

## Progression to Examination Decision Document



### 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)	7 December 2015 to 29 January 2016
Submission consultation period (Reg16)	24 May 2016 to 5 July 2016

#### Determination

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"> <li>• Map showing the area</li> <li>• The Neighbourhood Plan</li> <li>• Consultation Statement</li> <li>• SEA/HRA</li> <li>• Basic Condition statement</li> </ul>	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
Are any 'excluded development' included? <ul style="list-style-type: none"> <li>• County matter</li> <li>• Any operation relating to waste development</li> </ul>	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> <li>National infrastructure project</li> </ul>		
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
<p>Is this a repeat proposal?</p> <ul style="list-style-type: none"> <li>Has an proposal been refused in the last 2 years or</li> <li>Has a referendum relating to a similar proposal had been held and</li> <li>No significant change in national or local strategic policies since the refusal or referendum.</li> </ul>	Schedule 4B para 5	No

#### Summary of comments received during submission consultation

Historic England	No further comment to make from earlier correspondence. HE is supportive of both the content and the approaches taken in the plan.
Natural England	<p>No specific comments to make.</p> <p>Have not checked the agricultural land classification of the proposed allocation but advise ensure that allocations are justified in line with para112 of the NPPF</p>
Coal Authority	No specific comments to make
Environment Agency	<p>Site sites with potential to deliver up to 38 dwellings fall wholly within Flood Zone 1. Acknowledged that 'Land at the Lane' borders the Lugg Floodplain ad the southern portion of the site is to be kept free from development to provide a sensitivity buffer which is welcomed.</p> <p>Should be noted that the Flood Map provides an indication of fluvial flood risk only. Advice matters relating to surface water flooding are discussed with the Lead Local Flood Authority.</p> <p>Prior to progressing the two sites improvements will be required to the Moreton on Lugg wastewater treatment works. Development should be progressed in accordance with Policy SD4.</p>

<p>Herefordshire and Gloucestershire Canal Trust</p>	<p>In principal support the plan in particular policy 9.</p> <p>Object to an omission – the plan fails to identify the long term strategic objective to use the canal towpath from Hereford to Sutton St Nicholas as a strategic off road cycle route. Long term objective is unlikely to happen entirely within the plan period however likely to commence. Request that a dialogue to agree wording.</p> <p>Policy 5 – ‘appropriate developer contributions will be sought towards meeting identified community needs...’ sits oddly here as related to housing within policy 3. Policy should be extended to include potential contributions to green infrastructure.</p>
<p>Network Rail</p>	<p>Should set a strategic context requiring developer contributions towards rail infrastructure.</p>
<p>Herefordshire Council – Strategic Planning</p>	<p>The plan’s policies are in general conformity with those equivalent in the Herefordshire Core Strategy. See appendix for full details</p>
<p>Herefordshire Council - Environmental Health (contamination)</p>	<p>Two sites ‘Land at the Lane’ and ‘Land adjacent the Linnings’ have both historically been used as orchards. By way of general advice orchards can be subject to agricultural spraying practices which may lead to a legacy of contaminations and this could be considered.</p> <p><u>General comments:</u></p> <p>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.</p> <p>It should be recognised that contamination is a material planning consideration and is referred to within the NPPF. Recommend applicants and those involved in the 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.</p> <p>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.</p>

Herefordshire Council - Environmental Health (pollution)	No further comments to make
Herefordshire Council - Transportation	No comments to make
Herefordshire Council - Economic Development	No issues
Resident - support	Supporting 100% the NDP as represents the wishes of the parishioners and supports future housing growth
Resident - objection	Building of houses on the proposed field ignores the risk of flooding in severe weather. The Forde has been subject to flooding previously then the land for building will also be liable for flooding. There is lots of wildlife and this would be severely disrupted. Other sites within the village boundary can be utilised.
Resident - support	In agreement with the draft submitted and of the forward progression for the plan to referendum.
Resident - support	Support the submission plan in full
Resident – objection	<p>Object to open land to the west of Upper House Farm being designed Local Green Space and described as a traditional orchard.</p> <p>Not and has not been for some years but is grassed for livestock with young needing to be close to farm.</p> <p>Area is inside the settlement boundary and ideal for future development.</p> <p>If designed as LGS, becomes cut off from the farm where will the compensation come from if no longer viable to farm.</p>
Resident - objection	<p>Object to the land Upper House Far, being used as building land. In draft was classified as green space and suddenly became a possible plot.</p> <p>Land floods towards the bottom towards St Ethelbert Close and the bottom of our garden. Building would make the problem worse.</p>
Resident - objection	Land west of Upper House Farm was listed as green space. Latest submission done a u-turn without any consultation and now sacrificed to development. Loss of working farm will alter the balance and rural nature of the village.

	<p>Green space is sufficiently large to have an effect on the immediate areas diminishing its size will half its impact and loss of approach from south-east along Ridgeway Road.</p> <p>Request designation as a local green space in its entirety is retained.</p>
Resident - support	A very good plan

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

### **Officer appraisal**

The Sutton St Nicholas neighbourhood plan has meet the required regulations as indicated above.

During the consultation 8 comments were received by local residents (4 supports and 4 objections). The main point of objection from the local residents is regarding the designation of local green space and housing land at Upper House Farm and potential flooding at 'the Lane'. These issues can be addressed as part of the examination process.


None of the Herefordshire Council service providers have raised any issues and the Strategic Planning team have confirmed conformity with the adopted Core Strategy.

The Environmental Agency have raised some points of advice regarding surface water flooding and the Herefordshire and Gloucester Canal Trust have highlighted some omissions from the plan. Again this can be addressed as part of the examination process.

### **Assistant Director's comments**

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

**The decision to progress to appoint an examiner for the above neighbourhood plan has been Approved.**



**Richard Gabb**

**Programme Director – Growth**

Date: 6/7/16

## Appendix 1

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

From Herefordshire Council Strategic Planning Team

Name of NDP: Sutton St. Nicholas- Regulation 16 submission draft

Date: 26/05/16

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Policy 1- Settlement Boundary	N/A	Y	
Policy 2- Delivering New Housing	SS2, RA2	Y	
Policy 3- Criteria for New Housing Development	H1, H3, SD1, SD3, OS1, MT1	Y	
Policy 4- Small-Scale Employment	RA6, E1, E3	Y	
Policy 5- Local Community Facilities	SC1, OS1- OS3	Y	
Policy 6- Landscape	LD1	Y	
Policy 7- Building Design	LD1, LD4	Y	
Policy 8- Open Spaces	LD1, LD3, OS1- OS3	Y	
Policy 9- Green Infrastructure	LD3	Y	

#### Other comments/conformity issues:

The plan is in general conformity with the Local Plan Core Strategy, with policies designed to supplement those within the LPCS. It also clearly demonstrates that it can deliver the housing targets set out by the Local Plan.