

Pyons Group NDP Examination

Delegated Decision Statement

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Pyons Group Neighbourhood Area
Parish Council	Pyons Group Parish Council
Submission consultation	28 November to 23 January 2023
Examination date	February – September 2023
Examiner’s Report Received	29 September 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 Pyons Group Neighbourhood Plan has been amended taking into account the modifications, and that the plan may proceed to referendum.

2 Background

- 2.1 The Neighbourhood Area of Pyons Group was designated on 30 July 2013. The Neighbourhood Area follows the boundary of Pyons Group parish boundary. The Pyons Group NDP has been prepared by Pyons Group Parish Council. Work on the production of the plan has been undertaken by members of the local community through a Neighbourhood Plan Steering Group since mid 2013.
- 2.2 The revised Plan was submitted to Herefordshire Council on 23 November 2022, and the consultation under Regulation 16 took place between 28 November 2022 to 23 January 2023, where the Plan was publicised and representations invited.

2.3 The modifications suggested to the made Plan include

- Removal of settlement boundary at Canon Pyon and Ledgemoor and amendment to the settlement boundary of Westhope Policy PG1.
- Additional text added to PG2.
- Additional text added to PG4.
- Wording amendments to PG11, PG 12 and PG13.

The changes suggested were to ensure the plan conforms to national and local plan policy also to ensure the plan is accurate and consistent. Please refer to section 3 for further detail.

2.4 Ann Skippers MRTPI was initially appointed as Examiner to the Plan but for personal reasons had to request that another examiner take over the process of examining the Plan. On 10 May 2023, Liz Beth MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the revised Pyons Group NDP and to prepare a report of the independent examination.

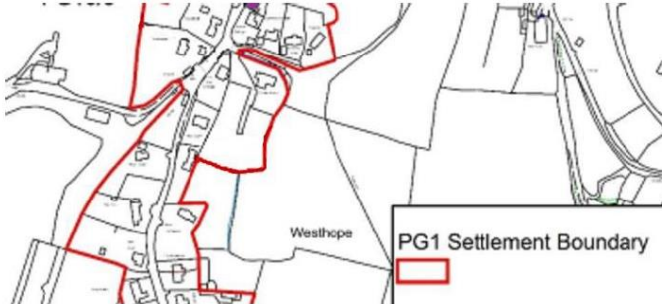
2.5 A public hearing for the Pyons Group Reviewed Neighbourhood Development Plan was called by the independent examiner, Liz Beth. The hearing was held at Canon Pyon Village Hall on Friday 8 September at 1pm. Following this, the examiner's report was received on 29 September 2023.

2.6 The examiner's report concludes that subject to making modifications recommended by the examiner, the reviewed plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

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	The period of the plan has effect shall be specified as 2022-31. Other textual amendments that follow on from this recommendation are needed for paras 1.3, 1.12 and 1.13.	In order to comply with the basic conditions.
Modification 2	The section of the PGNPR headed 'Community Resilience' paragraphs 11.19 – 11.30 to be removed from the main text and be included as an appendix. A reference to it in the main text may be included.	In the interest of accuracy and clarity. Recommendations made to ensure it complies with the basic conditions.
Modification 3	<p>Policy PG1 to be amended as shown: The first paragraph to read as follows: "Settlement boundaries are defined for Bush Bank, King's Pyon and Westhope as shown on each settlement's NDP Review Policies Map. Proposals for development will be supported within the settlement boundary where they: ..." The settlement boundary for Ledgemoor to be deleted from the Policies Map for that settlement. The settlement boundary for Canon Pyon to be deleted from the Policies Map for that settlement. The settlement boundary for Westhope to be amended to include all land included in planning permission 162311 as shown below:</p>  <p><u>Delete the settlement boundaries shown on Map 2 for Canon Pyon and on Map 6 for Ledgemoor.</u></p> <p>Delete paras 5.3 – 5.5 and replace with the following text: "5.3 Consideration was given to the removal of Site D as an allocation in this review plan, and revision of the settlement boundary to exclude it. This was deemed at examination to be contrary to the Basic Conditions, and the revised settlement boundary has been removed from this Plan. Any development on Site D will be determined through the development management process with reference to policy in the development plan and any other material considerations."</p> <p>Paragraphs to be renumbered as required.</p> <p>Delete paras 5.11 – 5.12 as the future direction of the Local Plan Review is currently uncertain.</p> <p>Delete paras 5.15 – 5.18 and replace with the following text: "The NDP includes new settlement boundaries for three settlements at Bush Bank, King's Pyon and Westhope. The proposed settlement boundaries for Ledgemoor and Canon Pyon were both judged at examination to be contrary to the Basic Conditions and have been removed from this Plan."</p>	<p>Deletion recommended to ensure this complies with the Basic Conditions.</p> <p>In order to comply with the development plan- national planning policy and the Local Plan and para 16d of the NPPF.</p>

Modification 4	Policy PG2 to be amended as follows: The 3rd paragraph to have the following text added at the end: "... where they comply with other policies in the development plan." The 4th paragraph to be deleted	To comply with national planning policy and the Local Plan and para 16d of the NPPF and comply with policies in the HCS.
Modification 5	The first sentence of Policy PG4 to add the following text at the end: "... with connection to the mains being required wherever possible even if improvement works are needed to treatment works or other infrastructure." The abbreviation 'WwTW to be written in full The 3rd paragraph to have the following text added at the end: " and any other relevant legislation and controls."	In the interests of accuracy and clarity in accordance with the NPPF.
Modification 6	PG11- The last sentence of the first paragraph to be amended as follows: "...A small-scale housing development could support the new school if required for viability reasons, the need for any such development to be supported by a viability assessment made publically available."	In order to comply with the basic conditions and regards to NPPG requirement for an adequate evidence base for policies.
Modification 7	Policy PG12 to be amended as follows: <i>The following are designated as Local Green Spaces:</i> 1. Recreational Playing Field and open space at Pyons Close, Canon Pyon as shown on Map 2 NDP Review Policies Map Canon Pyon 2. Parish Council Land at Westhope as shown on Map 3 NDP Review Policies Map Westhope Delete the first paragraph on page 63 of Policy PG12 and insert it as 10.21 in the supporting text. The other paragraphs to remain with the policy. The boundary of the Canon Pyon LGS on Map 2 to be amended so that both areas of LGS shown on fig 1 below are amalgamated as one and include the brook running between them.	To comply with national policy on LGS, NPPF paras 101-103 and policy drafting NPPF para 16d.
Modification 8	Bullet point 4 in Policy PG13 to be deleted.	In order to comply with the basic conditions and regard to national policy, removed as is not a legitimate planning issue and is too vague, in the interest of clarity.

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 Pyons Group Neighbourhood Plan will meet the basic conditions:
- Having regard to national policies and advice contained in guidance issued 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 revised Pyons Group NDP progress to referendum. Consideration has been given as to whether the area should be extended beyond that of the neighbourhood area. Herefordshire Council concur with the examiner that nothing has been suggested which would require an extension of the area beyond the designated on 30 July 2013.

Signed



Roger Allonby

Service Director Economy & Growth

Dated: 20 October 2023