

## **Sutton St Nicholas NDP Reg 16 Review Comments**

**Consultee: Development Management – Prepared by Chloe Smart (Principal Planning Officer).**

I have reviewed the Sutton St Nicholas NDP Review and offer the following comments from a Development Management perspective:

1. Policy SUT2 – ‘Land at the Lane’ – The site is allocated for around 20 units. The LPA currently has an application for 24 units on the site (LPA Ref: 193293). It is ‘held with phosphates’ but officers are satisfied the 24 units proposed could be accommodated still ensuring compliance with design, heritage and landscape policies;
2. Policy SUT3 – ‘Land adjacent to the Linnings’ – The site is allocated for around 18 units. The LPA has also has a scheme ‘held with phosphates’ on this site (LPA Ref: 192444/O). The current scheme is 23 units and again, officers are satisfied that number can respond appropriately to the context and comply with design and landscape policies.
3. Policy SUT5 – Welcome the inclusion of a householder development policy, particularly points 1, 2 and 3.
4. Policy SUT6 – ‘Small Scale Employment’ – concern regarding bullet point 1 and the inclusion of criteria supporting extensions to dwellings to enable home working. There is support for this at the strategic level (Herefordshire Local Plan – Core Strategy) and in my opinion that 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, highway safety and so on. To give such explicit support to extend a property to accommodate home working is of concern.



The Coal  
Authority



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Nottinghamshire  
NG18 4RG

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Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Neighbourhood Planning and Strategic Planning  
Herefordshire Council

**[By Email: [neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk) ]**

19 October 2022

Dear Neighbourhood Planning and Strategic Planning teams

**Sutton St Nicholas Neighbourhood Plan Regulation 16 submission**

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

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**From:** Ryan Norman <Ryan.Norman@dwrcymru.com>  
**Sent:** 25 October 2022 15:43  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Sutton St Nicholas Reviewed Regulation 16 submission neighbourhood development plan consultation  
**Attachments:** RE: Proposals to modify the Sutton St. Nicholas Neighbourhood Development Plan

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Dear Sir/Madam,

Thank you for consulting Welsh Water on the below.

As you may be aware, we were consulted on the Reg 14 stage of the NDP earlier this year (attached for your info).

As such, we have nothing further to add at this time.

Kind regards,



**Ryan Norman**

Development Growth Manager | Developer Services |  
Dŵr Cymru Welsh Water

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

A: PO Box 3146, Cardiff, CF30 0EH



W: [dwrcymru.com](http://dwrcymru.com)

E: [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

## Neighbourhood Planning Team

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**From:** Ryan Norman <Ryan.Norman@dwrcymru.com>  
**Sent:** 31 May 2022 15:19  
**To:** Rudolph Ford  
**Subject:** RE: Proposals to modify the Sutton St. Nicholas Neighbourhood Development Plan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir/Madam,

I refer to the below and would like to thank you for consulting Welsh Water.

We welcome and support the proposed modifications to the Plan. Specifically with regard to the Objectives, we welcome the addition of the objective on the River Wye Special Area of Conservation.

We note that there are number of new and replacement policies proposed, and we note and welcome the continued inclusion of the accompanying text to policies SUT2 and SUT3 with regard to the provision of Welsh Water infrastructure.

We also welcome the inclusion of Policy SUT11 Water quality in the River Lugg – the first element of this policy will be key to ensuring the water quality issue is addressed, whilst the capacity of the WwTW and the public sewerage network is a requirement in order for development to be forthcoming.

If you require any further detail on the above, please let me know.

Kind regards,



**Ryan Norman**

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

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

From Herefordshire Council Strategic Planning Team

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

Date: 12/10/22

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

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

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
	recreation needs		
SUT15: Green infrastructure	LD3: Green infrastructure	<b>Y</b>	
SUT16: Building design	SS6 : Environmental quality and local distinctiveness  SD1: Sustainable design and energy efficiency	<b>Y</b>	
SUT17: Heritage	LD4: Historic environment and heritage assets	<b>Y</b>	

**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.

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

**Our ref:** SV/2022/111226/OT-  
04/SB1-L01

**Your ref:**

**Date:** 06 October 2022

**FAO: James Latham**

Dear James

### **SUTTON ST NICHOLAS REGULATION 16 NEIGHBOURHOOD PLAN**

I refer to your email of 27<sup>th</sup> September 2022 in relation to the Sutton St Nicolas Regulation 16 Neighbourhood Development Plan (NDP). We reviewed the Regulation 14 draft in June 2022 (our ref: SV/2022/111226/OR-03/IS1-L01). We have reviewed the Regulation 16 Submission Draft as well as the associated Appropriate Assessment (AA) and Environmental Report (ER).

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:** There were two site submissions in the Regulation 14 draft, we provided comment on both of these sites, notably that one of the sites (Land at the Lane) which is within close proximity to Flood Zone 3 and 2 (the High and Medium Risk Zones respectively) of the River Lugg (a statutory main river).

We note that the Regulation 16 Plan has kept the same two sites, including 'Land at the Lane' (Policy SUT2). We note that part 4 of Policy SUT2 states that "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". This part of the site is close to the Flood Zone 3 and 2 extent, however, it appears to sit completely within Flood Zone 1. As

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Cont/d..



part of any planning application, it may be necessary to prove that all of the built development (including any potential attenuation features) sits within Flood Zone 1, appropriately above the design flood level.

'Land at the Linnings' (Policy SUT3), sits entirely within Flood Zone 1 (the low risk zone), we have no further comments upon this site submission.

It should be noted that our Flood Map provides an indication of 'fluvial' flood risk only. You are advised to discuss matters relating to surface water (pluvial) flooding with the drainage team at Herefordshire Council as the Lead Local Flooding Authority (LLFA).

**River Wye SAC Catchment:** It is noted that Sutton St Nicholas falls within the River Lugg Sub-Catchment and that an Appropriate Assessment (AA) has been undertaken in light of recent comments from Natural England (NE). As confirmed within the AA document, and the Draft Plan, 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.

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. Further evidence is being drafted by the Council, in consultation with NE, to give greater certainty that the mitigation proposed will enable development to proceed without an impact on the SAC.

It is noted, and welcomed, that the NDP includes a specific Policy section on Water Quality in the River Lugg and that the Policy SUT11 (Water Quality in the Lugg) 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 also referenced in the Policy. 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.

I trust that the above is of assistance.

Yours faithfully

**Mr. Matt Bennion**  
**Planning officer**

Direct dial 07810 774218

Direct e-mail [matthew.bennion@environment-agency.gov.uk](mailto:matthew.bennion@environment-agency.gov.uk)

End



Historic England

Mr James Latham  
Herefordshire Council  
Neighbourhood Planning & Strategic Planning  
Plough Lane  
Hereford  
Herefordshire  
HR4 0LE

Direct Dial: 0121 625 6887

Our ref: PL00791302

31 October 2022

Dear Mr Latham

### **SUTTON ST. NICHOLAS NEIGHBOURHOOD PLAN REVIEW- REGULATION 16 CONSULTATION**

Thank you for the invitation to comment again on the reviewed Neighbourhood Plan.

Historic England remains supportive of both the content of the document and the vision, objectives and policies set out in it including policy (SUT17) covering the conservation of the historic environment and heritage assets.

Beyond those observations we have no further comments to make on what Historic England considers is a good example of community led planning that takes a suitably proportionate approach to the historic environment of the Parish.

I hope you find these comments helpful.

Yours sincerely,

P. Boland.

Peter Boland  
Historic Places Advisor  
[peter.boland@HistoricEngland.org.uk](mailto:peter.boland@HistoricEngland.org.uk)

cc:



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

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[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



*Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.*

Date: 30 September 2022  
Our ref: 408071  
Your ref: None



James Latham  
Neighbourhood Planning and Strategic Planning teams  
Herefordshire Council  
[neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)

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**BY EMAIL ONLY**

Dear Mr Latham

**Sutton St Nicholas Neighbourhood Plan  
Regulation 16 and Appropriate Assessment**

Thank you for your consultation on the above dated 27 September 2022 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Sutton St Nicholas Neighbourhood Plan area is within the catchment of the River Lugg part of the River Wye Special Area of Conservation (SAC), which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Lugg Site of Special Scientific Interest (SSSI).

An appropriate assessment has been undertaken, in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

On 18 July 2022, Natural England wrote to Herefordshire Council regarding the approach to Neighbourhood Plans in the River Lugg catchment. We advised that Neighbourhood Plans in the Lugg catchment could not rely on the adopted Core Strategy or the Nutrient Management Plan as mitigation. We advised instead that the plan could either pause, or require housing development to be nutrient neutral.

The Neighbourhood Plan now includes Policy SUT11: Water quality in the River Lugg. With the inclusion of this policy and the updated Habitat Regulations Assessment, Natural England agrees that the plan will have no adverse effect on the integrity of the River Wye SAC.

As a minor point the Appropriate Assessment uses the wrong terminology in some places. The conclusion is that there are *no adverse effects on integrity*, rather than no likely significant effects.

I hope this response is of assistance.

Please send further correspondence, marked for my attention, to

[consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Hayley Fleming  
Senior adviser  
West Midlands planning for a better environment team

## Neighbourhood Planning Team

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**From:** Mid Planning <MidPlanning@cyfoethnaturiolcymru.gov.uk>  
**Sent:** 17 October 2022 17:56  
**To:** Neighbourhood Planning Team  
**Subject:** SuttonStNicReg16NDP - Sutton St Nicholas Rev Reg 16 NDP (LDP) - NRW  
Response NRW:07380738

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Dear Sir/Madam

Thank you for consulting Natural Resources Wales on the above neighbourhood plan. We have reviewed the plan and have no comments to make, but refer you to Natural England as the Appropriate Nature Conservation Body (ANCB) to consider the Plans proposal further.

Kind Regards  
Bryn Pryce

Tîm Cynllunio Datblygu / Development Planning Team  
Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffôn / Tel: 0300 065 4795  
[www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) / [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

**Yn falch o arwain y ffordd at ddyfodol gwell i Gymru trwy reoli'r amgylchedd ac adnoddau naturiol yn gynaliadwy / Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably.**

**Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi / Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.**

## Neighbourhood Planning Team

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**From:** HINDLE, Joanna (NHS HEREFORDSHIRE AND WORCESTERSHIRE ICB - 18C)  
<joanna.hindle3@nhs.net>  
**Sent:** 10 October 2022 09:51  
**To:** Neighbourhood Planning Team  
**Subject:** RE: Sutton St Nicholas Reviewed Regulation 16 submission neighbourhood development plan consultation

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.

Good Morning,

Thank you for notifying NHS Herefordshire & Worcestershire Integrated Care Board (ICB) of the Sutton St Nicholas Parish Council Regulation 16 Neighbourhood Development Plan consultation.

NHS Herefordshire & Worcestershire ICB has no direct comment on the plan, but welcomes the Community Action for the Parish Council's "Proposals for the development of mobile telecommunications infrastructure and Improvements to broadband infrastructure", which is of benefit to the provision of healthcare into rural communities.

Kind Regards,

**Jo Hindle**

**Primary Care Contracts Officer**

NHS Herefordshire and Worcestershire

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