

Sutton St Nicholas NDP Independent Examination Delegated Decision Statement

Neighbourhood Planning (General) (Amendment) Regulations 2012

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|-----------------------------------|---------------------------------------|
| Name of neighbourhood area | Sutton St Nicholas Neighbourhood Area |
| Parish Council | Sutton Parish Council |
| First Made | 9 March 2017 |
| Review Submission dates | 27 September to 8 November 2022 |
| Examination date | January 2023 |
| Examiner's Report Received | 8 February 2023 |

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 the review.
- 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 revised Sutton St Neighbourhood Plan has been amended taking into account the modifications, and that plan will proceed to be made by Herefordshire Council.

2 Background

- 2.1 The Sutton St Nicholas NDP was first adopted/made in 9 March 2017. In April 2022, the parish council decided that the plan needed to be revised to take account of issues raised during the monitoring of the plan in its first 5 years. The Neighbourhood Planning Act 2017 identifies the circumstances that made arise which a plan may need to be reviewed and a proportionate process for that review to be undertaken. As part of the examination, the examiner determines whether the reviewed plan includes minor, material or significant modifications which would change the nature of the current made/adopted plan.
- 2.2 The revised Plan was submitted to Herefordshire Council on 22 September 2022, and the consultation under Regulation 16 took place between the 27 September to 8 November 2022, where the Plan was publicised and representations invited.

- 2.3 The modifications suggested to the adopted/made Plan included minor rewording of the objectives, 6 new policies to include agricultural and forestry developments; householder extensions; renewable and low carbon energy; key views; heritage and communication infrastructure. Some policies have also been subject to minor amendments to add local detail. No additional sites have been included within the revised plan.
- 2.4 On 11 November 2022, Ann Skippers MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the revised Sutton St Nicholas NDP and to prepare a report of the independent examination.
- 2.5 The examiner determined that the updates proposed did not significantly or substantial change the nature of the existing made Sutton St Nicholas NDP and therefore an examination could process and a referendum would not be necessary.
- 2.6 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 that Herefordshire Council should make the Sutton St Nicholas NDP.
- 2.7 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 made plan referred to in Section 3 below to ensure that the revised 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 SUT6 | Add to the end of the first bullet point of Policy SUT6 'Where this does not affect the primary residential nature of the property and accords with Policy SUT5' | To ensure clarity regarding extensions and home working |
| Modification 2 Para 5.6 | Change 'eight' to 'eleven' | Ensure the texts reflects the number of key views |
| Modification 3 Policy SUT14 | Change para 2 to read 'Development in the Local Green Spaces will be consistent with national policy for Green Belts' | To be consistent with the NPPF wording |

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 Sutton St Nicholas 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 In line with the Neighbourhood Planning Act 2017 and Section 38(A) of the Planning and Compulsory Purchase Act 2004 (as amended), Herefordshire Council have a statutory duty to make the revised Sutton St Nicholas NDP.

Signed



Dated 09 February 2023

Tracey Coleman

Interim Service Director – Planning and Regulatory Services