

**Pyons Group Review Neighbourhood Plan Examination  
Procedural Matters – Formal Determination  
Examination Note 1**

Following the submission of the Pyons Group Review Neighbourhood Plan 2022 – 20341 for examination, I write to advise you on initial procedural issues.

***Initial matters***

I confirm receipt of the submission draft revised Neighbourhood Plan (the Plan) and accompanying documents including the statements from the Group Parish Council and local planning authority, Herefordshire Council (HC), regarding the proposed modifications and whether they are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace, giving reasons why, and the Regulation 16 consultation responses.

This has provided sufficient information to undertake my initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).

***Determination under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)***

I am required to determine to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace. The purpose of this determination is to establish the appropriate examination process for the draft Plan which will, amongst other things, affect whether or not the draft Plan will need to be the subject of a referendum if it is to be made.

In this context, the draft revised Plan intends, amongst other things, to:

- Revise the vision and objectives
- Delete existing Policy PG2
- Modify, review or update existing Policies PG1, PG3, PG4, PG5/6A, PG8 and PG9. These changes include new settlement boundaries and a new Local Green Space
- Include new or replacement policies on housing, the natural environment, built character, waste water and sewerage, the River Wye Special Area of Conservation, rural enterprise and tourism, polytunnels, community facilities, sustainable design and resilience, community energy schemes and solar farms
- Changed and new text throughout the Plan

The original Plan was made in June 2017. Since then a number of changes have occurred including updated national policy, public consultation and a number of concerns over infrastructure, climate change, Covid 19 pandemic and animal diseases, flooding events, phosphates and nutrient neutrality, an emerging Local Plan and new technical evidence.

The Group Parish Council has submitted a very comprehensive and helpful Statement of Modifications document that details the changes.

The Group Parish Council considers that some of the proposed modifications are so significant or substantial as to change the nature of the made Plan. This view is largely based on the revised approach to housing development and the nature and number of new topics addressed through new policies in the Review Plan. The local planning authority, HC, consider that the proposed modifications to the draft Plan are so significant or substantial as to change the nature of the made Plan.

I have considered the proposed modifications, the views of the Group Parish Council and the local planning authority and the representations received as well as the advice on updating neighbourhood plans in Planning Practice Guidance. I have no reason to disagree with the views of the qualifying body and the local planning authority. Therefore, in my assessment, the modifications to the made Plan are so significant or substantial as to change the nature of the made Plan and I formally determine accordingly under paragraph 10(1) of Schedule A2.

Consequently, I consider the examination of the Pyons Group Review Neighbourhood Plan should proceed under the provisions of Schedule 4B to the Town and Country Planning Act 1990 (as amended). In turn, this means a referendum would be required.

Accordingly, I therefore request the formal consent of the qualifying body (in accordance with paragraph 10(5) of Schedule A2) for the examination to proceed under the provisions of Schedule 4B, as set out above.

Subject to receipt of the formal consent of the qualifying body for the examination of the Review Plan to proceed under the provisions of Schedule 4B, I will issue a further procedural letter concerning the arrangements for the examination as well as any questions of clarification or other matters that may arise.

If the Group Parish Council or local planning authority have any questions relating to the examination process at this stage, please do not hesitate to get in touch and I will do my best to answer any such queries.

Ann Skippers MRTPI  
Independent examiner  
17 April 2023