

## Sutton St Nicholas NDP Independent Examination

### Delegated Decision Statement

**25 November 2016**

### Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Sutton St Nicholas Neighbourhood Area
Parish Council	Sutton St Nicholas Parish Council
Submission	18 May to 29 June 2016
Examination Date	October 2016
Inspector Report Received	15 November 2016

#### **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 draft Sutton St Nicholas 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 Sutton St Nicholas was designated on 15 January 2014. The Neighbourhood Area follows the Sutton St Nicholas parish boundary. The Sutton St Nicholas Neighbourhood Development Plan has been prepared by Sutton St Nicholas 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 January 2014.
- 2.2 The Plan was submitted to Herefordshire Council on 17 May 2016, and the consultation under Regulation 16 took place between the 24 May to 5 July 2016, where the Plan was publicised and representations invited.

- 2.3 In July 2016, Ann Skippers BSc (Hons) Dip Mgmt (Open) PGC (TLHE) (open) MRTPI FHEA FRSA AoU was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Sutton St Nicolas 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:

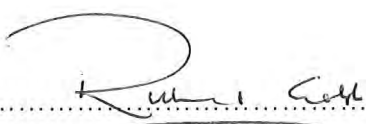
Policy	Modification recommended	Justification
Modification 1 Policy 8	<p>Add at the end of the last sentence of Policy 8:            ‘...unless it can be satisfactorily demonstrated that the open space is surplus to requirements, is replaced by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for alternative sports or recreational provision, the needs for which clearly outweigh the loss.’</p> <p>Add a new sentence at the end of the policy that reads: ‘ The Local Green Spaces and public open spaces covered by this policy are shown on the Village Policies Map’</p>	<p>To ensure flexibility in line with the NPPF.</p> <p>To add clarity to the policy and provide a cross reference to the policies map.</p>

### 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 addendum to the 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.
- 5.2 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. 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 Development 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 Sutton St Nicholas 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 Examiner's conclusion that nothing has been suggested which would require an extension of the area beyond that designated on 15 January 2015.

Signed .....  .....

Dated ..... 25/11/2016 .....

**Richard Gabb**  
**Programme Officer – Housing and Growth**