

Stoke Lacy NDP Independent Examination

Delegated Decision Statement

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Stoke Lacy Neighbourhood Area
Parish Council	Stoke Lacy Parish Council
Submission dates	18 May to 29 June 2022
Examination date	September / October 2022
Examiner's Report Received	24 October 2022

1 Introduction

- 1.1 The Town and Country Planning Act 1990 (as amended), states that the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and to take the plans through a process of examination and referendum.
- 1.2 The Localism Act 2011 (Part 6 chapter 3) details the Local Planning Authority's responsibilities under Neighbourhood planning.
- 1.3 This Decision Statement confirms that the modifications proposed by the examiner's report have been accepted, the Stoke Lacy Neighbourhood Plan has been amended taking into account the modifications, and that NDP may proceed to referendum.

2 Background

- 2.1 The Neighbourhood Area of Stoke Lacy was designated on 20 November 2019. The Neighbourhood Area follows the boundary of Stoke Lacy parish boundary. The Stoke Lacy NDP has been prepared by Stoke Lacy Parish Council. Work on the production of this plan has been undertaken by members of the local community through a Neighbourhood Plan Steering Group since winter 2019.
- 2.2 The Plan was submitted to Herefordshire Council on 9 May 2022, and the consultation under Regulation 16 took place between the 18 May to 29 June 2022, where the Plan was publicised and representations invited.
- 2.3 On 5 July 2022, Ann Skippers MRTPI FRSA AoU was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Stoke Lacy NDP and to prepare a report of the independent examination.

- 2.4 The examiner's report concludes that subject to making the minor modifications recommended by the examiner, the plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.5 Having considered each of the recommendations made within the examiner's report and the reasons for them, Herefordshire Council (in accordance with the 1990 Act Schedule 4B paragraph 12) has decided to make the modifications to the draft plan referred to in Section 3 below to ensure that the draft plan meets the basic conditions set out in legislation.

3 Recommendations by the examiner

- 3.1 The table 1 below details the recommendations made by the examiner within her report along with the justification:

Policy	Modification recommended	Justification
Modification 1 Policy SL1	<p>Change the first paragraph of the policy to read:</p> <p><i>"All relevant development proposals should demonstrate that the area wide and character area specific design principles and Design Codes 02 and 03 have been taken into account."</i></p> <p>Change the words "all new build" in paragraph two of the policy to "<i>all new buildings</i>"</p> <p>Change point 7. of the policy to read:</p> <p><i>"Existing views of landscape and heritage significance should be respected and used as a placemaking opportunity. A number of Key Public Views of particular importance to the local community have been identified and are shown on Figure 1. Views to the Church in Character Area Stoke Lacy are also important. Where a development proposal would affect these views, appropriate evidence should be submitted with any application to demonstrate how the view has been taken into account and respected."</i></p> <p>Delete View 2 from Figure 1: Key Public Views</p>	<p>Reworded to better reflect the Design Code work and reflect the NPPF</p> <p>View 2 falls outside the neighbourhood area boundary – NDPs can only contain policies that are inside the administrative area.</p>
Modification 2 Policy SL3	<p>Change the first sentence of the second paragraph of the policy to read:</p> <p><i>"Proposals involving the loss of the community facilities identified on the Policies Maps or any community facility or local service will be strongly resisted."</i></p>	<p>To ensure any future facilities area included within the policy</p>
Modification 3 PolicySL4	<p>Ensure that the Policies Maps and any other maps exclude the Church building from the Churchyard LGS</p> <p>Change the second paragraph of the policy to read:</p> <p><i>"Development proposals within the local green spaces will be consistent with national policy for Green Belts."</i></p>	<p>To ensure clarity on the proposals map</p> <p>To ensure consistency with NPPF</p>

Policy	Modification recommended	Justification
<p>Modification 4</p> <p>Policies SL6 to SL10</p>	<p>Delete Policies SL6 – SL10 inclusive and replace with a new policy “<i>Achieving and Promoting Good and Sustainable Design in Development</i>” that reads:</p> <p><i>“All development proposals should be designed to a high standard and reflect the special qualities and unique identity of the Plan area. All development proposals should demonstrate how they have taken the relevant Design Codes 01 – 08 in the Design Guidance and Codes document and replicated in Appendix 7 into account. This should be based on an appropriate and proportionate assessment depending on the location, type and scale of proposal.”</i></p> <p>Change paragraph 6.21 on page 41 of the Plan to read:</p> <p><i>“The Stoke Lacy Design Guidance and Codes document was produced to inform new development proposed in the area. It includes a character assessment of Stoke Lacy Parish identifying three character areas of CA1 Stoke Lacy Conservation Area and Village, CA2 Stoke Cross and CA3 the Outer Plan Area. It details the key characteristics of each area which make the neighbourhood area a special place to live in and visit. The second part of the document then contains design guidance and design codes to promote sustainable development and guide best practice across the Neighbourhood Plan Area. Policy XX Achieving and Promoting Good and Sustainable Design in Development seeks to promote a high standard of design in the Plan area by referring to the Design Guidance and Codes.</i></p> <p><i>There are eight Codes covering 01 Pattern and layout of buildings; 02 Green infrastructure, active travel and open space; 03 Views and landmarks; 04 Architecture and details; 05 Materials; 06 Building modifications, extension, conversion and plot infill; 07 Waste, recycling and utilities; and 08 Sustainability and building performance. It is expected that all development proposals requiring the submission of a planning application will use the Design Guidance and Codes in preparing proposals and that the specific principles in the Codes are taken into account.</i></p> <p><i>The Design Guidance and Codes will be used in the assessment of development proposals.</i></p> <p><i>It is expected that evidence in the form of a statement or similar will be submitted with the planning application to show how the principles, where relevant and as appropriate, have been taken into account.</i></p> <p><i>This statement should be proportionate to the location, type and scale of the proposal.</i></p> <p>The identified Character Area boundaries, CA1 Stoke Lacy Conservation Area and Village, CA2 Stoke Cross and CA3 the Outer Neighbourhood Plan Area refer to local character assessment and are not the same as the settlement boundaries identified on the Policies Maps in the NDP.”</p> <p>Consequential changes to subsequent policy numbering and so on will be needed</p>	<p>To better reflect the robust nature of the Design Guidance and Codes work without summarising or paraphrasing within individual policies</p>

Policy	Modification recommended	Justification
<p>Modification 5</p> <p>Policy SL11</p>	<p>Change the policy to read:</p> <p>“The Wye Valley Brewery, Woodend Lane Business Park and the outdoor storage business (on two sites) as identified on Map 3B: Stoke Cross Policies Map are safeguarded as employment land and buildings.</p> <p><i>Proposals which would result in the loss of these employment sites will only be permitted if all of the following criteria are met:</i></p> <ol style="list-style-type: none"> 1. <i>The development of the site for other uses would not result in an overall shortage in the quantity or quality of employment land supply in the area;</i> 2. <i>There would be a net improvement in amenity through the removal of a non-conforming use in a residential area and where the alternative use would offer amenity benefits;</i> 3. <i>The proposal would not result in a piecemeal loss of employment land where there is potential for a more comprehensive scheme; and</i> 4. <i>The development would not result in unreasonable restrictions placed on existing businesses and facilities or in any way adversely affect their operation without suitable mitigation being provided by the agent of change prior to the completion of development.</i> <p><i>In all cases the viability of the development proposal should be confirmed through an assessment and there must be evidence of appropriate marketing for at least 12 months for a change of use and it can be shown that this marketing has been unsuccessful.</i></p> <p><i>The provision of complementary uses that help to meet the day-to-day needs of the employment sites and their employees will be permitted where they are of an appropriate scale.”</i></p>	<p>In order to comply with basic conditions as it will have regard to national policy, be in general conformity with CS Policies SS6 and LD1 and will help to achieve sustainable development.</p>
<p>Modification 6</p> <p>Policy SL12</p>	<p>Reword Policy SL12 to read:</p> <p>“The growth and expansion of rural businesses through conversions and <i>well-designed</i> new buildings will be supported <i>where all of the following criteria are met:</i></p> <ol style="list-style-type: none"> 1. <i>The character of the countryside is respected;</i> 2. <i>There is an acceptable impact on the amenities of occupiers of neighbouring buildings (including non and residential properties) with particular regard to noise, odour and outlook;</i> 3. <i>Any new buildings or structures are carefully sited and designed to minimise visual impacts and impacts on the landscape. This may include the need for larger scale development to be “broken up” through careful design and sensitive use of materials and height;</i> 	<p>To help with the flow of the policy and ensure clarity</p>

Policy	Modification recommended	Justification
	<p>4. <i>Natural materials and an appropriate material colour palette to help blend new buildings into their surroundings are used;</i> and</p> <p>5. <i>Energy and resource efficiency measures are incorporated as appropriate.</i></p>	
Modification 7 Policy SL14	Add the word “ <i>odour</i> ” after “...noise...” to point 5.	For completeness
Modification 8 Policy SL16	<p>Change point 1. of the policy to read: “<i>Proposals should be low density and small scale in nature taking account of the relevant Design Code for the Character Area in which they are located.</i>”</p> <p>Change paragraph 9.15 on page 60 of the Plan to read:</p> <p>“Policy XX has been prepared to guide new housing development within the settlement boundaries. The settlement boundaries are shown on the Policies Maps, Map 3A and 3B. Residents are concerned that developments should be small in scale and infill rather than comprising major development.15</p> <p><i>The Design Codes also refer to the need for new development to be character-led, meaning that development density should be low and small in scale. In Character Area 01 Stoke Lacy Conservation Area and Village, this means that roadside facing development should be restricted to ones or two and that communal access and development that extends further than one plot back is characteristic. In Character Area 01 Stoke Cross, this means that development dwelling quantities should be restricted to no more than six and no more than two dwellings facing the A465 with a primary elevation. It is important that the relevant Design Code is taken into account.</i></p> <p>Infill development is development that goes in the gaps between existing buildings and such proposals also should be small in scale. Following the Regulation 14 public consultation the settlement boundaries were amended to improve consistency.”</p>	To ensure that there is no conflict between the policy and the Design Coding principles.
Modification Policy SL17	<p>Add the words “<i>based on the latest available evidence of housing need</i>” at the end of the first paragraph of the policy</p> <p>Add the words “<i>if evidenced by the latest available housing needs and viability considerations</i>” at the end of the second paragraph of the policy</p>	To ensure based on the latest available evidence of local needs and viability considerations.

4 Post Adoption SEA and HRA

- 4.1 The modifications made as a result of the Examiner’s report, as outlined above in Section 3 of this document, have been considered in terms of any resultant changes to the Strategic Environmental Assessment and Habitat Regulations Assessment. None of the changes are considered to have a significant effect on the overall appraisals. The updated SEA and HRA are available to accompany the final plan.

5 Decision

- 5.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the examiner made in the report under paragraph 10 of Schedule 4A to the 1990 act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan. Herefordshire Council have considered each of the recommendations made in the examiner's report and the reasons for them and have decided to accept the modifications to the draft plan.
- 5.2 The draft plan will be altered in line with Table 1 above in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.
- 5.3 Following the modifications made, the Stoke Lacy Neighbourhood Plan will meet the basic conditions:
- Having regard to national policies and advice contained in guidance issues by the Secretary of State, it is appropriate to make the plan
 - The making of the neighbourhood plan contributes to the achievement of sustainable development
 - The making of the neighbourhood plan is in general conformity with the strategic policies contained in the Herefordshire Local Plan – Core Strategy
 - The making of the neighbourhood plan does not breach and is otherwise compatible with EU obligations and
 - The making of the neighbourhood plan is not likely to have a significant effect on a European site either alone or in combination with other plans and projects.
- 5.4 It is recommended that the Stoke Lacy Neighbourhood Plan progresses to referendum. Consideration has been given as to whether the area should be extended beyond that of the neighbourhood area. Herefordshire Council concur with examiners conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 20 November 2019.

Signed



Dated 07/11/2022

Tracey Coleman

Interim Service Director – Planning and Regulatory Services