

Progression to Examination Decision Document

Review of an Existing Made NDP

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area – Ledbury Neighbourhood Area

Parish /Town Council – Ledbury Town Council

Draft Consultation period (Reg14) – 5 February to 19 March 2022

Submission consultation period (Reg16) – 30 September to 11 November 2022.

Determination

<i>Legal requirement question</i>	<i>Reference to section of the legislation</i>	<i>Did the NDP meet the requirement as state out?</i>
Is the organisation making the area application the relevant body under section 61G (2) of the 1990 Act		Yes
Are all the relevant documentation included within the submission <ul style="list-style-type: none"> • Map showing the area • The Neighbourhood Plan • Consultation Statement • SEA/HRA • Basic Condition statement • Statement outlining the modifications made and reasons • Statement whether changes are considered to be significant 	Reg15	Yes

<i>Legal requirement question</i>	<i>Reference to section of the legislation</i>	<i>Did the NDP meet the requirement as state out?</i>
Does the plan meet the definition of a NDP - 'a plan which sets out policies in relation to the development use of land in the whole or any part of a particular neighbourhood area specified in the plan'	Localism Act 38A (2)	Yes
Does the plan specify the period for which it is to have effect?	2004 Act 38B (1and 2)	Yes
The plan contains no 'excluded development'? <ul style="list-style-type: none"> • County matter • Any operation relating to waste development • National infrastructure project 	1990 61K / Schedule 1	Yes
Does it relates to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the town council undertaken the correct procedures in relation to consultation under Reg14?		Yes
Is this a first time proposal and not a repeat? <ul style="list-style-type: none"> • Has an proposal been refused in the last 2 years or • Has a referendum relating to a similar proposal had been held and • No significant change in national or local strategic policies since the refusal or referendum. 	Schedule 4B para 5	This is a review of a made NDP formally made on 11 January 2019.
Does the town council consider the modifications to be significant or substantial	Neighbourhood Planning Act 2017 2004 Act Schedule A2 Reg15 (1) (f)	The Town Council considers that the material modifications taken as a whole will require a referendum and

<i>Legal requirement question</i>	<i>Reference to section of the legislation</i>	<i>Did the NDP meet the requirement as state out?</i>
		examination of the Plan.

Consideration whether the modifications are substantial or significant to effect the nature of the plan

In line with the definitions within Para 106 of the Planning Practice Guidance an assessment has been undertaken as to the nature of the modifications proposed to the current made NDP.

Table 4 – Local Planning Authority’s consideration of the modifications made.

Type of Modification	Extent of the modifications	LPA consideration of the modification
Minor (non-material) modifications	Those which would not materially affect the policies in the plan. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum	No
Material modifications which do not change the nature of the plan	These would require examination but not a referendum. This might, for example, entail the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan	No
Material modifications which do change the nature of the plan	These would require examination and a referendum. This might, for example, involve allocating significant new sites for development.	Yes

It is agreed that Ledbury Town Council’s assessment that the modifications are significant and substantial to change the nature of the current made plan.