

## **Cusop NDP Independent Examination**

### **Delegated Decision Statement**

**4 August 2017**

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

Name of neighbourhood area	Cusop Neighbourhood Area
Parish Council	Cusop Parish Council
Submission	9 March to 20 April 2017
Examination Date	April 2017
Inspector Report Received	28 July 2017

#### **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 Cusop 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 Cusop was designated on 7 September 2012. The Neighbourhood Area follows the Cusop parish boundary. The Cusop Neighbourhood Development Plan has been prepared by Cusop 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 September 2012.

- 2.2 The Plan was submitted to Herefordshire Council on 6 March 2017, and the consultation under Regulation 16 took place between the 9 March to 20 April 2017, where the Plan was publicised and representations invited.
- 2.3 In July 2017, Liz Beth BA (Hons) MA DIPTP MRTPI was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Cusop 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 the report along with the justification:

Policy	Modification recommended	Justification
Modification 1 Front cover	The cover of the Cusop NDP is recommends to give the document title of;  'Cusop Neighbourhood Development Plan' and show the time period of 2011-2031	For clarity
Modification 2 Policy 3	Policy 2 to be reworded as shown:  New dwellings may be developed elsewhere within the settlement boundary provided that they meet the requirements of all other relevant policies in this neighbourhood plan and the development plan generally.	To future proof the document
Modification 3 Policy 12	Alter to read:  Development proposals must protect the character and scenic beauty of Cusop Hill and views of it from the Cusop settlement and Parish. The extent of this asset and their directions of views of it for the purpose of this policy are shown on Map 3.	To ensure policy only covers that within the plan area

### 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 Cusop 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 Cusop 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 7 September 2012.

Signed .....



Dated .....4 August 2017.....

**GEOFF HUGHES**

**DIRECTOR FOR ECONOMY, COMMUNITIES & CORPORATE**