordingly to include the map reference	For clarity
Modification 4 Policy ER3	In clause 6 after 'enhancement of' add 'local wildlife sites (shown on the Edwyn Ralph Parish Policies Map)'	To strengthen and add clarity
Modification 5 Policy ER3	Delete 'so' after 'it is shown' in the third line of clause 9	For clarity
Modification 6 Para 4.2.7	Add 'and' after 'listed buildings'	Correct typographical error
Modification 7 Policy ER9	Delete 'to be supported' at the start of Policy ER9	Correct typographical error
Modification 8 Policy ER15	Add 'will be provided' at the end of clause 1 Reword clause 3 to read 'Parking facilities should be constructed of permeable surfaces, to reduce surface water run-off and contribute to local flood reduction'	To add clarification

Policy	Modification recommended	Justification
	Reword Clause 4 to read 'Additional street lighting within or beyond developments should only be provided where it is essential for public safety'	
Modification 9 Policy ER17	Delete 'which are provide over the lifetime of the Neighbourhood Plan' from the first sentence	For clarity
Modification 10 Policy ER18	Delete a) and b) sub numbering from Policy ER18 and substitute 1 and 2	For consistency
Modification 11 Policy ER19	Delete the strikethrough text	Correct typographical error

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 Edwyn Ralph 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 Edwyn Ralph 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 6 August 2019.

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 15/12/22

Tracey Coleman

Interim Service Director – Planning and Regulatory Services