

Neighbourhood Planning Team

From: Turner, Andrew
Sent: 27 June 2022 16:15
To: Neighbourhood Planning Team
Subject: RE: Stoke Lacy Regulation 16 submission neighbourhood development plan consultation

Follow Up Flag: Follow up
Flag Status: Completed

RE: Stoke Lacy Regulation 16 Neighbourhood Development Plan

Dear Neighbourhood Planning Team,

I refer to the above and would make the following comments with regard to the above proposed development plan.

It is my understanding that you do not require comment on Core Strategy proposals as part of this consultation or comment on sites which are awaiting or have already been granted planning approval.

Having reviewed records readily available, I would advise the following regarding the allocated for housing development for x2 dwellings; site allocation SL9/1: Crossfield House, Stoke Cross indicated in brown on Stoke Cross Policies Map 3B

- A review of Ordnance survey historical plans indicate the proposed site appears to have had no previous historic potentially contaminative uses.

General comments:

Developments such as hospitals, homes and schools may be considered 'sensitive' and as such consideration should be given to risk from contamination notwithstanding any comments. Please note that the above does not constitute a detailed investigation or desk study to consider risk from contamination. Should any information about the former uses of the proposed development areas be available I would recommend they be submitted for consideration as they may change the comments provided.

It should be recognised that contamination is a material planning consideration and is referred to within the NPPF. I would recommend applicants and those involved in the parish plan refer to the pertinent parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development.

Finally it is also worth bearing in mind that the NPPF makes clear that the developer and/or landowner is responsible for securing safe development where a site is affected by contamination.

These comments are provided on the basis that any other developments would be subject to application through the normal planning process.

Kind regards

Andrew



The Coal
Authority



200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Neighbourhood Planning Team
Herefordshire Council

[By Email: neighbourhoodplanning@herefordshire.gov.uk]

14 June 2022

Dear Neighbourhood Planning Team

Stoke Lacy - Neighbourhood Plan (Regulation 16)

Thank you for consulting The Coal Authority on the above.

Having reviewed your document, I confirm that we have no specific comments to make on it.

Should you have any future enquiries please contact a member of Planning and Local Authority Liaison at The Coal Authority using the contact details above.

Yours sincerely

Christopher Telford BSc(Hons) DipTP MRTPI
Principal Development Manager

Neighbourhood Planning Team

From: Ryan Norman <Ryan.Norman@dwrcymru.com>
Sent: 31 May 2022 09:26
To: Neighbourhood Planning Team
Subject: {Disarmed} RE: Stoke Lacy Regulation 16 submission neighbourhood development plan consultation

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Sir/Madam,

Thank you for consulting Welsh Water on the below.

We provided representation to the Regulation 14 consultation, and as such have no further comment to make aside from our comments on Policy SL9 now being applicable to Policy SL16.

If you require any further information, please let me know.

Kind regards,



Ryan Norman

Lead Forward Plans Officer | Developer Services |
Dŵr Cymru Welsh Water

T: 0800 917 2652 | E: 40719 | M: 07557812548

A: PO Box 3146, Cardiff, CF30 0EH



W: dwrcymru.com



E: developer.services@dwrcymru.com

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

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

Date: 28/06/22

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
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	
SL11: Employment Site	N/A	Y	

SL12: Agricultural buildings and polytunnels requiring planning permission	N/A	Y	
SL13: Proposals for New Renewable Energy Technology Schemes	SD1; SD2	Y	
SL14: Tourism and Rural Enterprise	E4; RA4; RA5; RA6	Y	
SL15: Improving Accessibility and Sustainable Travel	SS4; MT1	Y	
SL16: Development within the Settlement Boundaries	RA2; RA3	Y	
Draft Site Allocation SL16/1: Crossfield House, Stoke Cross	N/A	Y	
SL17: Housing Mix	H3	Y	

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.

Herefordshire Council
Forward Planning
PO Box 4
Hereford
Herefordshire
HR4 0XH

Our ref: SV/2022/111226/OT-
01/IS1-L01
Your ref:
Date: 20 June 2022

FAO: James Latham

Dear James

Stoke Lacy Reg 16 Neighbourhood Development Plan

I refer to your email of 18th May 2022 in relation to the Regulation Stoke Lacy Neighbourhood Development Plan (NDP). We have previously provided comment on the Regulation 14 iteration and the associated Appropriate Assessment (AA) Report. As part of the adopted Herefordshire Council Core Strategy updates were made to both the Strategic Flood Risk Assessment (SFRA) and Water Cycle Strategy (WCS). This evidence base ensured that the proposed development in Hereford City, and other strategic sites (Market Towns), was viable and achievable. The updated evidence base did not extend to Rural Parishes at the NDP level so it is important that these subsequent plans offer robust confirmation that development is not impacted by flooding and that there is sufficient waste water infrastructure in place to accommodate growth for the duration of the plan period. Herefordshire Council are shortly to begin the Local Plan review process including updates to the evidence base.

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. To reiterate, we would not, in the absence of specific sites allocated within areas of fluvial flooding, offer a bespoke comment on flood risk at this time. It should be noted that the Flood Map provides an indication of 'fluvial' flood risk only. You are advised to discuss matters relating to surface water (pluvial) flooding with your internal drainage team as the Lead Local Flood Authority (LLFA).

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). As confirmed within the AA document the most significant issue within the River Wye SAC Catchment (included the River Lugg) relates to water quality and the potential impact of policies and site allocations within the NDP's.

We have previously provided comment on similar NDPs' with a view to ensuring a robust submission and that development can be achieved without impact on the integrity of the SAC, primarily within the Lugg Catchment.

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.

It is noted, and welcomed, that the NDP includes a specific Policy section on the River Wye Special Area of Conservation and that Policy SL2 now makes specific reference to impacts on the Catchment, including the need for nutrient neutrality and mitigation measures to secure such. The Phosphate Budget Calculator Tool, and associated guidance, is not referenced in the Policy but is an important tool with regards to the Nutrient Neutrality issues in the Catchment.

In consideration of the above Herefordshire Council should be satisfied, in consultation with NE, as the primary consultation body on this matter, that this approach, including possible mitigation, is a viable and deliverable and that there is a reasonable degree of certainty provided to take forward the sites in the plan.

Yours faithfully

Mr. Matt Bennion
Planning officer

Direct dial 07810 774218

Direct e-mail matthew.bennion@environment-agency.gov.uk



Direct Dial: 0121 625 6887

Our ref: PL00762422

7 June 2022

Dear Mr Hayden

STOKE LACY NEIGHBOURHOOD PLAN- REGULATION 16 CONSULTATION.

Thank you for the invitation to comment on the Stoke Lacy Submission Neighbourhood Plan.

Our previous comments on the Regulation 14 Plan remain entirely relevant that is:

“Historic England is supportive of both the content of the document and the vision and objectives set out in it.

We commend the general emphasis placed upon the maintenance of local distinctiveness and the conservation of landscape character, building upon the findings of the Herefordshire Landscape Character Assessment, including policies for the protection of green space, biodiversity and important views and vistas. We also fully support policies for the conservation of local distinctiveness and the protection of the built environment of the Parish.

The Stoke Lacy Design Guidance and Codes are admirable in their detail providing a context for the Plan that will be of great assistance in ensuring future development respects and reinforces local distinctiveness”.

Overall the plan reads as a well-considered, concise and fit for purpose document that Historic England considers is a good example of community led planning.

I hope you find this advice helpful.

Yours sincerely,

P. Boland.

Peter Boland
Historic Places Advisor



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone 0121 625 6888
HistoricEngland.org.uk



Stoke Lacy NDP regulation 16 consultation response from Development Management – Economy and Environment

Comments from: Josh Bailey (Senior Planning Officer) and Matt Neilson (Planning Officer) – North Team

Introduction

- As an overall comment, the steering group has considered our input from regulation 14 and we welcome a large number of revisions to our previous constructive suggestions.
- A contents page to list the NDP Policies is welcomed.

SL1

- As a positive, the visualisation of Key Public Views helps understand what is valued by the neighbourhood area.
- Is it possible to clearly define what the NDP means by ‘new build’ – is this solely new residential development or all types of development? It seems superfluous for agricultural buildings/residential extensions to accommodate these elements. Furthermore, it would be advised that the majority of elements identified can often form part of detailed landscaping schemes/biodiversity net gain evidence, which is often addressed through condition.

SL2

- Take out the word ‘protect’. The NPPF solely makes reference to conserve and enhance which is more appropriate terminology.
- Delete the last sentence or re-word as it is too prescriptive. The LPA would make such an assessment anyway as the competent authority.

SL3

- No comments to offer

SL4

- No comments to offer

SL5

- Whilst not in the policy, you’ve made reference to saying that explicitly saying to provide facilities for Netherwood when Policy SL2 states that development is not allowed except in very special circumstances.

SL6

- Does the word permeable relate to a dwelling or that of vehicular access construction – needs clarification.
- Is the neighbourhood area likely to have anything of scale to justify all these elements or could it be simplified.
- Point 11 should be deleted/reworded, might want to use the word ‘conserve’.
- Point 12 – advise that Class Q prior approvals are not or would be subject to assessment against the NDP.
- Point 13 – should be reworded to align with paragraph 80 of the NPPF.

SL7

- We have questions over maintenance over some proposed elements e.g. orchards and hop yards, often difficult to enforce.
- Should you consider saying that the request for such details is appropriate to the scale of development e.g. is it reasonable to expect such details for a householder extension that is

very close to falling within permitted development or where permitted development is a theoretical 'fall-back' position.

SL8

- Point 1 – grammatical error 'storey' not story
- Point 1 – need to be aware of Class AA of permitted development, which may allow for enlargement of a dwelling house by construction of additional storeys, subject to prior approval.
- Points 1 and 2 seem unreasonable and controlling
- Point 3 – are you expecting such details on conversions for former agricultural buildings as these would not likely be supported as it would adversely affect the character and appearance of the area.
- Points 1 and 5 seem incongruous with one another, may want to rethink or suggest that innovative designs could be supported, where appropriately evidenced.
- Point 8 seems unreasonable as it is difficult to say or limit a developer/applicant to use local suppliers
- Is it worth omitting point 9 as it should be covered under use of appropriate materials rather than singling it out.
- Points 11, 15 and 16 – how is it possible to encourage variation when point 1 is largely wanting two-storey pitched roofs to be the predominant vernacular?
- Point 17 – paragraph 80 allows for truly outstanding designs, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas and it would be disingenuous to ensure development accords with nearby precedent when paragraph 80 is 'raising the bar' on outstanding design.
- Point 19 – can't be prescriptive on what you want or say, where appropriate.
- Is this policy to also include agricultural buildings/householder extensions/outbuildings?

SL9

- Good to see a householder extensions policy
- Point 1 to be reworded to 'use of appropriate materials'

SL10

- Should you consider saying that the request for such details is appropriate to the scale of development e.g. is it reasonable to expect such details for a householder extension that is very close to falling within permitted development or where permitted development is a theoretical 'fall-back' position
- Please be aware that it is difficult to ensure these elements are implemented. Maybe look to re-word it 'to ensure that development to aims to integrate the following, where appropriate to its scale'
- Many of the elements are unenforceable from a planning perspective and would fall under permitted development.
- Listed Building Consents are covered under their own legislation.

SL11

- It is important that a policy for retention or protection of Employment Land/Commercial Uses is considered a priority
- You may again wish to include appropriate marketing for employment use is a prerequisite for any change of use application away from employment uses.

SL12

- Point 1 – omit 'outlook' as a right to a view is not a material planning consideration unless you are saying that it refers to a 'protected key view'.

- Point 3 – again, being prescriptive, it is more the colour palette that should be referenced.
- Might want to refer to Malvern Hills AONB Guidance on use of colour in development

SL13

No comments to offer

SL14

- What are the relevant design codes?
- Point 3 – there are very few footways and pedestrian friendly spaces across the neighbourhood area and a need to recognise that active modes of travel are not the principle means of accessing nearby services and facilities given its location.
- Point 5 – might want to include odour?

SL15

- Should you consider saying that the request for such details is appropriate to the scale of development e.g. is it reasonable to expect such details for a householder extension that is very close to falling within permitted development or where permitted development is a theoretical 'fall-back' position.
- The likely scale of new residential development in the neighbourhood area is unlikely to get the S106 contributions that could be put towards achieving such measures.

SL16

- What are the relevant design codes?
- May want to consider adding biodiversity net gain

SL16/1

- Allocation boundary line to be re-considered as seems excessive for just 2 no. dwellings, particularly if wanting to keep small-scale.

SL17

- Good to see reference to the current Housing Market Area figures but again, are likely housing schemes in Stoke Lacy going to be of a scale where housing mix is imperative.
- Self-build is a material planning consideration anyway, so no need to automatically specifically in policy as this could lead to applications of a bigger scale of dwellings where self-build is referenced to attempt to override the development plan.

Other points to consider

- A major point was raised that there is no reference to Wye Valley Brewery or the adjoining Woodend Lane business park? This is particularly noteworthy given the settlement has quite a concentration of commercial businesses and that there is was no policy with seek to explore options retain the brewery and business park as employment land, if business operations expand to the point where re-location may be necessary. Given its/ drawn within the settlement boundary for the NDP, are we expecting that if such a commercial use is abandoned, further residential development hereabouts on these sites.
- 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. This allows for the new policy to be separately created to ensure that change of use of protected employment land to residential or other uses would require appropriate marketing prior to being considered for residential use.

- Little is discussed in relation to Barn Conversions and Policy RA3 housing development, which may wish to be explored or incorporated. Given the way the settlement boundary is drawn, windfall development is likely to be a main proportion of housing delivery.
- 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 we appreciate that this needs to strike a fine balance, one cannot stifle innovation and development altogether.

Our Ref: MV/ 15B901605



22 June 2022

Herefordshire Council
neighbourhoodplanning@herefordshire.gov.uk
via email only

Dear Sir / Madam
**Stoke Lacy Neighbourhood Plan Regulation 16 Consultation
May – June 2022
Representations on behalf of National Grid**

National Grid has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

About National Grid

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

Proposed development sites crossed or in close proximity to National Grid assets:

An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines.

National Grid has identified that no assets are currently affected by proposed allocations within the Neighbourhood Plan area.

National Grid provides information in relation to its assets at the website below.

- www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/

Please also see attached information outlining guidance on development close to National Grid infrastructure.



Distribution Networks

Information regarding the electricity distribution network is available at the website below:

www.energynetworks.org.uk

Information regarding the gas distribution network is available by contacting:

plantprotection@cadentgas.com

Further Advice

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets. We would be grateful if you could add our details shown below to your consultation database, if not already included:

Matt Verlander, Director

nationalgrid.uk@avisonyoung.com

Avison Young
Central Square South
Orchard Street
Newcastle upon Tyne
NE1 3AZ

Spencer Jefferies, Town Planner

box.landandacquisitions@nationalgrid.com

National Grid
National Grid House
Warwick Technology Park
Gallows Hill
Warwick, CV34 6DA

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,

Matt Verlander MRTPI

Director

0191 269 0094

matt.verlander@avisonyoung.com

For and on behalf of Avison Young

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's '*Guidelines for Development near pylons and high voltage overhead power lines*' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their '*Guidelines when working near National Grid Electricity Transmission assets*', which can be downloaded here: www.nationalgridet.com/network-and-assets/working-near-our-assets

Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's '*Guidelines when working near National Grid Gas assets*' can be downloaded here: www.nationalgridgas.com/land-and-assets/working-near-our-assets

How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please visit the website: <https://lsbud.co.uk/>

For local planning policy queries, please contact: nationalgrid.uk@avisonyoung.com

Neighbourhood Planning Team

From: Planning Central <Planning.Central@sportengland.org>
Sent: 27 May 2022 09:54
To: Neighbourhood Planning Team
Subject: Herefordshire 2022 Stoke Lacy Neighbourhood Plan

Follow Up Flag: Follow up
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This message originated from outside of Herefordshire Council or Hoople. Please do not click links or open attachments unless you recognise the sender and know the content is safe.

Thank you for consulting Sport England on the above neighbourhood plan.

Government planning policy, within the **National Planning Policy Framework (NPPF)**, identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.

It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 98 and 99. It is also important to be aware of Sport England's statutory consultee role in **protecting playing fields** and the presumption against the loss of playing field land. Sport England's playing fields policy is set out in our Playing Fields Policy and Guidance document.

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Sport England provides guidance on **developing planning policy** for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded.

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 99 of the NPPF, this takes the form of **assessments of need and strategies for indoor and outdoor sports facilities**. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery.

Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work.

<http://www.sportengland.org/planningtoolsandguidance>

If **new or improved sports facilities** are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

Any **new housing** developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or

improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.

In line with the Government’s NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England’s Active Design guidance can be used to help with this when developing planning policies and developing or assessing individual proposals.

Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

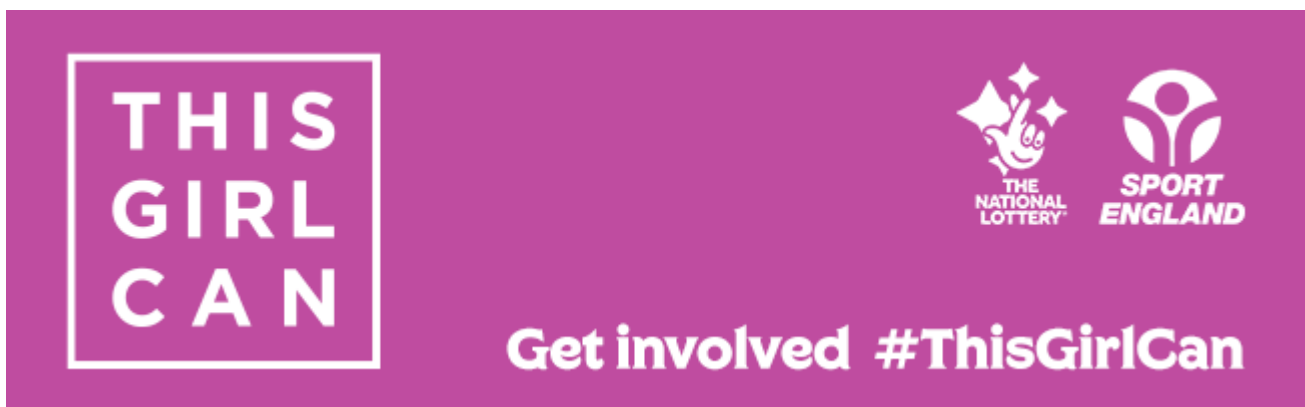
Sport England’s Active Design Guidance: <https://www.sportengland.org/activedesign>

(Please note: this response relates to Sport England’s planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.)

If you need any further advice, please do not hesitate to contact Sport England using the contact details below.

Yours sincerely

Planning Administration Team
Planning.central@sportengland.org



Sport Park, 3 Oakwood Drive, Loughborough, Leicester, LE11 3QF



28 June 2022

Dear Sir/Madam,

Stoke Lacy Neighbourhood Plan: Submission Consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

These representations have been prepared by Zesta Planning on behalf of Lantar Developments Ltd in response to the current consultation on the submission version of the Stoke Lacy Neighbourhood Plan 2021-2031 (SLNP), published pursuant to Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

By way of background, Zesta Planning submitted a representation to the previous Regulation 14 consultation on behalf of Lantar Developments in March 2022. A copy of this representation is attached to this letter at Appendix A.

Our client welcomes the opportunity to provide further comments on the emerging plan and understands that it is this version of the plan that will be subject to examination.

General Legislative Context

In order for a Neighbourhood Plan to be successful at independent examination it must be demonstrated that the plan conforms to the 'basic conditions' as set out within Paragraph 8, Schedule 4B of the Town and Country Planning Act 1990 (as amended).

An Independent Examiner will consider whether the basic conditions are met. The basic conditions applicable to neighbourhood plans are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State
- The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development

- The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority
- The making of the order (or neighbourhood plan) does not breach and is otherwise compatible with EU obligations
- prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan)

National Policy

Neighbourhood Plans must have regard to the provisions of the National Planning Policy Framework 2021, (the Framework). Paragraph 13 of the Framework sets out that the application of the presumption in favour of sustainable development (Paragraph 11), has implications for the way communities engage in neighbourhood planning:

‘Neighbourhood Plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.’

Paragraph 18 of the Framework notes that Local Plans should address strategic and non-strategic matters, with neighbourhood plans covering just non-strategic policies.

Paragraph 29 notes that Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

The Planning Practice Guidance (PPG) notes that neighbourhood plan policies should be clear and unambiguous and supported by appropriate evidence. Paragraph 40 of the PPG notes: ‘While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.’

Neighbourhood Plans should be in general conformity with the strategic policies contained within the adopted development plan. The adopted development plan for the area is the Herefordshire Local Plan Core Strategy 2011-2031.

Affordable Housing Delivery

Objective 7 of the draft SLNP sets out the objective to ensure the availability of affordable property for the younger generation and suitable property for an aging population. The need for affordable housing and housing mix is also highlighted at paragraphs 9.22-9.28. This identifies that concerns have been raised that there were no affordable rental properties for local families, with the majority of the Parish's housing stock comprising of larger, detached houses in owner occupation. The draft plan also notes that in Bromyard HMA, affordable housing delivery is below average, with 17% of completions providing affordable housing, below the county average of 23%.

The Issues and Options paper (V3) highlights the need for affordable housing, and notes that upon allocating sites, this must be considered.

'In order to provide a contribution towards affordable housing provision as part of local housing developments, Stoke Lacy NDP would have to support larger schemes of 11 or more houses, for example through site allocations. Otherwise affordable housing schemes ('exception housing') outside the settlement boundaries in the countryside may be acceptable under rural area policies in the Core Strategy – although access to local services and facilities would be more limited in these areas. This will be an important consideration when decisions are made about site allocations.'

Clearly, there is an identified need for affordable homes within Stoke Lacy and Bromyard, and this is a clear objective of the SLNP. However, there is no provision to deliver affordable homes through the plan, other than through potential rural exception schemes that may or may not come forward.

Housing Policy SL16 supports new dwellings within the settlement boundary that are small in scale, noting that this should comprise 1-3 houses, or up to 5 houses where the proposal can demonstrate high quality design. The SLNP does allocate one site for new housing development (SL16/1), although the capacity of this is limited to 2 dwellings, with paragraph 9.21 of the plan stating that the landowners

have confirmed their intention for the site to be developed for two, low-density, detached, self-build properties with garden areas to include suitable space for play, and fruit and vegetable growing.

The restrictions on the size of new developments put in place by Policy SL16 and the very small size of the proposed site allocation would act to prevent the delivery of affordable housing as, under Policy H1 of the Herefordshire Core Strategy, the provision of affordable housing is only required for proposals of more than 10 dwellings. It is understood that Stoke Lacy Parish is a 'designated rural area', but the NDP does not set a lower threshold of 5 units or lower, nor has this been done in the Herefordshire Core Strategy.

It is therefore considered that the SLNP is unable to deliver upon its objectives and, unless further amendments are made to the plan, it is likely that its unbalanced housing profile will continue to persist. This threatens the sustainability and vitality of its communities, with younger residents and those seeking to buy their first home being forced to move out of the parish. It would also prevent the creation of mixed and inclusive communities, with the continued lack of affordable, rental properties meaning that only those that can afford to buy their own home are able to live in the parish. Indeed, the proposed site allocation appears to be predicated upon higher value, self-build housing that would only be available to those who can afford to pursue this type of opportunity.

It is considered therefore that the SLNP has not had sufficient regard to NPPF paragraph 78 which advises that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. The NDP is also inconsistent with NPPF paragraph 62 which states that the type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including (inter alia) those who require affordable housing and people who rent their homes).

It is also 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).

On the above basis, it is our position that the SLNP does not meet the basic conditions.

Finally it is noted that the SLNP plan period is 2022-2031, therefore the objectives of the Plan to ensure the delivery of affordable homes should apply to this time period, and not take into account previously approved developments prior to the plan period. The development of 28 houses in Woodland View, Stoke Cross referred to at paragraph 9.4 of the plan would not therefore contribute to the objectives of the plan as it was completed in 2019.

To resolve this objection and ensure the SLNP meets the basic conditions and is thus successful at examination and can proceed to referendum, it is suggested that the plan needs to include further housing allocations over and above the 2 dwellings allocated at SL16/1. In order to achieve the SLNP's objective of ensuring the availability of affordable property for the younger generation, such allocations would need to have a capacity of 11 dwellings or more so to ensure affordable housing is provided in accordance with Policy H1 of the Core Strategy. Further suggestions are made on this matter at pages 12 to 14 of this representation.

Housing Policies

Our comments in relation to the housing policies of the plan are set out below.

Policy SL16: Development within the settlement boundaries

The first proviso within this policy requires that proposals should be small in scale, and defines this as developments of 1-3 houses, or up to 5 houses where the proposal can demonstrate high quality design which responds positively to the local context, Design Codes and design policies in the NDP.

There are a number of concerns over the wording of this policy and its implications for future development.

Firstly, the limits on the scale of development within this policy are arbitrarily based and are too prescriptive. There is not considered to be any justification for placing specific limits on the scale of development on sites within a settlement boundary. Indeed, Policy RA2 of the Core Strategy states that sustainable housing growth will be supported in or adjacent to the settlements identified within the policy.

Stoke Lacy/Stoke Cross is identified at figure 4.14 as a settlement which will be the main focus of proportionate housing development. Policy RA2 goes on to state that housing proposals must be of a design and layout that reflects the size, role and function of each settlement. As such, there is already a policy requirement within the Development Plan for proposals at Stoke Lacy/Stoke Cross to be appropriate to the size and nature of each settlement.

Secondly, it is noted that the scale restrictions within the first proviso of the policy are justified are required to protect local landscape character and setting. However, this is not supported with any evidence. There has been no landscape assessment which concludes that development should be limited to such a number and there are no landscape designations that would justify such a restriction.

This would be in conflict with the PPG on Neighbourhood Planning which states that any neighbourhood plan policies on the size or type of housing required will need to be informed by the evidence prepared to support relevant strategic policies, supplemented where necessary by locally-produced information Paragraph: 103 Reference ID: 41-103-20190509.

Furthermore, sites within a settlement boundary are far more capable of being developed without causing unacceptable harm to the landscape due to their visual association with the built up area. Placing a prescribed limit on the scale of development within settlement boundaries is not therefore justified for landscape protection reasons. It is also considered that the scale restriction would be equivalent to the level of protection afforded to settlements within the Green Belt, whereby only limited infilling is appropriate having regard to paragraph 149 of the NPPF. Moreover, this prescribed limit would stifle appropriate opportunities for development in the villages through, for example, the redevelopment of previously developed land. This would be in conflict with NPPF paragraph 120(c) which states that planning policies should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

Finally, it is considered that the first proviso of Policy SL16 is not in conformity with strategic policies of Development Plan as it contains a more restrictive approach to development to Policy RA2 of the Core Strategy. Policy SL16 only allows new housing within the relatively tightly drawn settlement boundaries for Stoke Lacy and Stoke Cross whereas Policy RA2 supports sustainable housing growth in or adjacent to settlements. As such, it is considered that the first proviso of Policy

SL16 would undermine the strategic policies of the Development Plan and would therefore be inconsistent with paragraph 29 of the NPPF.

On the above basis, it is considered that proviso 1 of Policy SL16 is unnecessary and is not justified. Moreover, 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. To resolve this objection, it is recommended that the prescribed limit on the scale of new housing is deleted and instead the policy should require that proposals are of a scale that is proportionate to the size, role and function of the settlement, and appropriate having regard to the prevailing density of existing development, the character of the settlement and its landscape setting.

Policy SL17: Housing Mix

This requires that new residential development should demonstrate how it contributes to a suitable mix of tenure, type and size of dwelling across the Neighbourhood Area. It states that proposals should demonstrate how they respond to local needs for medium sized family housing (up to three bedrooms) with gardens, starter homes of two bedrooms, and housing designed for older people.

It is considered that is a somewhat unnecessary and unachievable policy in light of the scale restrictions put in place by SL16 and the very small scale of the plan's only housing allocation (SL16/1 – 2 dwellings). Small scale infill proposals of up to 5 houses and a site allocation for 2 houses are highly unlikely to be able to provide any meaningful mix of sizes and tenures and, indeed, requiring such proposals to provide a mix can often render them unviable and undeliverable. Furthermore, the policy aspiration to deliver starter homes and specialist housing for older people as part of a mix, whilst supported in principle, is considered to be unrealistic and undeliverable in light of the restrictions placed on the scale of new developments, due to the lower returns and higher build costs associated with these types of housing.

Policy SL17 would also not be in conformity with H3 of the Core Strategy which only expects developments to provide a range of house types and sizes and provision for younger people/specialist housing for older people where they involve housing on larger sites of more than 50 dwellings.

It is therefore considered that Policy SL17 should be deleted unless further changes can be made to the plan, including the deletion of the scale restrictions at Policy SL16 and the inclusion of further housing allocations with a capacity of 11 dwellings or more so to ensure affordable housing and an appropriate housing mix.

Key Public Views

Figure 1 of the draft SLNP identifies seven key public views, which are noted as being identified by the Steering Group. Policy SL1 notes that these views should be respected in accordance with Design Code 3, noting that a Landscape Visual Impact Assessment (or similar) should be carried out to ensure schemes are designed sensitively to mitigate adverse impacts.

Our concerns over the key views identified within the plan are as follows. Firstly, there is no evidence as to why these key views are important and thus worthy of additional protection. Within the survey results response regarding the key views, the question posed was 'do you support the key views identified by the Steering Group?' with the options, yes, no and not answered. Although there was support within the community for the protection of the key views identified by the steering group, this does not amount to evidence justifying their protection.

Secondly, it is noted that the key views formed an important part of the site assessment and selection process set out within the site selection documents (AECOM, February 2021 and November 2021). As there is no evidence to justify the inclusion of these key views, they should not be used as a reason for dismissing a site as part of the site assessment process. The site assessment criteria is not therefore based on appropriate and robust evidence. As noted within the Neighbourhood Planning PPG, paragraph 40, proportionate, robust evidence should support the choices made and approach taken.

We therefore conclude that the site assessment evidence must be revisited, and proviso 7 of Policy SL1 should be deleted. This approach is consistent with the Examiner's conclusions following the examination of the Peterchurch Neighbourhood Plan (Herefordshire). At paragraph 105 of the report of R J Bryan MRTPI, in relation to a Landscape policy within that plan which sought to maintain and limit impacts on views of the Black Mountains, the examiner concluded that:

“Criteria g. refers to maintaining and limiting impact on views of the Black Mountains. It is not clear why the views of the Black Mountains have been singled out or how the policy would operate in practice. It implies that other views not referred to are of lesser or even no importance. The protection of views is difficult to justify in planning terms unless they are defined and based on evidence. I recommend therefore that this criteria be deleted as it does not conform to the NPPG guidance that policies “should be concise, precise and supported by appropriate evidence”.”

An extract from the Peterchurch Neighbourhood Plan Examiners Report is attached to this representation at Appendix B.

The Site Selection Process

The site options and assessment document (AECOM, 2021) notes that the site selection process should be based on:

- The findings of the site assessment
- Discussions with the Planning Authority
- The extent to which the sites support the vision and objectives for the NP
- The potential for the sites to meet the identified infrastructure needs of the community
- Engagement with key stakeholders and;
- Neighbourhood plan conformity with strategic local plan policy.

The SLNP allocates one site for residential development: SL16/1. The site assessment matrix notes an indicative capacity of 8 dwellings. However, the site is allocated for two dwellings as the site owners indicated it would be brought forward for two dwellings.

The allocation of the site for 2 dwellings, which is capable of delivering 8, would not comprise an efficient use of land or sustainable development. This allocation is therefore in conflict with Policy SD1 of the Core Strategy (Sustainable Design and Energy Efficiency), and as such it is considered that the basic conditions have not been met.

Furthermore, Objective 4 of the SLNP notes that design codes should be used to ensure land is used efficiently. Clearly, the proposed allocation at SL16/1 would not comprise an efficient use of land and is therefore in conflict with Objective 4 of the SLNP.

It is also important to note is that the Herefordshire Local Plan is currently under review. The Neighbourhood Planning PPG (Paragraph: 009 Reference ID: 41-009-20190509) indicates that the allocation of reserve sites can help address emerging evidence of housing need and ensure policies in neighbourhood plans are not overridden by new local plans. Whilst there is no obligation for a NP to do this, given that the SLNP only includes an allocation of two dwellings and tightly drawn settlement boundaries with a restriction on the scale of development, the draft plan does not appear to make provision for the future. The draft SLNP is not proactive and is likely to become out of date very quickly following its making.

Delivery of Public Open Space

Policy SL5: Public Open Space supports proposals for new public open spaces to meet local recreational and community needs, with the preceding text to the policy (paragraph 5.27) encouraging developers to include contributions to help provide a suitable new space for the benefit of local people.

Paragraph 5.25 states that the responses to the Issues and Options showed that there was strong support for the provision of a new public open space in the Parish with 88% (57 respondents) agreeing that this should be included in the NDP, if sufficient funding could be identified and secured.

It is however considered that the aspirations of the community and the provisions of Policy SL5 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. Such small scale developments are clearly unable to deliver public open space on site or involve developer financial contributions to fund the provision of a new public open space.

Development Boundary Selection

Herefordshire Council's published guidance on drawing development boundaries for neighbourhood plans notes that a clear set of criteria should be used when

defining a settlement boundary. This includes taking into account physical features, line of communication, recent development and important amenity areas. This notes that settlement boundaries should be drawn to facilitate an appropriate level of proportional growth within the plan period.

The settlement boundaries within the SLNP are drawn fairly tightly around the existing built form, and thus provide very limited opportunities for the future development required to sustain the vitality of the parish's communities. Although it is noted that the Stoke Lacy settlement boundary includes an open area adjacent to the A465, this relates to the rear garden of a domestic properties and there is no guarantee that it would come forward for new development. Moreover, this area is within the village's Conservation Area, contains significant mature trees (which are protected by virtue of their location in a Conservation Area) and is considered to make a positive contribution to the character and appearance of the Conservation Area in its open, undeveloped state. It is therefore considered unlikely that this area would be suitable for new development. It is also noted that the Stoke Lacy settlement boundary has been expanded to include an undeveloped area to the rear of a residential property off Herb Lane. This area is however densely wooded and is shown on the Environment Agency Flood Map to be located in Flood Zone 2. It is therefore considered unlikely to be suitable for new development.

As such it is considered that the 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.

To resolve this objection it is recommended that either the settlement boundaries within the plan are widened to enable appropriate opportunities for new housing development during the remainder of the plan period, or that Policy SL16 is amended to state that support will be given to appropriate opportunities for new housing on sites adjacent to the settlement boundary. This will ensure that the policy is in conformity with Policy RA2 of the Core Strategy.

Alternative Site: Land at Stoke Cross

As part of the call for sites process, we submitted 'Site 13' on behalf of our clients. This site could deliver 20 dwellings, including 8 affordable homes, public open space and additional footpath connections.

The site location (outlined in red) is shown at Figure 1 below:

Figure 1 - Land north of A465, Stoke Cross



An application for 20 dwellings on the site was submitted and refused. Within the Officer's report it was noted that the principle of development is acceptable, with no objection to the site's location.

'it is considered the proposal, in principle, is an acceptable location for development'

The Council's Landscape Officer supported the scheme, noting the landscape mitigation, landscape provision and response to local landscape references. The

Council's concerns related to the design approach, but noted that these could have been mitigated through design amendments. We are confident that the Council's concerns can be satisfactorily addressed through design amendments. The only outstanding objections are therefore related to foul drainage and its impact on the River Lugg SAC (via phosphate pollution). This is however an area wide issue that is holding back the delivery of thousands of new homes in the county. It is not specific or unique to this particular site. Moreover, a solution to the issue is being actively pursued by Herefordshire Council, with mitigation proposed in the form of integrated wetland sites with an associated scheme in progress for phosphate credits that can be purchased by developers to offset impacts. This issue is therefore considered to be temporary in nature and should not prevent the allocation of this site within the SLNP.

The site is not subject to any designations and is considered to relate well to the built up area of the village due to the effect of the new development to the south. The plan at Figure 2 below shows the developable area of the site and demonstrates that the proposed development would extend no further than the existing built extent of Stoke Cross. The site is considered to represent a logical 'squaring off' of the village. Furthermore, the proposal can deliver much needed affordable housing within the village and will help to sustain the vitality of its communities and achieve the plan's objective to sustain age diversity in the community through affordable housing products such as First Homes. It also provides areas of public open space for use by the wider community and would help achieve the aim of Policy SL5.

Figure 2 – Developable area - Land north of A465, Stoke Cross



The original site submission form is provided with this representation at Appendix A.

Conclusion

In summary, it is 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).

It is 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.

It is 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).

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.

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 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.

It is 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.

Overall, it is 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.

Yours faithfully

Matt Tyas MSc MRTPI
Principal Planner

APPENDIX A

Representation by Lantar Developments Ltd to Reg 14 SLNP consultation (March 2022)

Stoke Lacy Draft NDP (v6A) – Response & feedback form

Public Consultation Mon 17th Jan 2022 to 5pm Mon 7th Mar 2022

Name	Zesta Planning, on behalf of Lantar Developments Ltd.
Organisation	
Address	
Email	applications@zestaplanning.co.uk
Tel. No.	

Data Protection - please indicate your choice with a tick

I do consent to my contact details being provided to Herefordshire Council so that they can keep me informed about the next stages in the NDP process.	<input checked="" type="checkbox"/>
I do not consent to my contact details being provided to Herefordshire Council	<input type="checkbox"/>

Please indicate whether you support or object each of the following and provide any comments or suggestions to explain how you think the NDP Review may be improved.

Policy Number	Support (Please Tick <input type="checkbox"/>)	Object (Please Tick <input type="checkbox"/>)	Comment
Draft Vision			Please see attached letter for our comments on the Stoke Lacy Neighbourhood Plan.
Draft Objective 1.			
Draft Objective 2.			
Draft Objective 3.			
Draft Objective 4.			
Draft Objective 5.			
Draft Objective 6.			

03 March 2022

Dear Sir/Madam,

Stoke Lacy Neighbourhood Plan: Pre-submission Consultation under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

These representations have been prepared by Zesta Planning on behalf of Lantar Developments Ltd in response to the current pre-submission consultation of the draft Stoke Lacy Neighbourhood Plan 2022-2031 (SLNP), published pursuant to Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Our client welcomes the opportunity to provide comments on the current draft.

General Legislative Context

In order for a Neighbourhood Plan to be successful at independent examination it must be demonstrated that the plan conforms to the 'basic conditions' as set out within Paragraph 8, Schedule 4B of the Town and Country Planning Act 1990 (as amended).

An Independent Examiner will consider whether the basic conditions are met;

- Have regard to national policies and advice and be in general conformity with the strategic policies contained within the adopted development plan
- Have special regard to the desirability of preserving any listed buildings and their settings or any special architectural or historic interest that it possesses and conservation areas.
- Contribute to the achievement of sustainable development,
- There should be no breach and is otherwise compatible with EU obligations.

National Policy

Neighbourhood Plans must be in conformity with the provisions of the National Planning Policy Framework 2021, (the Framework). Paragraph 13 of the Framework sets out that the application of the presumption in favour of sustainable development (Paragraph 11), has implications for the way communities engage in neighbourhood planning.

'Neighbourhood Plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.'

Paragraph 18 of the Framework notes that Local Plans should address strategic and non-strategic matters, with neighbourhood plans covering just non-strategic policies.

Paragraph 29 notes that Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

The Planning Practice Guidance (PPG) notes that neighbourhood plan policies should be clear and unambiguous and supported by appropriate evidence. Paragraph 40 of the PPG notes: 'While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.'

Neighbourhood Plans should be in general conformity with the strategic policies contained within the adopted development plan. The adopted development plan for the area is the Herefordshire Local Plan Core Strategy 2011-2031.

Affordable Housing Delivery

Objective 7 of the draft SLNP sets out the objective to ensure the availability of affordable property for the younger generation and suitable property for an aging population. The need for affordable housing and housing mix is also highlighted at paragraphs 9.22-9.31. This identifies that concerns have been raised that there were no affordable rental properties for local families. The draft plan notes that in Bromyard HMA, affordable housing delivery is below average, with 17% of completions providing affordable housing, below the county average of 23%.

The Issues and Options paper (V3) highlights the need for affordable housing, and notes that upon allocating sites, this must be considered.

'In order to provide a contribution towards affordable housing provision as part of local housing developments, Stoke Lacy NDP would have to support larger schemes of 11 or more houses, for example through site allocations. Otherwise affordable housing schemes ('exception housing') outside the settlement boundaries in the countryside may be acceptable under rural area policies in the Core Strategy – although access to local services and facilities would be more limited in these areas. This will be an important consideration when decisions are made about site allocations.'

Clearly, there is an identified need for affordable homes within Stoke Lacy and Bromyard, and this is a clear Objective of the NP. However, there is no provision to deliver affordable

homes other than through potential rural exception schemes that might come forward. Housing Policy SL9 supports new dwellings within the settlement boundary that are small in scale, noting that this should comprise 1-3 dwellings 'or slightly more'. As such, there would be no mechanism to deliver affordable homes within Stoke Lacy as the size of development would not be required to provide affordable dwellings.

Furthermore, the Issues and Options draft highlighted the importance of affordable housing delivery in determining site allocations. However, the site options and assessment document (AECOM, February 2021) does not consider the potential to deliver affordable housing. In order to meet the objectives of the draft NDP, delivery of affordable units should have been considered at the site selection phase.

The neighbourhood development plan period is 2022-2031, therefore the objectives of the Plan to ensure the delivery of affordable homes should apply to this time period, and not take into account previously approved development prior to the plan period.

Housing Policy

Policy SL9 sets out that proposals should be small in scale, and define this as developments of 1-3 houses, or 'slightly more'. Firstly 'slightly more' is incredibly subjective and there seems to be no explanation of what this means, this is not clear for the decision maker.

Secondly, the limit of residential development to 1-3 houses is justified within the policy as a requirement to protect landscape character. However, this is not supported with any evidence. There has been no landscape assessment which concludes that development should be limited to such a number, there are no landscape designations. Furthermore, sites within a settlement boundary are far more capable of being developed without causing unacceptable harm to the landscape due to their visual association with the built up area. Placing a prescribed limit on the scale of development within settlement boundaries is not therefore justified. This would be equivalent to the level of protection afforded to settlements within the Green Belt which is not the case here. Moreover, this prescribed limit would stifle appropriate opportunities for development in the villages through, for example, the redevelopment of previously developed land.

The draft SLNP notes that 'residents are concerned that developments should be small in scale and infill, rather than comprising major development.' This refers to the Framework definition of major development; comprising 10 or more dwellings or over 0.5ha. There is no clear evidence or justification to limiting development to 1-3 'or slightly more' dwellings.

Policy RA2 of the Core Strategy notes that development will be supported in Stoke Lacy/Stoke Cross (figure 4.14 of the Core Strategy). The policy states that housing proposals must be of a design and layout that reflects the size, role and function of each settlement. As such, there is already a policy requirement that a development must be of an appropriate size. Draft SLNP Policy SL9 goes further than Policy RA2, but does not provide any justification for the size restriction other than local survey responses.

It is

There is already a mechanism within the Core Strategy for development to be appropriate to the settlement, as such, it is considered that Draft Policy SL9 is not necessary nor based on evidence; thus is not appropriate. To resolve this objection, it is recommended that the prescribed limit on the scale of new housing is deleted and instead the policy should require that proposals are of a scale that is proportionate to the size, role and function of the settlement, and appropriate having regard to the prevailing density of existing development, the character of the settlement and its landscape setting.

Locally Important Views

Figure 1 of the draft SLNP identifies six key public views, which are noted as being identified by the Steering Group. Policy SL1 notes that these views should be respected in accordance with Design Code 3, noting that a Landscape Visual Impact Assessment (or similar) should be carried out to ensure schemes are designed sensitively to mitigate adverse impacts.

The draft policy acknowledges the assessment of landscape sensitivity is to be determined by the developer. Firstly, there is no evidence that these key views are important, there is no landscape appraisal or robust evidence which sets out why these views are considered as important, or indeed set out any reason as to why these views should warrant additional protection. Given that the assessment of sensitivity is the responsibility of the developer, we question the purpose of designating key views. If these views are so key, why is there no evidence to support this?

Within the survey results response, regarding the key views, the question posed was 'do you support the key views identified by the Steering Group?' with the options, yes, no and not answered. Notwithstanding the lack of evidence to support the identified key views, there was no appropriate opportunity for the community to provide comments on what were considered key views and why.

These key views formed an important part of the site assessment and selection process. Within the site selection document, it is noted that the assessment of landscape and visual constraints should be answered based on existing evidence or by a qualified landscape consultant. There is no evidence for these key views, and the use of this as part of the site

assessment is inappropriate. The site assessment criteria is not based on appropriate or indeed any robust evidence. As noted within the PPG, paragraph 40, proportionate, robust evidence should support the choices made and approach taken. We therefore conclude that this evidence must be revisited.

This approach is in line with an Examiner's conclusion during the examination of the Peterchurch Neighbourhood Plan. Please see extract below:

105.Criteria g. refers to maintaining and limiting impact on views of the Black Mountains. It is not clear why the views of the Black Mountains have been singled out or how the policy would operate in practice. It implies that other views not referred to are of lesser or even no importance. The protection of views is difficult to justify in planning terms unless they are defined and based on evidence. I recommend therefore that this criteria be deleted as it does not conform to the NPPG guidance¹⁰ that policies "should be concise, precise and supported by appropriate evidence".

The Site Selection Process

The site options and assessment document notes that the site selection process should be based on:

- The findings of the site assessment
- Discussions with the Planning Authority
- The extent to which the sites support the vision and objectives for the NP
- The potential for the sites to meet the identified infrastructure needs of the community
- Engagement with key stakeholders and;
- Neighbourhood plan conformity with strategic local plan policy.

The draft SLNP allocates one site for residential development: SL9/1. The site assessment matrix notes an indicative capacity of 8 dwellings. However, the site is allocated for two dwellings as the site owners indicated it would be brought forward for two dwellings.

In accordance with draft Policy SL9, the size of residential development within settlement boundaries would be limited to 1-3 or 'slightly more'. There would be no mechanism to deliver a larger development on site. The allocation of the site for 2 dwellings, which is capable of delivering 8, would not comprise an efficient use of land or sustainable development. This draft allocation is in conflict with Policy SD1 of the Core Strategy, as such, the basic conditions have not been met.

In addition Objective 4 notes that design codes should be used to ensure land is used efficiently. Clearly, this proposed allocation would not comprise an efficient use of land and is therefore in conflict with Objective 4 of the SLNP

There is no evidence that the sites have been assessed for their potential to meet the identified infrastructure needs of the community. The allocated site does not support the vision and objectives for the NP. Therefore, the site selection process is not robust or based on appropriate evidence.

Also important to note is that the Herefordshire Local Plan is currently under review. The PPG indicates that the allocation of reserve sites can help address emerging evidence of housing need and ensure policies in neighbourhood plans are not overridden by new local plans. Whilst there is no obligation for a NP to do this, given there is an allocation of two dwellings and very tightly drawn settlement boundaries, the draft plan does not seem to make provision for the future. The draft SLNP is not proactive and is likely to be out of date very quickly.

Delivery of Benefits

Objective 1, 2, 3 and 6 of the draft SLNP seek benefits to be provided; accessibility, support local facilities, public open space, landscape enhancements etc. However, there is no tangible mechanism to deliver benefits. Development of a scale that would deliver benefits by way of developer contributions is precluded. Draft Policy SL3: Public Open Space supports new public open spaces and the preceding text notes that there was strong support for the provision of new public space within the Parish (88% support). Paragraph 5.26 of the draft SLNP sets out that the Parish encourages developers to include contributions to help provide a suitable new space for the benefit of local people. There is a reference to Policy OS1 of the Core Strategy which sets out that the provision of appropriate open space will arise in applications for new dwellings, retail and employment proposals where there is a need to provide informal areas of amenity green space as well as residential institutions, student accommodation, assembly and leisure, hotels or hostels.

The following text for Policy OS1 notes that the need for such spaces will be considered on a site by site basis. Clearly, the draft SLNP's prescribed limit on the scale of housing development and the allocation for two dwellings would be highly unlikely to deliver the enhancements that are outlined within the Objectives or the preceding text of draft Policy SL3. We therefore conclude that the proposed policies do not meet the objectives of the draft SLNP.

Development Boundary Selection

Herefordshire Council's published guidance on drawing development boundaries for neighbourhood plans notes that a clear set of criteria should be used when defining a settlement boundary. This includes taking into account physical features, line of communication, recent development and important amenity areas. This notes that

settlement boundaries should be drawn to facilitate an appropriate level of proportional growth within the plan period.

The settlement boundaries are drawn very tightly around the existing built form, there is no opportunity for development and cannot be considered as positively prepared.

Within the consultation for the proposed settlement boundaries, two options were presented – labelled as a ‘looser option’ and a ‘tightly drawn option’, the ‘tightly drawn’ option received the landslide vote. The proposed settlement boundary reflects the consultation responses, however the boundaries do not facilitate an appropriate level of proportional growth within the plan period, as noted as important within the Council’s guidance. This 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 growth will cause the village to stagnate and harm the vitality of its community. This would conflict with the advice on Rural Housing within the NPPF.

Policy RA2 of the Core Strategy notes that housing growth will be supported in or adjacent to identified settlements; including Stoke Lacy/Stoke Cross. This acknowledges that this will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of local communities.

Draft Policy SL9 of the SLNP supports residential development within settlement boundaries, with the preceding text noting that the aim of the policy is to guide new housing development within the settlement boundaries. Alongside the tightly drawn boundaries, this Policy is not delivering the aims of Policy RA2.

It is recommended that either the settlement boundaries within the plan are widened to enable appropriate opportunities for new housing development during the remainder of the plan period, or that Policy SL9 is amended to state that support will be given to appropriate opportunities for new housing on sites adjacent to the settlement boundary. This will ensure that the policy is in conformity with Policy RA2 of the Core Strategy.

Alternative Site: Land at Stoke Lacy

As part of the call for sites process, we submitted ‘Site 13’ on behalf of our clients. This site could deliver 20 dwellings, including 8 affordable homes, public open space and additional footpath connections.

An application for 20 dwellings on the site was submitted and refused. Within the Officer’s report it was noted that the principle of development is acceptable, with no objection to the site’s location.

'it is considered the proposal, in principle, is an acceptable location for development'

The Council's Landscape Officer supported the scheme, noting the landscape mitigation, landscape provision and response to local landscape references. The Council's concerns related to the design approach, but noted that these could have been mitigated through design amendments. We are confident that the Council's comments can be easily addressed through design amendments. The only remaining objection is related to drainage and impact on the HRA. As noted within the appropriate assessment, once mitigation and avoidance measures have been taken into account, there will not be a significant effect on the integrity of the River Wye (including River Lugg) SAC.

We have included the original site submission form and red line plan at Appendix 1

Conclusion

In summary, it is considered that the site selection process is inappropriate and is not based on evidence. The identified key views have no evidence to support their inclusion and their role within the site assessment method is inappropriate.

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. The site assessment process is not appropriate and there has been no consideration of the potential to meet the identified infrastructure needs or provide affordable homes. The policies are not in accordance with the SLNP objectives or the need identified within the HMA of Bromyard.

As such, it is concluded that the draft SLNP does not meet the basic conditions, so far as it is not consistent with the Core Strategy and provisions of the Framework and would not contribute to the achievement of sustainable development.

Yours sincerely

Bex Verhaeg MRTPI
Senior Planner

Stoke Lacy Neighbourhood Development Plan (NDP)

Call for Sites - Site Submission Form

Stoke Lacy Parish Council is looking at the potential availability of land for future housing development. This exercise is being undertaken as part of the preparation of the Stoke Lacy Neighbourhood Development Plan. Please complete this form to propose possible sites for consideration by the Parish Council. Not all sites will be considered necessary or acceptable.

Please use a separate form for each site and complete the form to the best of your knowledge. Only sites within the Neighbourhood Area should be included, and preferably sites should adjoin, or be within the built up areas, of Stoke Cross and Stoke Lacy as these are identified in the adopted Herefordshire Core Strategy as '*settlements which will be the main focus of proportionate housing development*'. A plan of the Neighbourhood Area can be seen at <https://www.stokelacy.co.uk>

Sites submitted to the Parish Council will be in the public domain and the information given will not be treated as confidential.

A clear map showing the exact site location and boundary marked in red (preferably using an OS base) must be submitted with this form.

YOUR DETAILS:

Title:..... **Name:**.....
Organisation/company: (If applicable).....
Address:.....
.....
Postcode:..... **Tel No**..... **Email:**.....

AGENT'S DETAILS: (if applicable)

Agent's Name: James Griffin.....
Address: Zesta Planning.....
The Site, 24 Chosen View Road, Cheltenham, GL51 9LT.....
Postcode:..... **Tel No** 07841707062..... **Email:** applications@zestaplanning.co.uk.....

1. Site Information

Site address: Land North of A465, Stoke Lacy, Herefordshire

OS Grid reference:

Site area: 1.0 ha (approximately)

What is your interest in the land? (e.g. landowner, potential developer) Planning Consultant, representing land promoter and developer

2. Site Description

Previous use:

Existing use: Agricultural Field

Proposed use:

(Please tick the appropriate box)

Housing

Employment

Other (please specify)

Site description: The site is approximately 1ha in size and is located between the A465 in the south and the C1116 in the north. The site is within the village of Stoke Cross/Stoke Lacy and is adjacent to existing built form within the village.

3. Timescales

Awaiting relocation of existing use:

Likely timeframe for development:

(Please tick the appropriate box)

0-5 years

6-10 years

11-15 years

16-20 years

4. Site Details

Access to an adopted highway (please describe): Access could be achieved off A465

Vegetation on the site (e.g. trees, hedgerows): Boundary hedgerow, could be retained

Hydrological features (e.g. streams, watercourses): Flood Zone 1 (low risk) as identified by the Environment Agency's latest mapping data. An ordinary watercourse (stream) flows along the northern boundary of the site.

Other on-site features (e.g. particular landscape features, existing buildings, etc.): N/A

Are you aware if there are any site contamination issues? Yes No (Please Delete)

If yes, please give details: No, however there are ongoing issues with the River Lugg catchment. Initial scoping indicates that there is a workable solution.

5. Site Accessibility

Within which settlement is the site located? The site is within the village of Stoke Cross/Stoke Lacy and is adjacent to existing built form within the village.

If the site is in a more rural location, name the nearest settlement:

Is the settlement served by public transport?

Yes No *(Please Delete)*

If yes, how frequent is this service?

What key services/community facilities does this settlement have? (e.g. a shop, pub, village hall)

Distance from the settlement centre:

Does the site have access to utility services? (e.g. gas, electricity, water, sewerage) Yes

Are you aware of any restrictive covenants within or adjacent to the site? No

Completed site submission forms including site plan must be returned by 19th August 2020 to the Parish Clerk (parishclerk@stokelacyparishcouncil.org.uk or post to Alma Westwood, Lampacre, Stoke Lane, Stoke Lacy HR7 4HD)

The information collected as part this consultation will be used by the Parish Council in accordance with the data protection principles in the Data Protection Act 1998. The purposes for collecting this data are: to assist in plan making; and to contact you, if necessary, regarding the planning consultation process. Some of the data may be made public as it will form part of the evidence base used to inform the creation of planning policy documents. The above purposes may require public disclosure of any data received on the response form, in accordance with the Freedom of Information Act 2000.



APPENDIX B

Extract from Peterchurch Neighbourhood Plan Examiners Report (July 2017)

EXAMINER'S REPORT

PETERCHURCH

NEIGHBOURHOOD DEVELOPMENT PLAN

R J Bryan BA Hons., M.R.T.P.I.

policy but the commitment to support policy RA6 be highlighted and the specific projects be listed as aspirations.

RECOMMENDATION 9

**Alter title to “Promoting Local Employment and Tourism”.
Delete the policy wording and the title “Background/Justification”.**

Retain the existing paragraph in the “Background/Justification” section and amend as follows:

At the end of the second sentence delete “Policy P7” and insert “Core Strategy policies RA6 Rural economy and E5 Town centres”.

Add an extra paragraphs, as follows;

“The Parish Council is keen to support new foot/cycle paths, bridleways and enhancements to the Herefordshire Trail.

In addition, proposals to create a shared footpath, cycleway and bridleway along the former railway line will be supported. The Parish Council will work with adjoining parishes, Herefordshire Council and others to implement this proposal.

POLICY 8 Old Forge Industrial Area

102.The policy seeks to encourage regeneration of the Old Forge Industrial Area subject to three criteria. These criteria do not encompass all the planning considerations triggered by any proposal including those, which are the subject of policies in this Plan and the Core Strategy. I recommend that an extra criterion is added making reference generally to the need to comply with other policies.

103.During the examination I have sought the comments of the Environment Agency regarding P8/1to ensure that the principle of development and expansion of this site can be supported, if necessary subject to a site-specific flood risk assessment. They confirmed there are no objections in principle to this policy.

RECOMMENDATION 10

Add a further criterion, as follows;

“d) Conform to other adopted policies in this plan, other development plan policies and adopted supplementary planning documents.”

POLICY P9 Landscape

104.This policy is based on the “Landscape Character Assessment”, prepared by the Council in 2004. It is in general conformity with the NPPF guidance in section 11 regarding “Conserving and enhancing the natural environment” and Policy LD1 in the

Core Strategy. These links should be emphasized in the supporting text to inform the reader of the comprehensive policy context in accordance with the guidance in paragraph 17 of the NPPF to “provide a practical framework within which decisions on planning applications can be made”.

105. Criteria g. refers to maintaining and limiting impact on views of the Black Mountains. It is not clear why the views of the Black Mountains have been singled out or how the policy would operate in practice. It implies that other views not referred to are of lesser or even no importance. The protection of views is difficult to justify in planning terms unless they are defined and based on evidence. I recommend therefore that this criteria be deleted as it does not conform to the NPPG guidance¹⁰ that policies “should be concise, precise and supported by appropriate evidence”.

RECOMMENDATION 10

Delete criteria g. from the policy.

**Insert a final sentence in the Background/justification section:
“This policy should be read in conjunction with policy LD1 Landscape and Townscape in the Core Strategy.**

POLICY P10 Local Green Spaces and infrastructure

106. This policy is in conformity with the NPPF and Core Strategy policy LD1.

POLICY 10/1 Land off Bazeley lane

107. The boundary of this allocated site was discussed at the hearing and is referred to above in my assessment of policy P1/1 relating to the development of the associated housing site. There is a need to amend the boundary and indicate how vehicular and pedestrian access is to be achieved

RECOMMENDATION 11

Amend the boundary of the site in accordance with the plan and refer in the policy that the vehicular access to the area shall be via the adjacent housing site.

P10/2 and 10/3 Local Green Spaces

108. I am satisfied that the green spaces identified meet the criteria suggested in the NPPF. It is necessary that a short justification is included in the plan, possibly as an

¹⁰ Paragraph ref: 41-041-20140306).