

## Progression to Examination Decision Document

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

Name of Neighbourhood Area – Stoke Lacy Neighbourhood Area

Parish Council – Stoke Lacy Parish Council

Draft Consultation period (Reg14) – 17 January to 7 March 2022

Submission consultation period (Reg16) – 18 May to 29 June 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"> <li>• Map showing the area</li> <li>• The Neighbourhood Plan</li> <li>• Consultation Statement</li> <li>• SEA/HRA</li> <li>• Basic Condition statement</li> </ul>	Reg15	Yes
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"> <li>• County matter</li> <li>• Any operation relating to waste development</li> <li>• National infrastructure project</li> </ul>	1990 61K / Schedule 1	Yes
Does it relation to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the parish 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"> <li>• Has an proposal been refused in the last 2 years or</li> <li>• Has a referendum relating to a similar proposal had been held and</li> <li>• No significant change in national or local strategic policies since the refusal or referendum.</li> </ul>	Schedule 4B para 5	Yes

## Summary of comments received during submission consultation

*Please note the below are summaries of the responses received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.*

Table 1 – comments made by Herefordshire Council departments

Department of Herefordshire Council	Comment made
Strategic Planning	No conformity issues identified. See Appendix 1 for full details
Development Management	Steering group has considered our input from regulation 14. Comments made on additions and request to make definitions clearer.

Department of Herefordshire Council	Comment made
	<p>Some queries regarding some 'unreasonable and controlling' elements of policy SL8 and query over what is included within the remit of the policy.</p> <p>Good to see a householder extensions policy within the policies.</p> <p>SL10 could benefit from re-word it 'to ensure that development to aims to integrate the following, where appropriate to its scale'. Comments on the importance of policy including retention or protection of Employment Land/Commercial Uses is considered a priority.</p> <p>Consideration of Malvern Hills AONB Guidance on use of colour in development could be of use. Think about relevant design codes and biodiversity net gain and boundary lines and how S106 contributions.</p> <p>Comments on the reference to the current Housing Market Area figures and self-build.</p> <p>There is no reference to Wye Valley Brewery or the adjoining Woodend Lane business park and given the settlement has quite a concentration of commercial businesses.</p> <p>It is welcomed that the NDP settlement boundary clearly identifies the extent of Wye Valley Brewery and the business park, and makes this protected employment land.</p> <p>Little is discussed in relation to Barn Conversions and Policy RA3</p> <p>The NDP is close to be quite prescriptive in a lot of places and just needs some refinement on that as it needs to offer opportunity, not just restrictions. Whilst appreciate that this needs to strike a fine balance, one cannot stifle innovation and development altogether.</p>
Environmental Health (contamination)	<p>Site allocation SL9/1: Crossfield House, Stoke Cross indicated in brown on Stoke Cross Policies Map 3B</p> <p>A review of Ordnance survey historical plans indicate the proposed site appears to have had no previous historic potentially contaminative uses.</p>

Table 2 – comments made by statutory consultees

<b>Statutory Consultee</b>	<b>Comment made</b>
Welsh Water / DCWW	No further comments to make from Reg14 stage aside from comments on Policy SL9 now being applicable to Policy SL16.
Coal Authority	No specific comments to make
Historic England	Plan reads as a well-considered, concise and fit for purpose document that Historic England considers is a good example of community led planning.
Environment Agency	<p>Flood Risk: We note that there is a small 2 house site allocated within the Regulation 16 NDP, this allocation has not differed from the Regulation 14 iteration of the NDP.</p> <p>River Wye SAC Catchment: It is noted that Stoke Lacy falls within the River Lugg Sub-catchment and that an AA has been undertaken in light of recent comments from Natural England (NE).</p> <p>The AA correctly confirms that Herefordshire Council are seeking to progress mitigation measures, including integrated wetlands, to assist in the reduction of phosphate levels and with a view to resolving water quality issues within the County, specifically the Lugg Sub-catchment.</p>
National Grid	No assets are currently affected by proposed allocations within the NDP
Sport England	No specific comments to make – general comments regarding national policy.

Table 3 – Comments made by members of the public

<b>Member of the public</b>	<b>Comment made</b>
Zesta Planning on behalf of Lantar Developments Ltd	<p>Considered that the SLNP would not contribute to the achievement of sustainable development as it neglects important social objectives, including the need to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, as set out at NPPF paragraph 8(b).</p> <p>Considered that proviso 1 of Policy SL16 is unnecessary and is not justified. It would not meet the basic conditions requiring neighbourhood plans to have regard to national policy and guidance and be in general conformity with the strategic policies of the Development Plan.</p>

<b>Member of the public</b>	<b>Comment made</b>
	<p>Considered that Policy SL17 is unnecessary and unachievable policy in light of the scale restrictions put in place by Policy SL16 and the very small scale of the plan's only housing allocation (SL16/1 – 2 dwellings).</p> <p>There are concerns over the site selection process, and the identified key views not being based on evidence to support their inclusion in the plan and their role within the site assessment methodology.</p> <p>The proposed allocation for 2 dwellings on a site that has been identified as being suitable to deliver 8 dwellings, would not comprise an efficient use of land. This is in conflict with the adopted Core Strategy and the provisions of the Framework. It is considered that the aspirations of the community and the provisions of Policy</p> <p>SL5 to provide public open space are unrealistic and unachievable in light of the SLNP's prescribed limit on the scale of housing development and its site allocation for just two dwellings.</p> <p>Considered that the proposed settlement boundaries do not facilitate an appropriate level of proportional growth within the plan period and will severely limit any opportunities for even small scale development during the remainder of the plan period. There is concern that this restriction on appropriate future growth will cause the village to stagnate and harm the vitality of its communities. This would conflict with the advice on Rural Housing within the NPPF.</p> <p>Concluded that the SLNP as submitted does not meet the basic conditions, insofar as it would not contribute to the achievement of sustainable development, it does not have sufficient regard to the NPPF and PPG, and is not consistent with the strategic policies of the Core Strategy.</p>

### **Officer appraisal**

All the consultation requirements of Regulation 14 were undertaken by the parish council and all the required documentation was submitted.

This plan has met the requirements of the regulations as set out in the table above. No concern has been raised from internal consultees with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy. The parish has a minimum proportional growth requirement of 24 with 14 commitments, 33 completions and one site allocation (as at April 2022).

The plan includes two settlement boundaries for the identified settlements of Stoke Cross and Stoke Lacy. This takes into account existing commitments and proportional growth requirements of dwellings.

10 representations were received during the submission (Reg16) consultation period. 7 external and 3 from internal service providers at Herefordshire Council. The external consultees had no objections to the plan, and mostly provided general and supportive comments to the plan. 1 Planning Consultancy have raised some concerns about elements of the plan and these can be addressed as part of the examination.

Statutory Consultees have raised no concerns regarding the site allocations or objectives and policies contained in the neighbourhood plan.

Strategic Planning have confirmed that the policies within the plan are in general conformity with the Core Strategy

Overall it is considered that there are no fundamental issues relating to this plan which would prevent its progress to examination.

### **Service Director's comments**

### **Decision under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.**

It is recommended that the Stoke Lacy Neighbourhood Plan **does** progress to examination at this stage.



**Ross Cook**

**Corporate Director – Economy and Environment**

Date: 4 July 2022

## Appendix 1

### Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

Name of NDP: Stoke Lacy Neighbourhood Development Plan - Regulation 16

Date: 28/06/22

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
SL1: Protecting and Enhancing Local Landscape Character and Biodiversity	SD3; SD4; LD1; LD2	Y	
SL2: River Wye Special Area of Conservation (SAC)	SD3; SD4, LD1; LD2; LD3	Y	
SL3: Community Facilities	SC1	Y	
SL4: Local Green Space	SS6; OS3	Y	
SL5: Public Open Space	OS1; OS2; OS3	Y	
SL6: Pattern and Layout of Buildings	SD1; SD2	Y	
SL7: Green Infrastructure	LD3	Y	
SL8: Detailing and Materials	SD1; SD2	Y	
SL9: Conversions, Extensions and Infill	SD1	Y	
SL10: Promoting Innovative and Sustainable Design	SD1; SS1; SS6	Y	

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
SL11: Employment Site	N/A	<b>Y</b>	
SL12: Agricultural buildings and polytunnels requiring planning permission	N/A	<b>Y</b>	
SL13: Proposals for New Renewable Energy Technology Schemes	SD1; SD2	<b>Y</b>	
SL14: Tourism and Rural Enterprise	E4; RA4; RA5; RA6	<b>Y</b>	
SL15: Improving Accessibility and Sustainable Travel	SS4; MT1	<b>Y</b>	
SL16: Development within the Settlement Boundaries	RA2; RA3	<b>Y</b>	
Draft Site Allocation SL16/1: Crossfield House, Stoke Cross	N/A	<b>Y</b>	
SL17: Housing Mix	H3	<b>Y</b>	

**Other comments/conformity issues:**

The plan is in general conformity with the policies of the Core Strategy and Strategic Planning therefore raises no objections to this Regulation 16 NDP.