

**Sutton St. Nicholas Parish Council**  
**Neighbourhood Development Plan 2011-2031**

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**Review**

**Statement of Modifications**

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# 1. INTRODUCTION

- 1.1 Sutton St. Nicholas Parish Council is undertaking a review of its Neighbourhood Development Plan (NDP). The NDP was prepared by a Steering Group of parish councillors and local residents and submitted to Herefordshire Council in May 2016. Following independent examination and a successful referendum, it was 'made' by Herefordshire Council on 8 March 2017.
- 1.2 The review of the NDP has been informed by:
  - Informal discussions with Herefordshire Council and comments provided by Development Management officers.
  - Experience with using the NDP to guide the determination of planning applications.
  - The provisions of the NPPF (July 2021) and Planning Practice Guidance.
- 1.3 The draft NDP Review was approved by the Parish Council for pre-submission publicity and consultation (Regulation 14 consultation) at its meeting on 4 April 2022. The consultation was held between 3 May and 15 June 2022. Full details of comments received and changes made to the draft NDP Review as a result may be found in the Consultation Statement.
- 1.4 This document is the Statement of Modifications. It has been prepared to set out the scope and nature of the modifications proposed to the made NDP and in accord with the requirements of the Neighbourhood Planning (General) Regulations 2012 as amended and Planning Practice Guidance.
- 1.5 The draft NDP Review and accompanying Statements (including this document) were approved for submission to Herefordshire Council by the Parish Council at its meeting on 5 September 2022.

## 2. PLANNING PRACTICE GUIDANCE

2.1 The process for reviewing and updating neighbourhood plans varies according to the degree of change which is proposed. Planning Practice Guidance identifies three types of modification:<sup>1</sup>

- Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
- Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
- Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

2.2 The modifications to the Sutton St. Nicholas NDP which are proposed in the Review are generally considered to be material, as explained and detailed in the following section. In these circumstances, Planning Practice Guidance states that qualifying bodies (such as the Parish Council) should follow the process set out in guidance, with the following additional requirements:<sup>2</sup>

- The qualifying body must (at the pre-submission publicity and consultation stage and when the modified plan is submitted to the local planning authority) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons.
- The local planning authority must (when sending the modified plan to the independent examiner) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. The local planning authority must also submit a copy of the original plan to the independent examiner.
- The qualifying body must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan.

2.3 This Statement of Modifications is prepared at the pre-submission publicity and consultation stage in accordance with these requirements. It sets out the scope and materiality of the modifications which are proposed to the made NDP, and the view of the Parish Council as to whether the modifications are so significant or substantial as to change the nature of the plan.

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<sup>1</sup> Paragraph: 106 Reference ID: 41-106-20190509 revision date: 09 05 2019

<sup>2</sup> Paragraph: 085 Reference ID: 41-085-20180222 revision date: 22 02 2018

### 3. MODIFICATIONS TO THE MADE NDP

#### Modifications to the Vision and objectives

3.1 The modifications which are proposed to the Vision and objectives of the made NDP are set out in **Table 1**.

#### Modifications to made NDP policies and plans

3.2 The modifications which are proposed to the planning policies of the made NDP are set out in **Table 2**. All of the made policies are proposed to be modified. Five of the nine made policies are considered to be materially affected for the reasons given. The Sutton St. Nicholas settlement boundary has been updated to take into account recent planning permissions and development.

#### New and replacement policies

3.3 New and replacement planning policies are set out in **Table 3**. New policies have been added to provide guidance on topics not covered in the made plan, such as householder development and heritage. Replacement policies provide greater detail or focus in respect of matters previously addressed in the made plan, such as housing mix and water quality in the River Lugg. The majority of the modifications involved are considered to materially affect the NDP.

#### Other modifications to the made NDP

3.4 A number of minor (non-material) modifications have been made to the made NDP:

- Addition of a Contents page and a List of Policies, and other formatting changes.
- Revisions and updates to the Introduction.
- Re-ordering of policies consequent upon modifications and the introduction of new policies.
- Removal of some references to policies in the 2015 Herefordshire Local Plan Core Strategy (LPCS).
- Updates to the NDP evidence base.
- Addition of plans to provide contextual information on heritage, landscape, biodiversity and flood zones.
- Addition of plans illustrating the Sutton St. Nicholas settlement boundary and housing site allocations, key views, and Local Green Space and public open space, to aid users of the NDP.

## Table 1: Modifications to the Vision and core objectives

New text is shown in red with deletions indicated by ~~strikethrough~~.

Made NDP	Modification	Does the Modification materially affect the NDP?
Vision	In 2031, Sutton St. Nicholas will be a sustainable and thriving local community, with the distinctive local environment of the village and surrounding countryside robustly and successfully safeguarded with new development in place to meet requirements for housing, jobs and local services.	No. This is because no change has been made to the Vision of the made Plan.
Objectives	<ul style="list-style-type: none"> <li>• To define <del>the extent of the village over a settlement boundary</del> to establish the planned extent of the built form of Sutton St. Nicholas village over the plan period, 2011 to 2031</li> <li>• To <del>identify land for necessary</del> provide for a proportionate amount of new housing <del>development</del> to meet Local Plan requirements</li> <li>• To ensure that new housing is <del>well-designed, sustainable and makes a positive contribution to townscape and landscape of</del> a size, type and tenure to address community housing needs</li> <li>• <del>To ensure that new housing makes suitable provision for surface water drainage and for the treatment of wastewater, avoiding impacts on the protected River Lugg</del></li> <li>• To enable new employment proposals of suitable scale and uses, consistent with the rural character of the parish and residential amenity</li> <li>• To manage larger-scale agricultural and forestry development</li> <li>• To support the provision of new and improved communications infrastructure</li> <li>• To protect local community <del>services facilities</del> and support <del>the additional</del> provision of new facilities</li> <li>• To identify community needs and infrastructure to be met through <del>developer contributions</del> Community Actions</li> </ul>	Yes. This is because a number of the made objectives have been amended and others added, to clarify and further specify the approach and to ensure alignment between key planning issues, objectives and policies.

Made NDP	Modification	Does the Modification materially affect the NDP?
	<ul style="list-style-type: none"> <li>• To support appropriate proposals for renewable and low carbon energy generation</li> <li>• To ensure that new development avoids adverse effects on the River Wye Special Area of Conservation</li> <li>• To protect and enhance landscape character <del>throughout the parish</del> and key views, particularly in respect of the setting of the village</li> <li>• To safeguard <del>valued</del> local <del>open</del> green spaces</li> <li>• To protect existing green infrastructure and encourage new provision</li> <li>• To ensure that new housing and other development is well-designed, sustainable and makes a positive contribution to townscape and landscape</li> <li>• To conserve heritage assets in a manner appropriate to their significance</li> </ul>	

**Table 2: Modifications to made NDP policies and plans**

New policy text is shown in red with deletions indicated by ~~strikethrough~~.

Made NDP policy/map	NDP review policy/map	Modification	Does the Modification materially affect the policy/plan?
Policy 1, Settlement boundary	Policy SUT1, Sutton St. Nicholas settlement boundary	<p><b>A SETTLEMENT BOUNDARY IS DEFINED FOR SUTTON ST. NICHOLAS AS SHOWN ON PLAN 4. WITHIN THE BOUNDARY, NEW HOUSING AND OTHER DEVELOPMENT WHICH IS IN ACCORDANCE WITH THE PLAN'S OTHER DEVELOPMENT PLAN POLICIES WILL BE PERMITTED SUPPORTED. LOCAL PLAN POLICY RA3 OR ITS REPLACEMENT WILL APPLY TO HOUSING PROPOSALS OUTSIDE THE BOUNDARY.</b></p>	<p>No. This is because only minor modifications have been made to refer to Plan 4 and clarify terminology used. No changes have been made to the settlement boundary itself other than minor updates to reflect recent planning commitments.</p>
Policy 2, Delivering new housing	Policy SUT2, Land at The Lane and policy SUT3, Land adjacent to The Linnings.	<p><del>THE PLAN WILL ENABLE THE DEVELOPMENT OF A MINIMUM OF 86 NEW DWELLINGS IN THE PARISH OVER THE PLAN PERIOD. SUTTON ST. NICHOLAS VILLAGE WILL BE THE MAIN FOCUS OF HOUSING DEVELOPMENT. TAKING INTO ACCOUNT COMPLETIONS AND COMMITMENTS, HOUSING REQUIREMENTS WILL BE MET BY:</del></p> <p><del>1 THE ALLOCATION OF LAND AT THE LANE (20 DWELLINGS) AND LAND ADJACENT TO THE LINNINGS (18 DWELLINGS); TOTAL 38 DWELLINGS; AND</del></p> <p><del>2 AN ALLOWANCE FOR WINDFALLS: 15 DWELLINGS.</del></p>	<p>Yes. This is because the policy has been replaced with separate site allocation policies for the sites concerned. These are policies SUT2 and SUT3 which are shown in Table 3.</p>
Policy 3, Criteria for new housing development	Policy SUT2, Land at The Lane; policy SUT4, Housing mix;	<p><del>PROPOSALS FOR NEW HOUSING DEVELOPMENT SHOULD INCLUDE:</del></p> <p><del>1 DWELLING TYPES, SIZES AND TENURES TO MEET LOCAL HOUSING REQUIREMENTS, AND TO INCLUDE</del></p>	<p>Yes. This is because the policy has been replaced as follows (see Table 3 for the policies referred to):</p> <ul style="list-style-type: none"> <li>• Criterion 1 is now addressed in policy SUT4</li> </ul>



Made NDP policy/map	NDP review policy/map	Modification	Does the Modification materially affect the policy/plan?
	policy SUT11, Water quality in the River Lugg; and policy SUT16, Building design.	<p><del>AFFORDABLE HOUSING TO MEET LOCAL PLAN REQUIREMENTS; AND</del></p> <p><del>2 — THE USE OF SUSTAINABLE DRAINAGE SYSTEMS TO MANAGE SURFACE WATER AND ADDRESS FLOOD RISK. WINDFALL HOUSING DEVELOPMENT SHOULD BE LOCATED IN ACCORDANCE WITH THE SEQUENTIAL TEST AND EXCEPTION TEST IN ORDER TO MANAGE FLOOD RISK; AND</del></p> <p><del>3 — WASTEWATER TREATMENT TO MEET WATER QUALITY REQUIREMENTS. DEVELOPMENT THAT MAY RESULT IN THE CAPACITY OF THE WASTEWATER TREATMENT WORKS AND/OR THE PUBLIC SEWERAGE NETWORK BECOMING OVERLOADED WILL NOT BE PERMITTED. IN EITHER CASE, DEVELOPMENT WILL NEED TO BE PHASED OR DELAYED UNTIL CAPACITY BECOMES AVAILABLE THROUGH REGULATORY INVESTMENT, OR DEVELOPER FUNDING IN ADVANCE OF SUCH INVESTMENT. DEVELOPMENT THAT WILL HAVE AN ADVERSE EFFECT ON THE RIVER WYE SPECIAL AREA OF CONSERVATION OR RIVER LUGG SITE OF SPECIAL SCIENTIFIC INTEREST WILL NOT BE PERMITTED; AND</del></p> <p><del>4 — LAYOUT, DESIGN AND LANDSCAPING WHICH RESPECTS THE LANDSCAPE SETTING, THE SETTING OF ADJOINING HERITAGE ASSETS AND DWELLING AMENITY. PROPOSALS WHERE THE AMENITY OF</del></p>	<ul style="list-style-type: none"> <li>• Criterion 2 has been deleted to avoid duplication with Local Plan policy SD3</li> <li>• Criterion 3 is now addressed in policy SUT11</li> <li>• Criterion 4 is now addressed in policy SUT16</li> <li>• Criterion 5 and the final paragraph are now addressed in policies SUT2 and SUT16.</li> </ul>

Made NDP policy/map	NDP review policy/map	Modification	Does the Modification materially affect the policy/plan?
		<p><del>FUTURE RESIDENTIAL OCCUPANTS MAY BE ADVERSELY AFFECTED BY THE OPERATION OF EXISTING USES, INCLUDING AGRICULTURAL AND INDUSTRIAL, WILL NOT BE PERMITTED; AND</del></p> <p><del>5 SUITABLE VEHICULAR ACCESS TO THE HIGHWAY AND SAFE PEDESTRIAN AND CYCLIST ACCESS INTO THE VILLAGE TO ENCOURAGE ACTIVE TRAVEL.</del></p> <p><del>IN THE CASE OF LAND AT THE LANE, NO DEVELOPMENT SHOULD BE PROPOSED ON THE SOUTHERN PART OF THE ALLOCATION, WHICH IS TO INCORPORATE SUSTAINABLE DRAINAGE AND STRUCTURAL LANDSCAPING, DESIGNED AND SPECIFIED WITH A VIEW TO ENHANCING WILDLIFE POTENTIAL.</del></p>	
Policy 4, Small-scale employment	Policy SUT6, Small-scale employment	<p><b>PROPOSALS FOR SMALL-SCALE EMPLOYMENT DEVELOPMENT CONSISTENT WITH <del>RESIDENTIAL AMENITY AND LOCAL</del> VILLAGE AND RURAL AREA CHARACTER WILL BE PERMITTED INCLUDING:</b></p> <ul style="list-style-type: none"> <li>• <b>EXTENSIONS TO EXISTING DWELLINGS TO ENABLE HOME WORKING;</b></li> <li>• <b>PROPOSALS FOR THE RE-DEVELOPMENT AND CHANGE OF USE OF REDUNDANT RURAL BUILDINGS FOR BUSINESS USE INCLUDING FOR LIVE/WORK UNITS;</b></li> <li>• <b>THE SMALL-SCALE EXTENSION OF EXISTING BUSINESS PREMISES;</b></li> </ul>	Yes. This is because the policy has been expanded to include reference to the types and form of economic development that are particularly appropriate to the Neighbourhood Area.

Made NDP policy/map	NDP review policy/map	Modification	Does the Modification materially affect the policy/plan?
		<ul style="list-style-type: none"> <li>• <b>THE DEVELOPMENT AND DIVERSIFICATION OF EXISTING FARM, FORESTRY AND OTHER LAND-BASED RURAL BUSINESSES, INCLUDING FOR FOOD AND DRINK PROCESSING AND PRODUCTION;</b></li> <li>• <b>RURAL TOURISM AND LEISURE PROPOSALS, PARTICULARLY THOSE WHICH SERVE TO SUSTAIN, ENHANCE AND PROMOTE A BETTER UNDERSTANDING OF THE LOCAL NATURAL, HISTORIC AND CULTURAL ENVIRONMENT. LARGER-SCALE RURAL TOURISM AND LEISURE PROPOSALS WILL NOT BE SUPPORTED IF THEY WOULD BE OF A DISPROPORTIONATE SCALE RELATIVE TO THEIR LOCATION.</b></li> </ul> <p><b>PROPOSALS SHOULD:</b></p> <ul style="list-style-type: none"> <li><del>1</del> <b>WHEREVER POSSIBLE, MAKE USE OF EXISTING PREMISES INCLUDING THROUGH THE RE-DEVELOPMENT AND CHANGE OF USE OF REDUNDANT RURAL BUILDINGS, AND BY HOMEWORKING; AND</b></li> <li><del>2</del><b>1</b> <b>NOT CREATE UNACCEPTABLE ADVERSE IMPACTS TO THE AMENITY OF LOCAL RESIDENTS, INCLUDING THROUGH NOISE, DUST, LIGHT LEVELS, WORKING HOURS, ODOUR, AND INCREASES IN TRAFFIC; AND</b></li> <li><del>3</del><b>2</b> <b>ENABLE TRAFFIC GENERATED TO BE SAFELY ACCOMMODATED ON LOCAL ROADS WITHOUT UNDUE OPERATIONAL, SAFETY OR ENVIRONMENTAL CONSEQUENCES, INCLUDING ROAD WIDENING OR</b></li> </ul>	

Made NDP policy/map	NDP review policy/map	Modification	Does the Modification materially affect the policy/plan?
		<p style="text-align: center;"><b>LOSS OF HEDGEROWS, AND ENCOURAGE ACTIVE TRAVEL.</b></p>	
<p>Policy 5, Local community facilities</p>	<p>Policy SUT9, Community facilities</p>	<p><b><del>LOCAL THE FOLLOWING COMMUNITY FACILITIES WILL BE PROTECTED, RETAINED AND ENHANCED IN ACCORDANCE WITH LOCAL PLAN POLICY SC1 OR ITS REPLACEMENT:</del></b></p> <ul style="list-style-type: none"> <li>• <b>SUTTON ST. NICHOLAS VILLAGE HALL.</b></li> <li>• <b>ST NICHOLAS' CHURCH.</b></li> <li>• <b>ST MICHAEL'S CHURCH.</b></li> <li>• <b>THE GOLDEN CROSS PUBLIC HOUSE.</b></li> </ul> <p><b><del>SUPPORT WILL BE GIVEN TO APPROPRIATE DIVERSIFICATION PROPOSALS WHERE THESE CAN BE SHOWN TO ENABLE VIABILITY.</del></b></p> <p><b>PROPOSALS FOR NEW COMMUNITY FACILITIES IN AND ADJACENT TO THE VILLAGE AND WHICH ARE ACCESSIBLE BY A CHOICE OF TRANSPORT MODES WILL BE SUPPORTED. PROPOSALS SHOULD TAKE ACCOUNT OF THE POTENTIAL FOR THE CO-LOCATION OF SERVICES IN ACHIEVING VIABILITY. A VILLAGE SHOP WILL BE PARTICULARLY WELCOMED.</b></p> <p><b><del>APPROPRIATE DEVELOPER CONTRIBUTIONS WILL BE SOUGHT TOWARDS MEETING IDENTIFIED COMMUNITY NEEDS, INCLUDING:</del></b></p> <p><b><del>1 NEW AND ENHANCEMENT OF EXISTING PLAY AREAS, PUBLIC OPEN SPACE, SAFE CYCLE AND WALKING</del></b></p>	<p>Yes. This is because reference has been added to specific community facilities, and reference to developer contributions has been removed (this is now dealt with in section 7 of the NDP, Community Actions).</p>

Made NDP policy/map	NDP review policy/map	Modification	Does the Modification materially affect the policy/plan?
		<p><del>ROUTES AND OTHER MEASURES TO ENCOURAGE ACTIVE TRAVEL;</del></p> <p><del>2 — SUPPORT FOR CONTINUED USE OF THE LENGTHSMAN SCHEME FOR MINOR HIGHWAY WORKS;</del></p> <p><del>3 — TRAFFIC SPEED MONITORING AND ENFORCEMENT.</del></p>	
Policy 6, Landscape	Policy SUT12, Landscape character	<p><del>PROPOSALS SHOULD ENSURE THAT THE PREVAILING LANDSCAPE CHARACTER TYPE, INCLUDING KEY FEATURES AND ATTRIBUTES, HAS POSITIVELY INFLUENCED THEIR DESIGN, LAYOUT AND SCALE, AS APPROPRIATE TO THE SITING, SCALE, LAYOUT AND DESIGN OF PROPOSALS SHOULD RESPECT THE SURROUNDING LANDSCAPE CHARACTER AS THIS IS DEFINED IN THE COUNTY LANDSCAPE CHARACTER ASSESSMENT, TAKING ACCOUNT OF THE LOCATION AND CONTEXT OF THE SITE AND THE NATURE OF THE PROPOSAL. ANY LANDSCAPING PROPOSALS SHOULD BE COMPATIBLE WITH AND SERVE TO CONSOLIDATE THE ESTABLISHED LANDSCAPE CHARACTER.</del></p> <p>PROPOSALS SHOULD PARTICULARLY RESPECT THE OPEN COUNTRYSIDE SETTING OF SUTTON ST. NICHOLAS VILLAGE. DEVELOPMENT WHICH WOULD HAVE AN ADVERSE EFFECT UPON THE LANDSCAPE SETTING OF THE VILLAGE, CONSIDERED IN TERMS OF THE ASSESSED LANDSCAPE CHARACTER, WILL NOT BE PERMITTED.</p>	No. The modification only clarifies the attributes of the proposal to be considered and includes reference in the policy to the County Landscape Character Assessment.

Made NDP policy/map	NDP review policy/map	Modification	Does the Modification materially affect the policy/plan?
Policy 7, Building design	Policy SUT16, Building design	<p><del>PROPOSALS SHOULD BE DESIGNED SO AS TO PROTECT AND ENHANCE THE DISTINCTIVE CHARACTER AND APPEARANCE OF THE VILLAGE AND RURAL AREAS OF THE PARISH. REGARD SHOULD BE HAD TO THE ESTABLISHED BUILT, NATURAL AND HISTORIC CHARACTERISTICS AND THE WIDER TOWNSCAPE AND LANDSCAPE CONTEXTS.</del></p>	Yes. This is because the policy has been replaced by policy SUT16.
Policy 8, Open spaces	Policy SUT14, Local Green Space and public open space	<p><del>LAND AT THE OLD POST OFFICE ORCHARD AND WEST OF UPPER HOUSE FARM IS IDENTIFIED AS LOCAL GREEN SPACE. THE FOLLOWING SITES AS SHOWN ON PLAN 6 ARE DESIGNATED AS LOCAL GREEN SPACE:</del></p> <ul style="list-style-type: none"> <li>• LGS1: LAND AT THE OLD POST OFFICE ORCHARD</li> <li>• LGS2: LAND WEST OF UPPER HOUSE FARM.</li> </ul> <p>DEVELOPMENT OF LOCAL GREEN SPACES WILL NOT BE PERMITTED UNLESS VERY SPECIAL CIRCUMSTANCES ARISE WHICH OUTWEIGH THE NEED FOR PROTECTION. PROPOSALS THAT WOULD RESULT IN THE LOSS OF PUBLIC OPEN SPACES SHOWN ON PLAN 6 WILL NOT BE PERMITTED UNLESS IT CAN BE SATISFACTORILY DEMONSTRATED THAT THE OPEN SPACE IS SURPLUS TO REQUIREMENTS, IS REPLACED BY EQUIVALENT OR BETTER PROVISION IN TERMS OF QUANTITY AND QUALITY IN A SUITABLE LOCATION OR THE DEVELOPMENT IS FOR ALTERNATIVE SPORTS OR RECREATIONAL PROVISION, THE NEEDS FOR WHICH CLEARLY OUTWEIGH THE LOSS. <del>THE LOCAL GREEN</del></p>	No. Only minor changes are proposed including to add site references to the existing Local Green Spaces, to refer to Plan 6 and an adjustment to ensure that the northern boundary of LGS2 is correctly mapped.

Made NDP policy/map	NDP review policy/map	Modification	Does the Modification materially affect the policy/plan?
		<del>SPACES AND PUBLIC OPEN SPACES COVERED BY THIS POLICY ARE SHOWN ON THE VILLAGE POLICIES MAP.</del>	
Policy 9, Green infrastructure	Policy SUT15, Green infrastructure	<p><b>GREEN INFRASTRUCTURE, INCLUDING IDENTIFIED PRIORITY HABITATS, WILL BE PROTECTED AND ENHANCED. OPPORTUNITIES WILL BE SOUGHT FOR THE PROVISION OF NEW ELEMENTS OF GREEN INFRASTRUCTURE AND FOR THE STRENGTHENING OF THE GREEN INFRASTRUCTURE NETWORK. PROPOSALS SHOULD:</b></p> <ol style="list-style-type: none"> <li><b>1 IDENTIFY AND RETAIN EXISTING GREEN INFRASTRUCTURE WITHIN THE SITE SUCH AS TREES, HEDGEROWS AND WATER FEATURES, PROVIDING FOR ENHANCEMENT WHEREVER POSSIBLE; AND</b></li> <li><b>2 INCORPORATE NEW GREEN INFRASTRUCTURE AND DELIVER ECOLOGICAL ENHANCEMENTS; AND</b></li> <li><b>3 <del>BE DESIGNED TO CONTRIBUTE WHEREVER POSSIBLE TO THE WIDER GREEN INFRASTRUCTURE NETWORK BY LINKING GREEN SPACES AND STRENGTHENING EXISTING CORRIDORS.</del> MAINTAIN, RESTORE AND WHERE POSSIBLE ENHANCE THE CONTRIBUTION OF HABITATS TO THE COHERENCE AND CONNECTIVITY OF THE HEREFORDSHIRE ECOLOGICAL NETWORK.</b></li> </ol>	No. The scope and intention of the policy are unchanged, the principal change being to amend the wording of criterion 3 to include reference to the Herefordshire Ecological Network.

**Table 3: New and replacement policies**

NDP review policy	Modification	Does the Modification materially affect the NDP?
SUT2 Land at The Lane	<p>Policy SUT2: Land at The Lane Land at The Lane, Sutton St. Nicholas is allocated for development for around 20 new dwellings. The site is shown on Plan 4. Proposals which meet the following requirements will be supported:</p> <ol style="list-style-type: none"> <li>1. the dwellings contribute to meeting the latest assessment of housing needs in accordance with policy SUT4, with a preference for 2- and 3-bedroom properties; and</li> <li>2. 35% of the dwellings are provided as affordable housing which is to be available in perpetuity for those in local housing need; and</li> <li>3. the scheme is designed to respect the setting of nearby designated and undesignated heritage assets; and</li> <li>4. no development is proposed on the southern part of the allocation, which is to incorporate sustainable drainage and structural landscaping, designed and specified with a view to enhancing wildlife potential; and</li> <li>5. all development is located within Flood Zone 1 in accordance with a Flood Risk Assessment which should accompany any planning application for the development of the site; and</li> <li>6. pedestrian and cycle connectivity to village facilities is provided.</li> </ol>	No. This is a replacement for policy 2 (part). It does not vary the extent of made allocation or the expected site capacity, or set additional planning requirements over and above those in the made plan save for clarifying that all development is to be located in Flood Zone 1.
SUT3 Land adjacent to The Linnings	<p>Policy SUT3: Land adjacent to The Linnings Land adjacent to The Linnings, Sutton St. Nicholas is allocated for development for around 18 new dwellings. The site is shown on</p>	No. This is a replacement for policy 2 (part). It does not vary the extent of made allocation or the expected site capacity, or set



NDP review policy	Modification	Does the Modification materially affect the NDP?
	<p>Plan 4. Proposals which meet the following requirements will be supported:</p> <ol style="list-style-type: none"> <li>1. the dwellings contribute to meeting the latest assessment of housing needs in accordance with policy SUT4, with a preference for 2- and 3-bedroom properties; and</li> <li>2. 35% of the dwellings are provided as affordable housing which is to be available in perpetuity for those in local housing need; and</li> <li>3. pedestrian and cycle connectivity to village facilities is provided.</li> </ol>	<p>additional planning requirements over and above those in the made plan.</p>
SUT4 Housing mix	<p>Policy SUT4: Housing mix Housing proposals in the Neighbourhood Area should be able to demonstrate subject to viability considerations that they are of a tenure, size and type that contribute to meeting the latest assessment of housing needs, including in particular for 2- and 3-bedroom properties. Proposals to provide bungalows, live/work units and to enable self-build housing will also be supported. Where a site includes a mix of affordable and open market housing, the affordable units should be distributed across the site and be designed to be indistinguishable from the open market units. Proposals that seek to concentrate different types and tenures of homes in separate groups on a site will not be supported.</p>	<p>Yes. Whilst this is a replacement for policy 3 criterion 1 it includes additional requirements.</p>
SUT5 Householder development	<p>Policy SUT5: Householder development Proposals for alterations and extensions to existing dwellings or for ancillary development within residential curtilages will be supported where they are in accord with policy SUT16 and:</p> <ol style="list-style-type: none"> <li>1. the existing dwelling remains as the dominant element of built form on the curtilage, to which the proposed</li> </ol>	<p>Yes. This policy has been added because householder development accounts for a significant proportion of planning applications in the Neighbourhood Area.</p>

NDP review policy	Modification	Does the Modification materially affect the NDP?
	<p>development is subordinate; and</p> <ol style="list-style-type: none"> <li>2. the design of the new development respects and complements the existing dwelling in scale, height, form, materials and detailing. This does not preclude innovative proposals where these are of exceptional design quality; and</li> <li>3. the proposal does not lead to an unacceptable adverse impact on the amenity of neighbouring properties through overlooking, loss of privacy, reduction of outlook or daylight, or noise; and</li> <li>4. the proposal does not lead to an unacceptable loss of on-curtilage parking and does not create danger to pedestrians, cyclists or traffic by resulting in additional on-street parking; and</li> <li>5. the proposal does not lead to an unacceptable loss of useable private amenity space.</li> </ol>	
SUT7 Agricultural and forestry development	<p>Policy SUT7: Agricultural and forestry development Proposals for agricultural and forestry development requiring planning permission should be able to demonstrate that they meet the following requirements:</p> <ol style="list-style-type: none"> <li>1. the local highway network and the proposed means of vehicular access can cater safely for both the volume and type of vehicles anticipated, and the proposed access is environmentally acceptable; and</li> <li>2. new buildings are sited with existing development wherever possible. Where this is not possible, new buildings should be sited to take advantage of natural landform and avoid isolated or skyline locations; and</li> <li>3. any impacts on landscape character and visual amenity arising from the proposed siting, scale, design, colour and</li> </ol>	Yes. This is a new policy which has been included to give guidance on agricultural and forestry development, which was not previously addressed in the made plan.

NDP review policy	Modification	Does the Modification materially affect the NDP?
	<p>materials of development are acceptable, or can be satisfactorily mitigated by a landscaping scheme which is itself acceptable; and</p> <ol style="list-style-type: none"> <li>3. there will be no undue loss of amenity to the occupiers of residential properties, including by way of external lighting, the design and siting of any building or installation, traffic, or noise and air pollution; and</li> <li>4. there are no unacceptable impacts on biodiversity, heritage assets or the utility and enjoyment of public rights of way; and</li> <li>5. surface water is acceptably and appropriately managed through sustainable drainage, with no adverse impact on local watercourses in respect of water quality, flood risk, pollution or soil erosion.</li> </ol> <p>In assessing proposals, account will be taken of any necessary ancillary works and buildings including accommodation and amenity facilities for seasonal workers, and of any other existing, permitted or proposed similar developments in the locality so that cumulative impacts can be considered.</p>	
SUT8 Communications infrastructure	<p>Policy SUT8: Communications infrastructure Proposals for the development of mobile telecommunications infrastructure will be supported provided that:</p> <ol style="list-style-type: none"> <li>1. use is made of existing masts, buildings or other structures in preference to a new site wherever possible and technically appropriate; and</li> <li>2. the siting, design and appearance of equipment including its height and colour serves to minimise the impact on visual amenity and on the character and appearance of the locality, taking account of any mitigation proposed; and</li> <li>3. the proposal does not give rise to unacceptable adverse</li> </ol>	Yes. This is a new policy which has been included to give guidance on this form of development, which was previously partially addressed only in the explanatory text of the made plan (paragraph 5.8).

NDP review policy	Modification	Does the Modification materially affect the NDP?
	<p>impacts on Sutton Conservation Area, other heritage assets and their settings, landscape character and key views. Improvements to broadband infrastructure will be supported. New development should be served by a full fibre connection unless it can be demonstrated that this would not be possible, practical or economically viable, in which case suitable ducting should be provided from the site boundary to all properties to facilitate future provision.</p>	
SUT10 Renewable and low carbon energy	<p>Policy SUT10: Renewable and low carbon energy Renewable and low carbon energy proposals (not including wind energy development) that will benefit the community will be supported where:</p> <ol style="list-style-type: none"> <li>1. the form of development is appropriate to its surroundings and is not of an industrial scale or nature such that this would be inappropriate to the rural character of the Neighbourhood Area; and</li> <li>2. there is no substantial increase in traffic volumes including HGV traffic; and</li> <li>3. there is no undue detrimental impact on visual and residential amenity, landscape character including the rural setting of Sutton St. Nicholas village, key views and biodiversity.</li> </ol> <p>Community-led renewable and low carbon proposals where benefits can be demonstrated are encouraged.</p>	Yes. This is a new policy which has been included to give guidance on this form of development, which was previously addressed only in the explanatory text of the made plan (paragraph 6.18).
SUT11 Water quality in the River Lugg	<p>Policy SUT11: Water quality in the River Lugg Development must not have an adverse effect on the River Wye Special Area of Conservation (SAC). In particular, planning permission will only be granted if clear and convincing evidence is provided which shows that the proposed development would</p>	Yes. Whilst this policy replaces policy 3 criterion 3, it also includes additional detail in respect of the need for development to be nutrient neutral.

NDP review policy	Modification	Does the Modification materially affect the NDP?
	<p>not increase nutrient inputs to the SAC. This could include through the delivery of mitigation measures to make a proposal nutrient neutral. Reference should be made to Herefordshire Council's Phosphate Budget Calculator Tool and associated guidance.</p> <p>Development in the Neighbourhood Area that may result in the capacity of the Moreton-on-Lugg wastewater treatment works and/or the public sewerage network becoming overloaded will not be permitted. In either case, development will need to be phased or delayed until capacity becomes available through regulatory investment, or developer funding in advance of such investment.</p>	
SUT13 Key Views	<p>Policy SUT13: Key Views</p> <p>To be supported, development proposals must demonstrate that they have been sited, designed and are of such a scale that they do not materially harm the following Key Views (KV), as shown on Plan 5 and the accompanying photographs:</p> <p>KV1: the view from Sutton Hill looking south towards the village.</p> <p>KV2: the view from Ridgeway Road/public footpath 11 looking south-west towards the River Lugg.</p> <p>KV3: the view from Ridgeway Road looking south-east towards the River Lugg.</p> <p>KV4: the view from Ridgeway Road looking north towards Bodenham.</p> <p>KV5: the view from The Rhea looking west towards the River Lugg.</p> <p>KV6: the view from public footpath 13 at Sutton Court looking south towards the River Lugg.</p> <p>KV7: the view from public footpath 3 west of Watery Lane looking west towards the River Lugg.</p>	Yes. This is a new policy which has been included to identify significant views of the countryside surrounding the village for protection.

NDP review policy	Modification	Does the Modification materially affect the NDP?
	<p>KV8: the view from St. Michael’s churchyard looking west over the Lugg valley.</p> <p>KV9: the view from Sutton St. Nicholas public footpath 1 Busy Hill looking south over the Lugg Valley.</p> <p>KV10: the view from Sutton St. Nicholas public footpath 2 on Sutton Walls looking south-east towards the village.</p> <p>KV11: the view from Marden bridleway 29 east of Sutton Walls looking south-east towards the village.</p> <p>Where a development proposal within the Neighbourhood Area lies within sight of one of the above Key Views, a Landscape and Visual Impact Assessment or similar study should be provided to demonstrate that the levels of effects are acceptable, and that the scheme has been sited and designed sensitively and appropriately reflecting, respecting, and where possible, enhancing its landscape context.</p>	
SUT16 Building design	<p>Policy SUT16: Building design</p> <p>Development proposals should maintain and enhance the local distinctiveness of the Neighbourhood Area and achieve a high quality of design by:</p> <ol style="list-style-type: none"> <li>1. being in character with adjoining development with respect to siting, height, scale, architectural detailing, density, building to building distances, private amenity space, means of enclosure, landscaping and the use of materials; and</li> <li>2. incorporating sustainability measures including energy and water conservation, renewable energy generation, and provision for the recycling of waste, cycle storage, and electric vehicle charging; and</li> <li>3. avoiding creating unacceptable impacts on the amenity of neighbouring property including as a result of the volume</li> </ol>	<p>Yes. This is a replacement for policy 3 criterion 4 and 5, and for policy 7. Whilst it has a similar scope to these made policies, it includes additional and more specific requirements on building design, sustainability, amenity and access.</p>

NDP review policy	Modification	Does the Modification materially affect the NDP?
	<p>and nature of traffic generated, noise, dust or odour. External property and street lighting should avoid undue adverse impacts on amenity, wildlife and dark skies; and</p> <p>4. being safely accessible from the highway network without undue impacts on the character of the locality and on biodiversity which cannot be mitigated, not result in additional on-road parking, and take every available opportunity to promote walking and cycling.</p>	
SUT17 Heritage	<p>Policy SUT17: Heritage</p> <p>Development proposals should protect, conserve and where possible enhance the historic environment of the Neighbourhood Area. In considering the impact of proposed development on heritage assets, appropriate account will be taken of their significance (including any contribution made by their setting) by:</p> <ol style="list-style-type: none"> <li>1. giving great weight to conserving designated heritage assets; and</li> <li>2. preserving or enhancing the character or appearance of the Sutton Conservation Area, having regard to the significant contribution that farmhouses, barns and other agricultural buildings make to its special interest; and</li> <li>3. balancing the scale of any harm or loss against the significance of non-designated heritage assets, including Sutton Court unregistered park and garden, archaeological sites, and buildings of local interest; and</li> <li>4. requiring development proposals to be accompanied by Heritage Impact Assessments where the significance of heritage assets may be affected. Where proposals may affect archaeological interests, an appropriate desk-based</li> </ol>	<p>Yes. This is a new policy which has been included to enable NDP policy reference to a range of designated and non-designated heritage assets in the Neighbourhood Area, the latter including nine buildings of local interest identified in the 2006 Sutton Conservation Area Appraisal by Herefordshire Council, and to set out planning requirements.</p>

NDP review policy	Modification	Does the Modification materially affect the NDP?
	<p>assessment and where necessary a field evaluation should be provided; and</p> <p>5. ensuring that proposals for the redevelopment, alteration or extension of historic farmsteads and agricultural buildings are sensitive to their distinctive character, materials and form.</p>	



## 4. DO THE MODIFICATIONS CHANGE THE NATURE OF THE PLAN?

- 4.1 The Parish Council considers that the majority of the modifications materially affect the policies in the made NDP. This is because of the scope of the changes being proposed to those policies, or through the introduction of new policies.
- 4.2 In these circumstances qualifying bodies are required to state whether they believe that the material modifications are so substantial as to change the nature of the plan and give reasons.
- 4.3 The Parish Council **considers that the material modifications taken as a whole are not so significant or substantial as to change the nature of the plan.** The reasons for this are as follows:
- The NDP's Vision is unchanged.
  - The modified objectives continue to reflect those in the made NDP, with several objectives unchanged and others re-worded to clarify and more accurately reflect the approach being taken. New objectives have been added to ensure alignment between key planning issues, objectives and policies. Housing mix, communications infrastructure, renewable and low carbon energy and the River Wye Special Area of Conservation were all matters addressed in the made plan either in policy and/or explanatory text, and for which specific objectives have now been formulated. New policies on agricultural and forestry development and on heritage are supported by suitable objectives.
  - The modifications do not involve allocating any significant new site for development, which Planning Practice Guidance refers to as an example of a modification which would change the nature of a plan.
  - The material changes to the made policies do not change the nature of the plan as they are: deletions to avoid duplicating LPCS provisions; the addition of criteria to made policies without changing the nature of those policies; and the addition of local detail to aid the application of an existing policy. There are associated amendments and updates to policy wording and formatting to ensure clarity and currency.
  - There are five policies which are replacements for made policies. Two of these are re-formulations of the made site allocation policy. They do not vary the extent or estimated capacity of these sites as set out in the made plan. The others include additional detail and more specific requirements supporting the existing policy approach.
  - There are six new policies, on householder development, agricultural and forestry development, communications infrastructure, renewable and low carbon energy, key views and heritage. Two of these topics (communications infrastructure and renewable and low carbon energy) were considered in the made explanatory text and are now being addressed as policies. The new policies on the other topics are relatively detailed, specific and limited in their application and as such do not change the nature of the plan.