

## Stoke Lacy NDP

### Stoke Lacy Parish Council's Responses to Comments submitted to Herefordshire Council during the Regulation 16 Consultation

(Note – Only those comments suggesting changes to the NDP are addressed)

#### 1. Herefordshire Council North Team

Ref No	Comments	Stoke Lacy Parish Council Response
1	<p>Introduction</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> As an overall comment, the steering group has considered our input from regulation 14 and we welcome a large number of revisions to our previous constructive suggestions.</li> <li><input type="checkbox"/> A contents page to list the NDP Policies is welcomed</li> </ul>	Noted.
2	<p>SL1</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> As a positive, the visualisation of Key Public Views helps understand what is valued by the neighbourhood area.</li> <li><input type="checkbox"/> Is it possible to clearly define what the NDP means by 'new build' – is this solely new residential development or all types of development? It seems superfluous for agricultural buildings/residential extensions to accommodate these elements. Furthermore, it would be advised that the majority of elements identified can often form part of detailed landscaping schemes/biodiversity net gain evidence, which is often addressed through condition.</li> </ul>	<p>The Policy should be applied to all new residential as well as commercial and agricultural buildings as all development should be of a high-quality design which responds to local landscape character and enhances biodiversity.</p> <p>Some of the elements eg landscaping schemes and PROW would not be relevant to small house extensions in any case. The Policy includes the wording 'where they are applicable to the site concerned' and so already provides some flexibility for decision makers.</p>
3	<p>SL2</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Take out the word 'protect'. The NPPF solely makes reference to conserve and enhance which is more appropriate terminology.</li> <li><input type="checkbox"/> Delete the last sentence or re-word as it is too prescriptive. The LPA would make such an assessment anyway as the competent authority.</li> </ul>	The policy wording was provided by HC planners. The Parish Council would accept the proposed amended wording if considered appropriate by the Examiner.
4	<p>SL3</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> No comments to offer</li> </ul> <p>SL4</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> No comments to offer</li> </ul>	N/A
5	<p>SL5</p>	Policy SL5 refers to proposals for new public open space in the Parish. The supporting text (para

	<p><input type="checkbox"/> Whilst not in the policy, you've made reference to saying that explicitly saying to provide facilities for Netherwood when Policy SL2 states that development is not allowed except in very special circumstances.</p>	<p>5.26) reference to Netherwood simply includes comments about Netherwood from public consultation responses. Para 5.27 explains that that Policy SL5 refers to the provision of a new public open space.</p>
6	<p>SL6</p> <p><input type="checkbox"/> Does the word permeable relate to a dwelling or that of vehicular access construction – needs clarification.</p>	<p>The term permeable in this context relates to pattern and layout– not materials for driveways etc. Permeable and connected street patterns are an important feature of good urban design as they contribute to community safety and also encourage walking and cycling.</p>
7	<p>SL6</p> <p><input type="checkbox"/> Is the neighbourhood area likely to have anything of scale to justify all these elements or could it be simplified.</p>	<p>The NDP has been prepared during a period of significant development pressure in Stoke Lacy. It is anticipated that further major development around the village is unlikely, but there is still uncertainty about the new Local Plan. In the meantime, planning proposals for housing sites continue to come forward – see developer response from Zesta planning for example.</p>
8	<p>SL6</p> <p><input type="checkbox"/> Point 11 should be deleted/reworded, might want to use the word 'conserve'.</p>	<p>Accepted – change to 'conserve' if retained.</p>
9	<p>SL6</p> <p><input type="checkbox"/> Point 12 – advise that Class Q prior approvals are not or would be subject to assessment against the NDP.</p>	<p>Noted. The supporting text could include a reference to Class Q if the examiner agrees.</p>
10	<p>SL6</p> <p><input type="checkbox"/> Point 13 – should be reworded to align with paragraph 80 of the NPPF.</p>	<p>Accepted. Suggest re-wording to something like: 'Isolated homes in the countryside should be avoided. Where one or more of the exception circumstances set out in the NPPF or Local Plan apply, high-quality, sensitively sited, and appropriate new housing on single plots may be supported.'</p>
11	<p>SL7</p> <p><input type="checkbox"/> We have questions over maintenance over some proposed elements e.g. orchards and hop yards, often difficult to enforce.</p>	<p>Noted. Perhaps this could be resolved by reference to management / maintenance agreements?</p>
12	<p>SL7</p>	<p>Accepted.</p>

	<input type="checkbox"/> Should you consider saying that the request for such details is appropriate to the scale of development e.g. is it reasonable to expect such details for a householder extension that is very close to falling within permitted development or where permitted development is a theoretical 'fall-back' position.	Suggest after 'In particular schemes should' insert 'where appropriate to the scale of development'.
13	SL8 <input type="checkbox"/> Point 1 – grammatical error 'storey' not story	Accepted.
14	SL8 <input type="checkbox"/> Point 1 – need to be aware of Class AA of permitted development, which may allow for enlargement of a dwelling house by construction of additional storeys, subject to prior approval. <input type="checkbox"/> Points 1 and 2 seem unreasonable and controlling	Accepted. Suggest insert 'where planning consent is required' after 'In particular schemes should'  All points are derived from the design codes.
15	SL8 <input type="checkbox"/> Point 3 – are you expecting such details on conversions for former agricultural buildings as these would not likely be supported as it would adversely affect the character and appearance of the area.	Accepted.  Policy SL8 should be applied to new housing development. This could be specified in the introductory paragraph.
16	SL8 <input type="checkbox"/> Points 1 and 5 seem incongruous with one another, may want to rethink or suggest that innovative designs could be supported, where appropriately evidenced.	Accepted. Suggest amending Point 5 to: 'Innovative designs such as green / brown roofs or standing seam may be supported where appropriately evidenced.'
17	SL8 <input type="checkbox"/> Point 8 seems unreasonable as it is difficult to say or limit a developer/applicant to use local suppliers	The PC would like to encourage developers to use local suppliers so perhaps insert 'where possible' or similar. Delete 'd' as it is a typo.
18	SL8 <input type="checkbox"/> Is it worth omitting point 9 as it should be covered under use of appropriate materials rather than singling it out.	Accepted. Point 9 could be deleted or added to point 8..
19	SL8 <input type="checkbox"/> Points 11, 15 and 16 – how is it possible to encourage variation when point 1 is largely wanting two-storey pitched roofs to be the predominant vernacular?	Accepted. 11 - Perhaps delete 'strong architectural variation' but encourage 'distinct dwelling types' 15 – Could just say 'architectural variation is encouraged' 16 – retain.
20	SL8	Accepted. Delete 17.

	<input type="checkbox"/> Point 17 – paragraph 80 allows for truly outstanding designs, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas and it would be disingenuous to ensure development accords with nearby precedent when paragraph 80 is ‘raising the bar’ on outstanding design.	
21	SL8 <input type="checkbox"/> Point 19 – can’t be prescriptive on what you want or say, where appropriate.	Accepted – add ‘where appropriate’.
22	SL8 <input type="checkbox"/> Is this policy to also include agricultural buildings/householder extensions/outbuildings?	Policy SL8 is for new housing development.  Policy SL9 refers to extensions and conversions.
23	SL9 <input type="checkbox"/> Good to see a householder extensions policy <input type="checkbox"/> Point 1 to be reworded to ‘use of appropriate materials’	Accepted. Amend Point 1 to refer to use of appropriate materials.
24	SL10 <input type="checkbox"/> Should you consider saying that the request for such details is appropriate to the scale of development e.g. is it reasonable to expect such details for a householder extension that is very close to falling within permitted development or where permitted development is a theoretical ‘fall-back’ position	Accepted. Amend as suggested.
25	SL10 <input type="checkbox"/> Please be aware that it is difficult to ensure these elements are implemented. Maybe look to re-word it ‘to ensure that development to aims to integrate the following, where appropriate to its scale’ <input type="checkbox"/> Many of the elements are unenforceable from a planning perspective and would fall under permitted development.	Accepted. Amend as suggested.
26	SL10 <input type="checkbox"/> Listed Building Consents are covered under their own legislation.	Accepted.
27	SL11 <input type="checkbox"/> It is important that a policy for retention or protection of Employment Land/Commercial Uses is considered a priority <input type="checkbox"/> You may again wish to include appropriate marketing for employment use is a prerequisite for any change of use application away from employment uses.	Noted.  The Policy refers to Core Strategy Policy E2 which addresses marketing: ‘In all cases: - the viability of the development proposal must be confirmed through a comprehensive assessment; and

		- there must be evidence of appropriate and active marketing of at least 12 months for a change of use of a B Class employment use and it can be shown that this marketing has been unsuccessful.'  NDP policies should not duplicate strategic policies.
28	SL12 <input type="checkbox"/> Point 1 – omit 'outlook' as a right to a view is not a material planning consideration unless you are saying that it refers to a 'protected key view'.	Accepted.
29	SL12 <input type="checkbox"/> Point 3 – again, being prescriptive, it is more the colour palette that should be referenced.	Accepted.
30	SL12 <input type="checkbox"/> Might want to refer to Malvern Hills AONB Guidance on use of colour in development	Stoke Lacy NDP area is not in the AONB so surely this would not be appropriate?
31	SL13 No comments to offer	N/A
32	SL14 <input type="checkbox"/> What are the relevant design codes?	Accepted.  Delete reference to 'relevant design codes.' Various NDP Policies would apply to new development and Policy SL9 would apply to conversions in any case.
33	SL14 <input type="checkbox"/> Point 3 – there are very few footways and pedestrian friendly spaces across the neighbourhood area and a need to recognise that active modes of travel are not the principle means of accessing nearby services and facilities given its location.	Noted. However the NDP has a role in promoting active travel and low carbon alternatives wherever possible. Suggest leave this to the examiner's recommendations.
34	SL14 <input type="checkbox"/> Point 5 – might want to include odour?	Accepted. Amend as suggested.
35	SL15 <input type="checkbox"/> Should you consider saying that the request for such details is appropriate to the scale of development e.g. is it reasonable to expect such details for a householder extension that is very close to falling within permitted development or where permitted development is a theoretical 'fall-back' position. <input type="checkbox"/>	Accepted. Amend as suggested by referring to 'where appropriate to the scale of development'.

	The likely scale of new residential development in the neighbourhood area is unlikely to get the S106 contributions that could be put towards achieving such measures.	
36	<p>SL16</p> <p><input type="checkbox"/> What are the relevant design codes?</p> <p><input type="checkbox"/> May want to consider adding biodiversity net gain</p>	<p>Noted.</p> <p>Perhaps delete reference to design codes as all relevant planning policies would apply.</p> <p>Policy SL1 refers to biodiversity, but could be amended to refer to biodiversity net gain.</p>
37	<p>SL16/1</p> <p><input type="checkbox"/> Allocation boundary line to be re-considered as seems excessive for just 2 no. dwellings, particularly if wanting to keep small-scale.</p>	<p>Noted.</p> <p>This has been raised previously but the landowners have confirmed that the proposal is for small scale, low density development in an existing garden area.</p>
38	<p>SL17</p> <p><input type="checkbox"/> Good to see reference to the current Housing Market Area figures but again, are likely housing schemes in Stoke Lacy going to be of a scale where housing mix is imperative.</p> <p><input type="checkbox"/> Self-build is a material planning consideration anyway, so no need to automatically specifically in policy as this could lead to applications of a bigger scale of dwellings where self-build is referenced to attempt to override the development plan.</p>	<p>Noted.</p> <p>See above – the area continues to be under significant development pressure.</p> <p>The Parish Council would like to retain the reference to self-build as this came through strongly in consultation responses – leave to Examiner’s recommendations.</p>
39	<p>Other points to consider</p> <p><input type="checkbox"/> A major point was raised that there is no reference to Wye Valley Brewery or the adjoining Woodend Lane business park? This is particularly noteworthy given the settlement has quite a concentration of commercial businesses and that there is was no policy with seek to explore options retain the brewery and business park as employment land, if business operations expand to the point where re-location may be necessary. Given its/ drawn within the settlement boundary for the NDP, are we expecting that if such a commercial use is abandoned, further residential development hereabouts on these sites.</p> <p><input type="checkbox"/> It is welcomed that the NDP settlement boundary clearly identifies the extent of Wye Valley Brewery and the business park, and makes this protected employment land. This allows for the new policy to be separately created to ensure that change of use of protected employment land to residential or other uses would require appropriate marketing prior to being considered for residential use.</p>	<p>Noted.</p> <p>Perhaps the first point was retained from earlier comments as the second point seems to contradict it.</p> <p>Refer to Policy SL11 which identifies the Wye Valley Brewery / Woodend site and a storage area as employment land and refers to Core Strategy Policy E2.</p>

## 2. Zesta Planning

Ref No	Comments	Stoke Lacy Parish Council Response
1	<p>Stoke Lacy Neighbourhood Plan: Submission Consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)</p> <p>These representations have been prepared by Zesta Planning on behalf of Lantar Developments Ltd in response to the current consultation on the submission version of the Stoke Lacy Neighbourhood Plan 2021-2031 (SLNP), published pursuant to Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended).</p> <p>By way of background, Zesta Planning submitted a representation to the previous Regulation 14 consultation on behalf of Lantar Developments in March 2022. A copy of this representation is attached to this letter at Appendix A.</p> <p>Our client welcomes the opportunity to provide further comments on the emerging plan and understands that it is this version of the plan that will be subject to examination.</p>	<p>Noted.</p> <p>Please refer to Consultation Statement Appendix 3 Table 4 for PC responses to comments submitted during the Reg 14 consultation.</p>
2	<p>General Legislative Context</p> <p>In order for a Neighbourhood Plan to be successful at independent examination it must be demonstrated that the plan conforms to the 'basic conditions' as set out within Paragraph 8, Schedule 4B of the Town and Country Planning Act 1990 (as amended).</p> <p>An Independent Examiner will consider whether the basic conditions are met. The basic conditions applicable to neighbourhood plans are:</p> <ul style="list-style-type: none"> <li>-Having regard to national policies and advice contained in guidance issued by the Secretary of State</li> <li>-The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development</li> </ul>	<p>Noted.</p> <p>The Examiner will determine whether the Plan meets the required basic conditions and whether any modifications are required. A Basic Conditions Statement was submitted alongside the NDP showing how the basic conditions have been considered and addressed in the preparation of the NDP.</p>

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	<ul style="list-style-type: none"> <li>-The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority</li> <li>-The making of the order (or neighbourhood plan) does not breach and is otherwise compatible with EU obligations</li> <li>-prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan)</li> </ul>	
3	<p>National Policy</p> <p>Neighbourhood Plans must have regard to the provisions of the National Planning Policy Framework 2021, (the Framework). Paragraph 13 of the Framework sets out that the application of the presumption in favour of sustainable development (Paragraph 11), has implications for the way communities engage in neighbourhood planning:</p> <p><i>'Neighbourhood Plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.'</i></p> <p>Paragraph 18 of the Framework notes that Local Plans should address strategic and non-strategic matters, with neighbourhood plans covering just non-strategic policies.</p> <p>Paragraph 29 notes that Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.</p> <p>The Planning Practice Guidance (PPG) notes that neighbourhood plan policies should be clear and unambiguous and supported by appropriate evidence. Paragraph 40 of the PPG notes: 'While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices</p>	<p>Noted.</p> <p>The Examiner will consider whether the NDP Policies and proposals have regard to national planning policy and whether any modifications are required in order for the Plan to do so.</p>

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	<p>made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.'</p> <p>Neighbourhood Plans should be in general conformity with the strategic policies contained within the adopted development plan. The adopted development plan for the area is the Herefordshire Local Plan Core Strategy 2011-2031.</p>	
4	<p>Affordable Housing Delivery</p> <p>Objective 7 of the draft SLNP sets out the objective to ensure the availability of affordable property for the younger generation and suitable property for an aging population. The need for affordable housing and housing mix is also highlighted at paragraphs 9.22-9.28. This identifies that concerns have been raised that there were no affordable rental properties for local families, with the majority of the Parish's housing stock comprising of larger, detached houses in owner occupation. The draft plan also notes that in Bromyard HMA, affordable housing delivery is below average, with 17% of completions providing affordable housing, below the county average of 23%. The Issues and Options paper (V3) highlights the need for affordable housing, and notes that upon allocating sites, this must be considered.</p> <p>'In order to provide a contribution towards affordable housing provision as part of local housing developments, Stoke Lacy NDP would have to support larger schemes of 11 or more houses, for example through site allocations. Otherwise affordable housing schemes ('exception housing') outside the settlement boundaries in the countryside may be acceptable under rural area policies in the Core Strategy – although access to local services and facilities would be more limited in these areas. This will be an important consideration when decisions are made about site allocations.'</p> <p>Clearly, there is an identified need for affordable homes within Stoke Lacy and Bromyard, and this is a clear objective of the SLNP. However, there is no provision to deliver affordable homes through the plan, other</p>	<p>Noted.</p> <p>The Parish Council and NDP Steering Group considered various sites for housing development during the preparation of the Plan and decided to include only one small site as a site allocation.</p> <p>The neighbourhood area has met and exceeded the minimum housing growth target of 15% for the Bromyard rural Housing Market as set out in the Core Strategy. Stoke Cross has seen significant development and continues to be subject to development pressures. The approach therefore is to support further small-scale growth and to provide a positive planning framework to guide future development.</p> <p>The Plan has had regard to the reasoning and evidence informing the new emerging Local Plan in line with Planning Practice Guidance. The Place Shaping Options Consultation - Rural Areas Local Plan 2021-2041 June 2022 does not identify either Stoke Cross or Stoke Lacy as rural settlements for housing growth, although it is accepted that the new Local Plan is at an early stage of preparation.</p> <p>Proposals for affordable housing could still come forward for development and would be assessed against policies in the Local Plan Core Strategy such as RA3 and H2.</p>

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	<p>than through potential rural exception schemes that may or may not come forward.</p>	
5	<p>Housing Policy SL16 supports new dwellings within the settlement boundary that are small in scale, noting that this should comprise 1-3 houses, or up to 5 houses where the proposal can demonstrate high quality design.</p> <p>The SLNP does allocate one site for new housing development (SL16/1), although the capacity of this is limited to 2 dwellings, with paragraph 9.21 of the plan stating that the landowners have confirmed their intention for the site to be developed for two, low-density, detached, self-build properties with garden areas to include suitable space for play, and fruit and vegetable growing.</p> <p>The restrictions on the size of new developments put in place by Policy SL16 and the very small size of the proposed site allocation would act to prevent the delivery of affordable housing as, under Policy H1 of the Herefordshire Core Strategy, the provision of affordable housing is only required for proposals of more than 10 dwellings. It is understood that Stoke Lacy Parish is a 'designated rural area', but the NDP does not set a lower threshold of 5 units or lower, nor has this been done in the Herefordshire Core Strategy.</p> <p>It is therefore considered that the SLNP is unable to deliver upon its objectives and, unless further amendments are made to the plan, it is likely that its unbalanced housing profile will continue to persist. This threatens the sustainability and vitality of its communities, with younger residents and those seeking to buy their first home being forced to move out of the parish. It would also prevent the creation of mixed and inclusive communities, with the continued lack of affordable, rental properties meaning that only those that can afford to buy their own home are able to live in the parish. Indeed, the proposed site allocation appears to be predicated upon higher value, self-build housing that would only be available to those who can afford to pursue this type of opportunity.</p>	<p>Noted.</p> <p>The Parish Council accepts that there may be a need for more affordable housing locally but this did not come through particularly strongly in local public consultations for the NDP.</p> <p>The Herefordshire Housing Market Area Needs Assessment Final Report July 2021 provides up to date housing needs information for the Bromyard HMA but this is across Bromyard rural area and affordable housing could be provided in other parishes through larger schemes or as exception housing. The NDP area has few community facilities and no school and so it is considered that there may be more sustainable and accessible locations for affordable housing in the Bromyard area.</p>

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	<p>It is considered therefore that the SLNP has not had sufficient regard to NPPF paragraph 78 which advises that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. The NDP is also inconsistent with NPPF paragraph 62 which states that the type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including (inter alia) those who require affordable housing and people who rent their homes).</p>	
6	<p>It is also considered that the SLNP would not contribute to the achievement of sustainable development as it neglects important social objectives, including the need to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, as set out at NPPF paragraph 8(b).</p> <p>On the above basis, it is our position that the SLNP does not meet the basic conditions.</p> <p>Finally it is noted that the SLNP plan period is 2022-2031, therefore the objectives of the Plan to ensure the delivery of affordable homes should apply to this time period, and not take into account previously approved developments prior to the plan period. The development of 28 houses in Woodland View, Stoke Cross referred to at paragraph 9.4 of the plan would not therefore contribute to the objectives of the plan as it was completed in 2019.</p>	<p>Noted.</p> <p>As set out in 4 above the neighbourhood area has met and exceeded the minimum housing growth target set out in the Core Strategy. The neighbourhood area is not a sustainable location suitable for significant further housing growth. It is a small, relatively remote rural parish with very limited facilities and public transport, and no school. The neighbourhood area already has a mix of housing. The need for more smaller to medium units is noted and supported in the NDP, in line with the Housing Market Area Needs Assessment Final Report July 2021 – see Policy SL17.</p>
7	<p>To resolve this objection and ensure the SLNP meets the basic conditions and is thus successful at examination and can proceed to referendum, it is suggested that the plan needs to include further housing allocations over and above the 2 dwellings allocated at SL16/1. In order to achieve the SLNP's objective of ensuring the availability of affordable property for the younger generation, such allocations would need to have a capacity of 11 dwellings or more so to ensure affordable housing is provided in accordance with Policy H1 of the Core Strategy. Further suggestions are made on this matter at pages 12 to 14 of this representation.</p>	<p>Not accepted.</p> <p>The NDP does not need to include a further major housing allocation. The NDP is in general conformity with the adopted Core Strategy and the Parish does not demonstrate a shortfall in housing provision up to 2031 (the plan period).</p>

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8	<p>Housing Policies</p> <p>Our comments in relation to the housing policies of the plan are set out below.</p> <p>Policy SL16: Development within the settlement boundaries The first proviso within this policy requires that proposals should be small in scale, and defines this as developments of 1-3 houses, or up to 5 houses where the proposal can demonstrate high quality design which responds positively to the local context, Design Codes and design policies in the NDP.</p> <p>There are a number of concerns over the wording of this policy and its implications for future development.</p> <p>Firstly, the limits on the scale of development within this policy are arbitrarily based and are too prescriptive. There is not considered to be any justification for placing specific limits on the scale of development on sites within a settlement boundary. Indeed, Policy RA2 of the Core Strategy states that sustainable housing growth will be supported in or adjacent to the settlements identified within the policy.</p> <p>Stoke Lacy/Stoke Cross is identified at figure 4.14 as a settlement which will be the main focus of proportionate housing development. Policy RA2 goes on to state that housing proposals must be of a design and layout that reflects the size, role and function of each settlement. As such, there is already a policy requirement within the Development Plan for proposals at Stoke Lacy/Stoke Cross to be appropriate to the size and nature of each settlement.</p>	<p>Not accepted.</p> <p>The settlement boundaries have been prepared by the Steering Group, taking into account local consultation responses. They are drawn fairly tightly around the existing built form but include some limited opportunities for small scale development, say for schemes of up to about 5 houses. This is the proposed approach which is supported by the Parish Council and local residents – a plan which would allow for some further small-scale development which is well designed, and which responds to the rural character of the settlements.</p> <p>The NDP was prepared following local concerns about a major housing development at Woodlands View, which was felt to be of a suburban character and at a scale which was inappropriate to the small rural village of Stoke Cross. The NDP therefore takes a different approach, supporting further small-scale development rather than ‘estate style’ schemes of standard house types and designs which would further erode the rural character.</p> <p>The emerging new Local Plan Shaping Options (see 4 above) does not identify either Stoke Cross or Stoke Lacy as rural settlements suitable for housing growth.</p>
9	<p>Secondly, it is noted that the scale restrictions within the first proviso of the policy are justified are required to protect local landscape character and setting. However, this is not supported with any evidence. There has been no landscape assessment which concludes that development</p>	<p>Not accepted.</p> <p>See 8 above. The Plan’s approach has been shaped by responses to public consultations and takes into account local landscape character as described in the Landscape Character</p>

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	<p>should be limited to such a number and there are no landscape designations that would justify such a restriction.</p> <p>This would be in conflict with the PPG on Neighbourhood Planning which states that any neighbourhood plan policies on the size or type of housing required will need to be informed by the evidence prepared to support relevant strategic policies, supplemented where necessary by locally-produced information Paragraph: 103 Reference ID: 41-103-20190509.</p>	<p>Assessment SPD and residents on the NDP steering group as well as consultants engaged in preparing the design codes. The neighbourhood area is not in an AONB but nonetheless has a very distinctive rural Herefordshire Character which is highly valued by residents and visitors, and which should be conserved for future generations to enjoy.</p>								
10	<p>Furthermore, sites within a settlement boundary are far more capable of being developed without causing unacceptable harm to the landscape due to their visual association with the built up area. Placing a prescribed limit on the scale of development within settlement boundaries is not therefore justified for landscape protection reasons. It is also considered that the scale restriction would be equivalent to the level of protection afforded to settlements within the Green Belt, whereby only limited infilling is appropriate having regard to paragraph 149 of the NPPF. Moreover, this prescribed limit would stifle appropriate opportunities for development in the villages through, for example, the redevelopment of previously developed land. This would be in conflict with NPPF paragraph 120(c) which states that planning policies should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.</p>	<p>Not accepted.</p> <p>The Policy SL16 provides certainty to developers by providing thresholds to the scale of development which are supported by local people.</p>								
11	<p>Finally, it is considered that the first proviso of Policy SL16 is not in conformity with strategic policies of Development Plan as it contains a more restrictive approach to development to Policy RA2 of the Core Strategy. Policy SL16 only allows new housing within the relatively tightly drawn settlement boundaries for Stoke Lacy and Stoke Cross whereas Policy RA2 supports sustainable housing growth in or adjacent to settlements. As such, it is considered that the first proviso of PolicySL16 would undermine the strategic policies of the Development Plan and would therefore be inconsistent with paragraph 29 of the NPPF.</p>	<p>Not accepted.</p> <p>Policy SL 16 is in general conformity with the Core Strategy. And Herefordshire Council agree – see response in the HC Table:</p> <table border="1" data-bbox="1234 1126 1951 1289"> <thead> <tr> <th data-bbox="1234 1126 1429 1203">Draft Neighbourhood plan policy</th> <th data-bbox="1429 1126 1554 1203">Equivalent CS policy(ies) (if appropriate)</th> <th data-bbox="1554 1126 1682 1203">In general conformity (Y/N)</th> <th data-bbox="1682 1126 1951 1203">Comments</th> </tr> </thead> <tbody> <tr> <td data-bbox="1234 1203 1429 1289">SL16: Development within the Settlement Boundaries</td> <td data-bbox="1429 1203 1554 1289">RA2; RA3</td> <td data-bbox="1554 1203 1682 1289">Y</td> <td data-bbox="1682 1203 1951 1289"></td> </tr> </tbody> </table> <p>Indeed, it could be argued that if the NDP supported further major housing growth it would in fact undermine the policies in</p>	Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments	SL16: Development within the Settlement Boundaries	RA2; RA3	Y	
Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments							
SL16: Development within the Settlement Boundaries	RA2; RA3	Y								

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		the Core Strategy by undermining a strategic spatial approach which guides development to the City of Hereford and the market towns such as Bromyard – a far more sustainable pattern of development than building large housing estates in areas without schools, shops, good public transport and local facilities.
12	On the above basis, it is considered that proviso 1 of Policy SL16 is unnecessary and is not justified. Moreover, it would not meet the basic conditions requiring neighbourhood plans to have regard to national policy and guidance and be in general conformity with the strategic policies of the Development Plan. To resolve this objection, it is recommended that the prescribed limit on the scale of new housing is deleted and instead the policy should require that proposals are of a scale that is proportionate to the size, role and function of the settlement, and appropriate having regard to the prevailing density of existing development, the character of the settlement and its landscape setting.	Not accepted – see all points above.
13	<p>Policy SL17: Housing Mix</p> <p>This requires that new residential development should demonstrate how it contributes to a suitable mix of tenure, type and size of dwelling across the Neighbourhood Area. It states that proposals should demonstrate how they respond to local needs for medium sized family housing (up to three bedrooms) with gardens, starter homes of two bedrooms, and housing designed for older people.</p> <p>It is considered that is a somewhat unnecessary and unachievable policy in light of the scale restrictions put in place by SL16 and the very small scale of the plan's only housing allocation (SL16/1 – 2 dwellings). Small scale infill proposals of up to 5 houses and a site allocation for 2 houses are highly unlikely to be able to provide any meaningful mix of sizes and tenures and, indeed, requiring such proposals to provide a mix can often render them unviable and undeliverable. Furthermore, the policy aspiration to deliver starter homes and specialist housing for older people as part of a mix, whilst supported in principle, is considered to be unrealistic and undeliverable in light of the restrictions placed on</p>	<p>Not accepted.</p> <p>Policy SL17 should not be deleted.</p> <p>PPG sets out:</p> <p>Can a neighbourhood plan come forward before an up-to-date local plan or spatial development strategy is in place?</p> <p>Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its local plan (or, where applicable, a spatial development strategy is being prepared by an elected Mayor or combined authority).</p> <p>A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. <u>Although a draft neighbourhood plan or Order is not tested against the policies in</u></p>

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	<p>the scale of new developments, due to the lower returns and higher build costs associated with these types of housing.</p> <p>Policy SL17 would also not be in conformity with H3 of the Core Strategy which only expects developments to provide a range of house types and sizes and provision for younger people/specialist housing for older people where they involve housing on larger sites of more than 50 dwellings.</p> <p>It is therefore considered that Policy SL17 should be deleted unless further changes can be made to the plan, including the deletion of the scale restrictions at Policy SL16 and the inclusion of further housing allocations with a capacity of 11 dwellings or more so to ensure affordable housing and an appropriate housing mix.</p>	<p><u>an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.</u></p> <p>[Underlined text is for emphasis]</p> <p>(Paragraph: 010 Reference ID: 41-010-20140306)</p> <p>Refer to The Housing Market Area Needs Assessment Final Report July 2021 and NDP paras 9.25 – 9.28. Policy SL17 has been prepared taking into account the reasoning and evidence informing the new local plan process and also responses to local consultations by residents. It therefore supports schemes which include medium sized family housing (up to three bedrooms) with gardens, starter homes of two bedrooms, and housing designed for older people.</p> <p>There is no reason why smaller schemes cannot be designed and built to respond to local needs for these house types and sizes.</p>
14	<p>Key Public Views</p> <p>Figure 1 of the draft SLNP identifies seven key public views, which are noted as being identified by the Steering Group. Policy SL1 notes that these views should be respected in accordance with Design Code 3, noting that a Landscape Visual Impact Assessment (or similar) should be carried out to ensure schemes are designed sensitively to mitigate adverse impacts.</p> <p>Our concerns over the key views identified within the plan are as follows. Firstly, there is no evidence as to why these key views are important and thus worthy of additional protection. Within the survey results response regarding the key views, the question posed was ‘do</p>	<p>Not accepted.</p> <p>The key public views were identified by members of the steering group and supported by local residents in consultations. They were discussed with AECOM in the design codes process and the design codes refer to views and landmarks in Design Code 3.</p> <p>The neighbourhood area is not within an AONB or National Park but there are views towards valued landscapes from the Parish (such as towards the Brecon Beacons) and there are also several important views within the Parish, such as towards the church.</p>

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	<p>you support the key views identified by the Steering Group?’ with the options, yes, no and not answered. Although there was support within the community for the protection of the key views identified by the steering group, this does not amount to evidence justifying their protection.</p> <p>Secondly, it is noted that the key views formed an important part of the site assessment and selection process set out within the site selection documents (AECOM, February 2021 and November 2021). As there is no evidence to justify the inclusion of these key views, they should not be used as a reason for dismissing a site as part of the site assessment process. The site assessment criteria is not therefore based on appropriate and robust evidence. As noted within the Neighbourhood Planning PPG, paragraph 40, proportionate, robust evidence should support the choices made and approach taken.</p> <p>We therefore conclude that the site assessment evidence must be revisited, and proviso 7 of Policy SL1 should be deleted. This approach is consistent with the Examiner’s conclusions following the examination of the Peterchurch Neighbourhood Plan (Herefordshire). At paragraph 105 of the report of R J Bryan MRTPI, in relation to a Landscape policy within that plan which sought to maintain and limit impacts on views of the Black Mountains, the examiner concluded that:</p> <p>“Criteria g. refers to maintaining and limiting impact on views of the Black Mountains. It is not clear why the views of the Black Mountains have been singled out or how the policy would operate in practice. It implies that other views not referred to are of lesser or even no importance. The protection of views is difficult to justify in planning terms unless they are defined and based on evidence. I recommend therefore that this criteria be deleted as it does not conform to the NPPG guidance that policies “should be concise, precise and supported by appropriate evidence”.”</p> <p>An extract from the Peterchurch Neighbourhood Plan Examiners Report is attached to this representation at Appendix B.</p>	<p>The NDP has undertaken some further work on the identified key views in response to the comments. The following sets out more detailed descriptions and justification for their inclusion in the NDP:</p> <p><b>Key Public Views</b></p> <ol style="list-style-type: none"> <li>1. From Roxpole looking south west across a newly planted potato field. The view incorporates Stoke Cross settlement with Marcle Ridge and the Brecon Beacons as a backdrop. This view is important because it shows the settlement of Stoke Cross from the North in the context of its setting with the beautiful rolling landscape and open vistas of Herefordshire.</li> <li>2. Looking west/south west from Woodend Lane with traditional barns and farmsteads across pastureland, native hedgerows and mature trees towards the ridge on the Little Cowarne/Much Cowarne Road, an ancient drovers’ road. The view takes in the typical patchwork of grassland and hedge lined fields in the area.</li> <li>3. From the Westbury development car park looking north over mixed farmland paddocks in the direction of Pencombe. This vantage point is situated in one of the small housing developments and is a popular view of the countryside.</li> <li>4. The view north west over native hedgerows along the A465 to mixed agricultural land and a tree lined horizon. The view shows rolling countryside typical of north east Herefordshire.</li> <li>5. Looking down the A465 from Stoke Cross towards the Stoke Lacy settlement this shows the Stoke Lacy Conservation Area and the historic church on its Saxon site.</li> <li>6. The view from the Little Cowarne Road across a wooded landscape with Netherwood, apple orchards, Purley Hill and the</li> </ol>

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		<p>Worcestershire Beacon in the Malvern Hills in the distance. Important for the context of woodland, farmland and the Malvern Hills backdrop.</p> <p>7. Looking through the trees lining the Much Cowarne Road north to Netherwood, the parish church and Stoke Cross settlement in the distance. Giving a view of the Conservation Area of the Stoke Lacy settlement and its position within the rolling hills of North East Herefordshire.</p> <p>The site assessment process included assessment against a range of planning criteria. The Parish Council made the final decision in terms of which site of several sites to include in the NDP and this decision was informed by local residents' views as well as the technical assessments.</p>
15	<p>The Site Selection Process</p> <p>The site options and assessment document (AECOM, 2021) notes that the site selection process should be based on:          -The findings of the site assessment -Discussions with the Planning Authority -The extent to which the sites support the vision and objectives for the NP -The potential for the sites to meet the identified infrastructure needs of the community -Engagement with key stakeholders and; -Neighbourhood plan conformity with strategic local plan policy.</p> <p>The SLNP allocates one site for residential development: SL16/1. The site assessment matrix notes an indicative capacity of 8 dwellings. However, the site is allocated for two dwellings as the site owners indicated it would be brought forward for two dwellings.</p> <p>The allocation of the site for 2 dwellings, which is capable of delivering 8, would not comprise an efficient use of land or sustainable development. This allocation is therefore in conflict with Policy SD1 of the Core Strategy (Sustainable Design and Energy Efficiency), and as such it is considered that the basic conditions have not been met.</p>	<p>Not accepted.</p> <p>The proposed low density of development would allow for other sustainable land uses such as garden areas for food growing, recreational / play space for children, planting for wildlife, sustainable energy and SUDS. This is in line with NPPF para 120 which sets out:          'Planning policies and decisions should:          a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;          b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.'</p> <p>The landowners have confirmed to the PC that the intention is to develop the site for 2 dwellings.</p>

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16	<p>Furthermore, Objective 4 of the SLNP notes that design codes should be used to ensure land is used efficiently. Clearly, the proposed allocation at SL16/1 would not comprise an efficient use of land and is therefore in conflict with Objective 4 of the SLNP.</p> <p>It is also important to note is that the Herefordshire Local Plan is currently under review. The Neighbourhood Planning PPG (Paragraph: 009 Reference ID: 41-00920190509) indicates that the allocation of reserve sites can help address emerging evidence of housing need and ensure policies in neighbourhood plans are not overridden by new local plans. Whilst there is no obligation for a NP to do this, given that the SLNP only includes an allocation of two dwellings and tightly drawn settlement boundaries with a restriction on the scale of development, the draft plan does not appear to make provision for the future. The draft SLNP is not proactive and is likely to become out of date very quickly following is making.</p>	<p>Noted. However, the design codes also set out in Character Area CA2 Stoke Cross Issues to be addressed by the Design Code: 'Ensure all new development aligns with the low density, spatial layout and pattern of the character area (see p43).</p> <p>Design Code 01 Pattern and layout of buildings includes: Area-wide Design Principles (p61)</p> <ul style="list-style-type: none"> <li>a. New development should reflect the original development spatial arrangement character by adopting similar development layouts;</li> <li>b. New development density and development size should be character-led and accord with the original low density - small scale developments settlement attributes;</li> </ul>

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17	<p>Delivery of Public Open Space</p> <p>Policy SL5: Public Open Space supports proposals for new public open spaces to meet local recreational and community needs, with the preceding text to the policy (paragraph 5.27) encouraging developers to include contributions to help provide a suitable new space for the benefit of local people.</p> <p>Paragraph 5.25 states that the responses to the Issues and Options showed that there was strong support for the provision of a new public open space in the Parish with 88% (57 respondents) agreeing that this should be included in the NDP, if sufficient funding could be identified and secured.</p> <p>It is however considered that the aspirations of the community and the provisions of Policy SL5 are unrealistic and unachievable in light of the SLNP's prescribed limit on the scale of housing development and its site allocation for just two dwellings. Such small scale developments are clearly unable to deliver public open space on site or involve developer financial contributions to fund the provision of a new public open space.</p>	<p>Not accepted.</p> <p>There are proposals for a new open space included within an existing commitment for 10 houses at The Orchard and small schemes in the future may include a contribution towards a public open space in the Parish.</p>
18	<p>Development Boundary Selection</p> <p>Herefordshire Council's published guidance on drawing development boundaries for neighbourhood plans notes that a clear set of criteria should be used when defining a settlement boundary. This includes taking into account physical features, line of communication, recent development and important amenity areas. This notes that settlement boundaries should be drawn to facilitate an appropriate level of proportional growth within the plan period.</p> <p>The settlement boundaries within the SLNP are drawn fairly tightly around the existing built form, and thus provide very limited opportunities for the future development required to sustain the vitality of the parish's communities. Although it is noted that the Stoke Lacy settlement boundary includes an open area adjacent to the A465, this</p>	<p>Not accepted.</p> <p>The settlement boundaries were revised several times in response to comments from local residents and other stakeholders. They are considered appropriate as they allow for some further limited growth within and around the existing built up areas if and when development proposals come forward.</p>

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	<p>relates to the rear garden of a domestic properties and there is no guarantee that it would come forward for new development. Moreover, this area is within the village's Conservation Area, contains significant mature trees (which are protected by virtue of their location in a Conservation Area) and is considered to make a positive contribution to the character and appearance of the Conservation Area in its open, undeveloped state. It is therefore considered unlikely that this area would be suitable for new development. It is also noted that the Stoke Lacy settlement boundary has been expanded to include an undeveloped area to the rear of a residential property off Herb Lane. This area is however densely wooded and is shown on the Environment Agency Flood Map to be located in Flood Zone 2. It is therefore considered unlikely to be suitable for new development.</p> <p>As such it is considered that the boundaries do not facilitate an appropriate level of proportional growth within the plan period and will severely limit any opportunities for even small-scale development during the remainder of the plan period. There is concern that this restriction on appropriate future growth will cause the village to stagnate and harm the vitality of its communities. This would conflict with the advice on Rural Housing within the NPPF.</p> <p>To resolve this objection it is recommended that either the settlement boundaries within the plan are widened to enable appropriate opportunities for new housing development during the remainder of the plan period, or that Policy SL16 is amended to state that support will be given to appropriate opportunities for new housing on sites adjacent to the settlement boundary. This will ensure that the policy is in conformity with Policy RA2 of the Core Strategy.</p>	
19	<p>Alternative Site: Land at Stoke Cross</p> <p>As part of the call for sites process, we submitted 'Site 13' on behalf of our clients. This site could deliver 20 dwellings, including 8 affordable homes, public open space and additional footpath connections. The site location (outlined in red) is shown at Figure 1 below: Figure 1 -Land north of A465, Stoke Cross</p>	<p>Not accepted.</p> <p>It would not be appropriate and is not necessary for the NDP to include a new site allocation at this late stage, and particularly a site for which an application for development was recently refused planning permission by Herefordshire Council and to which the Parish Council strongly objected.</p>

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20	<p>An application for 20 dwellings on the site was submitted and refused. Within the Officer's report it was noted that the principle of development is acceptable, with no objection to the site's location.</p> <p>'it is considered the proposal, in principle, is an acceptable location for development'</p> <p>The Council's Landscape Officer supported the scheme, noting the landscape mitigation, landscape provision and response to local landscape references. The Council's concerns related to the design approach, but noted that these could have been mitigated through design amendments. We are confident that the Council's concerns can be satisfactorily addressed through design amendments. The only outstanding objections are therefore related to foul drainage and its impact on the River Lugg SAC (via phosphate pollution). This is however an area wide issue that is holding back the delivery of thousands of new homes in the county. It is not specific or unique to this particular site. Moreover, a solution to the issue is being actively pursued by Herefordshire Council, with mitigation proposed in the form of integrated wetland sites with an associated scheme in progress for phosphate credits that can be purchased by developers to offset</p>	<p>Not accepted.</p> <p>See 18 above.</p>

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	<p>impacts. This issue is therefore considered to be temporary in nature and should not prevent the allocation of this site within the SLNP.</p>	
21	<p>The site is not subject to any designations and is considered to relate well to the built up area of the village due to the effect of the new development to the south. The plan at Figure 2 below shows the developable area of the site and demonstrates that the proposed development would extend no further than the existing built extent of Stoke Cross. The site is considered to represent a logical 'squaring off' of the village. Furthermore, the proposal can deliver much needed affordable housing within the village and will help to sustain the vitality of its communities and achieve the plan's objective to sustain age diversity in the community through affordable housing products such as First Homes. It also provides areas of public open space for use by the wider community and would help achieve the aim of Policy SL5. Figure 2 – Developable area -Land north of A465, Stoke Cross</p>  <p>The original site submission form is provided with this representation at Appendix A.</p>	<p>Not accepted.</p> <p>See 18 above.</p>
22	<p>Conclusion</p> <p>In summary, it is considered that the SLNP would not contribute to the achievement of sustainable development as it neglects important social</p>	<p>Not accepted.</p> <p>See detailed responses above.</p>

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	<p>objectives, including the need to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, as set out at NPPF paragraph 8(b).</p> <p>It is considered that proviso 1 of Policy SL16 is unnecessary and is not justified. It would not meet the basic conditions requiring neighbourhood plans to have regard to national policy and guidance and be in general conformity with the strategic policies of the Development Plan. It is considered that Policy SL17 is unnecessary and unachievable policy in light of the scale restrictions put in place by Policy SL16 and the very small scale of the plan's only housing allocation (SL16/1 – 2 dwellings).</p> <p>There are concerns over the site selection process, and the identified key views not being based on evidence to support their inclusion in the plan and their role within the site assessment methodology. The proposed allocation for 2 dwellings on a site that has been identified as being suitable to deliver 8 dwellings, would not comprise an efficient use of land. This is in conflict with the adopted Core Strategy and the provisions of the Framework.</p> <p>It is considered that the aspirations of the community and the provisions of Policy SL5 to provide public open space are unrealistic and unachievable in light of the SLNP's prescribed limit on the scale of housing development and its site allocation for just two dwellings. It is considered that the proposed settlement boundaries do not facilitate an appropriate level of proportional growth within the plan period and will severely limit any opportunities for even small scale development during the remainder of the plan period. There is concern that this restriction on appropriate future growth will cause the village to stagnate and harm the vitality of its communities. This would conflict with the advice on Rural Housing within the NPPF.</p> <p>Overall, it is concluded that the SLNP as submitted does not meet the basic conditions, insofar as it would not contribute to the achievement of sustainable development, it does not have sufficient regard to the</p>	

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	NPPF and PPG, and is not consistent with the strategic policies of the Core Strategy. Yours faithfully	