

Progression to Examination Decision Document Review of an Existing Made NDP

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area – Sutton St Nicholas Neighbourhood Area

Parish Council – Sutton St Nicholas Parish Council

Draft Consultation period (Reg14) – 3 May to 15 June 2022

Submission consultation period (Reg16) – 27 September to 8 November 2022

Determination

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

Does the plan meet the definition of a NDP - 'a plan which sets out policies in relation to the development use of land in the whole or any part of a particular neighbourhood area specified in the plan'	Localism Act 38A (2)	Yes
Does the plan specify the period for which it is to have effect?	2004 Act 38B (1and 2)	Yes
The plan contains no 'excluded development'? <ul style="list-style-type: none"> • County matter • Any operation relating to waste development • National infrastructure project 	1990 61K / Schedule 1	Yes
Does it relation to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the parish council undertaken the correct procedures in relation to consultation under Reg14?		Yes
Is this a first time proposal and not a repeat? <ul style="list-style-type: none"> • Has an proposal been refused in the last 2 years or • Has a referendum relating to a similar proposal had been held and • No significant change in national or local strategic policies since the refusal or referendum. 	Schedule 4B para 5	This is a review of a made NDP formally made on 9 March 20217.
Does the parish council consider the modifications to be significant or substantial	Neighbourhood Planning Act 2017 2004 Act Schedule A2 Reg15 (1) (f)	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.

Summary of comments received during submission consultation

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

Table 1 – comments made by Herefordshire Council departments

Herefordshire Council	Comment made
Strategic Planning	No conformity issues identified. See Appendix 1 for full details
Development Management	<p>Policy SUT2 – site allocated for 20 units, LPA has a current application for 24 (193293). Officer satisfied that 24 units could be accommodated in compliance with NDP general policies.</p> <p>Policy SUT3 - site allocated for 18 units, LPA has a current application for 24 (192444). Officer satisfied that 23 units could be accommodated in compliance with NDP general policies.</p> <p>Policy SUT5 – welcome inclusion particularly points 1, 2 and 3</p> <p>Policy SUT6 – concern regarding point 1. Support in the CS is sufficient. Proposals for home working which require planning permission are judged on their merits including whether development is ancillary to the existing use or potentially represents a change of use and other planning considerations in respect of design, amenity, and highway safety. To give such explicit support to extend a property to accommodate home working is of concern.</p>

Table 2 – comments made by statutory consultees

Statutory Consultee	Comment made
Historic England	Remain supportive of the document and Policy SUT17 No further comments to make
Welsh Water	Nothing further to add from the Reg14 comments Welcome the proposed modifications to the plan. Note a number of new policies and welcome SUT3 and SUT11
Coal Authority	No specific comments to make
Natural Resources Wales	No comments to make

Statutory Consultee	Comment made
NHS Herefordshire and Worcestershire	No direct comments to make but welcome measures within the Community Action section
Environment Agency	Policy SUT2 – as part of the planning application may be necessary to prove all built development is within Flood Zone 1 Policy SUT3 – no further comments to make Policy SUT11 – note and welcome
Natural England	Policy SUT11 – agree that the plan will have no adverse effect on integrity of the River Wye.

Table 3 – comments made by members of the public

Member of the public	Comment made
None received	

Officer appraisal

All the consultation requirements of Regulation 14 were undertaken by the parish council and all the required documentation was submitted under Regulation 16.

This plan has met the requirements of the regulations as set out in the table above.

This is a current made plan which is subject to modifications which the parish council consider to be material modifications which are not significant or substantial to change the nature of the plan.

No concern has been raised from internal consultees with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy. The parish has a minimum proportional growth requirement of 72 with 3 commitments, 53 completions (as at April 2022) and a site allocation of 38 dwellings within the NDP.

The following modifications have been made are as follows:

- Vision remains unchanged
- Some objectives have been reworded to add clarification
- Modifications do not include any new sites
- 6 new Policies have been added regarding agricultural and forestry, householder development, renewable and local carbon energy, key views, heritage, communications infrastructure.
- Some additional criteria have been added to policies to add local detail

9 representations were received during the submission (Reg16) consultation period. 7 external and 2 from internal service providers at Herefordshire Council. The external consultees had no objections to the plan, and mostly provided general and supportive comments to the plan.

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

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

No local residents commented on the policies or the site allocation within the plan. The Consultation Statement details the community involvement undertaken and how issues raised have been addresses as part of the process.

Overall it is considered that there are no fundamental issues relating to this plan which would prevents its progress to examination and consideration by the examiner regarding the nature of the modifications on the existing made NDP.

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

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

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

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

It is agreed that Sutton St Nicolas Parish Council’s assessment that the modifications are not so significant or substantial to change the nature of the plan.

Service Director's comments

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

It is recommended that the Sutton St Nicholas Neighbourhood Plan **does** progress to examination at this stage.

A handwritten signature in black ink that reads "Tracey Coleman". The signature is written in a cursive style with a large initial 'T' and 'C'.

Tracey Coleman

Interim Service Director – Planning and Regulatory Services

Date: 10/11/22

Appendix 1

Name of NDP: Sutton St. Nicholas NDP Review Reg 16

Date: 12/10/22

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
SUT1: Sutton St. Nicholas settlement boundary	RA2: Housing in settlements outside Hereford and the market towns	Y	
SUT2: Land at The Lane	H1: Affordable housing SD1: Sustainable design and energy efficiency LD4: Historic environment and heritage assets	Y	
SUT3: Land adjacent to The Linnings	H1: Affordable housing SD1: Sustainable design and energy efficiency LD1: Landscape and townscape	Y	
SUT4: Housing mix	H3: Ensuring an appropriate range and mix of housing	Y	
SUT5: Householder development	SD1: Sustainable design and energy efficiency	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
SUT6: Small-scale employment	E3: Homeworking RA4: Agricultural, forestry and rural enterprise dwellings RA5: Re-use of rural buildings	Y	
SUT7: Agricultural and forestry development	RA4: Agricultural, forestry and rural enterprise dwellings	Y	
SUT8: Communications infrastructure	N/A	Y	
SUT9: Community facilities	SC1: Social and community facilities	Y	
SUT10: Renewable and low carbon energy	SD2: Renewable and low carbon energy	Y	
SUT11: Water quality in the River Lugg	SD4: Wastewater treatment and river water quality	Y	
SUT12: Landscape character	LD1: Landscape and townscape	Y	
SUT13: Key Views	N/A	Y	
SUT14: Local Green Space and public open space	OS1: Requirement for open space, sport and recreation facilities OS2: Meeting open space, sport and recreation needs	Y	
SUT15: Green infrastructure	LD3: Green infrastructure	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
SUT16: Building design	SS6 : Environmental quality and local distinctiveness SD1: Sustainable design and energy efficiency	Y	
SUT17: Heritage	LD4: Historic environment and heritage assets	Y	

Other comments/conformity issues:

This NDP is in general conformity with the policies of the Core Strategy and the strategic planning team therefore raise no objections.