

Herefordshire Council

# **Stoke Lacy Parish Neighbourhood Plan 2021-2031**

## **Independent Examiner's Report**

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**CONFIDENTIAL FACT CHECK DRAFT REPORT  
FOR CHECKING PUPOSES  
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## Summary

I have been appointed as the independent examiner of the Stoke Lacy Parish Neighbourhood Development Plan.

Stoke Lacy Parish lies about 4 miles southwest of Bromyard and some 10 miles north east of Hereford. The Parish is rural in character with development concentrated in the settlements of Stoke Cross and Stoke Lacy together with the hamlet of Cricks Green. The A465 runs through the Parish in a northeast/southwest direction. From the road, mainly single track lanes lead to scattered houses and farms. The Parish has a population of 364 according to the Census 2011. Although rural in nature, the Parish has a Village Hall, Church and Public House as well as significant employment land including a brewery. With a rich history, part of Stoke Lacy is a designated Conservation Area and there are many listed buildings scattered throughout the Parish.

The Plan contains 18 policies covering various issues including a site allocation, Local Green Spaces and employment land. The Plan is supported by a comprehensive set of design guidance and codes independently prepared by AECOM which have informed many of the policies. The policies do not repeat County level policy, but seek to add a local layer or address matters of importance to the local community.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. These do not significantly or substantially alter the overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Herefordshire Council that the Stoke Lacy Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
October 2022



## 1.0 Introduction

This is the report of the independent examiner into the Stoke Lacy Parish Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Herefordshire Council (HC) with the agreement of the Parish Council to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and professional experience to carry out this independent examination.

## 2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions<sup>1</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations<sup>2</sup>
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

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<sup>1</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

<sup>2</sup> Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>3</sup> It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check<sup>4</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>5</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case HC. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

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<sup>3</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>4</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

<sup>5</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

### 3.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>6</sup>

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup> Often, as in this case, representations suggest amendments to policies or different or new site allocations. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.<sup>8</sup>

PPG<sup>9</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>10</sup>

After considering the documents submitted and the representations, I decided it was not necessary to hold a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council submitted comments and I have taken these into account.

I am very grateful to everyone for ensuring that the examination has run smoothly and in particular Sam Banks at HC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 3 October 2022.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

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<sup>6</sup> PPG para 055 ref id 41-055-20180222

<sup>7</sup> Ibid

<sup>8</sup> Ibid para 040 ref id 41-040-20160211

<sup>9</sup> Ibid para 056 ref id 41-056-20180222

<sup>10</sup> Ibid

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

## 4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Work started on the Plan in 2019. A Steering Group was established and has met regularly with public attendance and all minutes published.

A number of stages have been undertaken. An Issues and Options document was consulted upon in November 2020. A summary document and questionnaire were delivered to all households in the Parish. Face to face events could not take place due to Covid 19 restrictions, but Steering Group members were available to contact.

A consultation was then held on the emerging draft Plan in April/May 2021. Again Covid restrictions limited events, but summary documents were delivered to each household. This stage included consultation on three possible site allocations.

Feedback documents on each stage were available.

Pre-submission (Regulation 14) consultation took place between 17 January – 7 March 2022. The consultation stage was publicised through press releases, posters and flyers to each household. The draft Plan was published online. Comments on the Design Codes were also sought. Two public meetings were held during the consultation period.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 18 May – 29 June 2022.

The Regulation 16 stage resulted in 10 representations. I have considered all of the representations and taken them into account in preparing my report.

## 5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

### Qualifying body

Stoke Lacy Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### Plan area

The Plan area is coterminous with the administrative boundary for the Parish. HC approved the designation of the area on 8 January 2020. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 3 of the Plan.

### Plan period

The Plan period is 2021 – 2031. This is clearly stated on the front cover of the Plan and within the Plan itself. This requirement is satisfactorily met.

### Excluded development

The Plan does not include policies that relate to any of the categories of excluded development. This is also helpfully confirmed in the Basic Conditions Statement. The Plan therefore meets this requirement.

### Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>11</sup>

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<sup>11</sup> PPG para 004 ref id 41-004-20190509



## 6.0 The basic conditions

### Regard to national policy and advice

The Government revised the National Planning Policy Framework (NPPF) on 20 July 2021. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development outside of these strategic policies.<sup>12</sup>

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.<sup>13</sup> They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.<sup>14</sup>

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>15</sup>

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.<sup>16</sup> Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>17</sup>

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance) which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

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<sup>12</sup> NPPF para 13

<sup>13</sup> Ibid para 28

<sup>14</sup> Ibid

<sup>15</sup> Ibid para 29

<sup>16</sup> Ibid para 31

<sup>17</sup> Ibid para 16

PPG indicates that a policy should be clear and unambiguous<sup>18</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>19</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>20</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>21</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement comprehensively sets out how the Plan's objectives and policies respond to national policy and guidance. It considers both the Plan's objectives and policies.

### **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>22</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>23</sup> The three overarching objectives are:<sup>24</sup>

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – 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; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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<sup>18</sup> PPG para 041 ref id 41-041-20140306

<sup>19</sup> Ibid

<sup>20</sup> Ibid para 040 ref id 41-040-20160211

<sup>21</sup> Ibid

<sup>22</sup> NPPF para 7

<sup>23</sup> Ibid para 8

<sup>24</sup> Ibid

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.<sup>25</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement offers a good commentary on how the Plan helps to achieve sustainable development as outlined in the NPPF.

### **General conformity with the strategic policies in the development plan**

The development plan consists of the Herefordshire Local Plan Core Strategy 2011 – 2031 (CS) which was adopted on 16 October 2015 and various other documents including the saved policies of the Unitary Development Plan (UDP) (found in Appendix 1 of the CS). I have taken all the CS policies to be ‘strategic’.

Whilst this has formed part of my own assessment, the Basic Conditions Statement includes an assessment of the Plan’s policies in relation to the CS. I note that HC has not raised any concerns in relation to general conformity with the relevant strategic policies.

### ***Emerging Local Plan***

HC are currently working on an update of the CS. Once adopted, this will replace the CS and any saved policies.

A number of public consultations have been held; a spatial options consultation, policy options consultation and a place shaping consultation were all held earlier this year. In addition, a Call for Sites has been undertaken.

The next stage will be to prepare the evidence base and draft the new Local Plan. It is envisaged that further consultation will be undertaken in 2023.

There is no legal requirement to examine the Plan against emerging policy. However, PPG<sup>26</sup> advises that the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore qualifying bodies and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan with appropriate regard to national policy and guidance.<sup>27</sup> This proactive and positive approach is important to ensure that any conflicts are minimised because the law requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.<sup>28</sup> Timing can therefore be critical.

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<sup>25</sup> NPPF para 9

<sup>26</sup> PPG para 009 ref id 41-009-20190509

<sup>27</sup> Ibid

<sup>28</sup> Ibid which in turn refers to section 38(5) of the Planning and Compulsory Purchase Act 2004

However, at the time of submission and examination, the new Local Plan is at an early stage. A Rural Areas Settlement Hierarchy Background Paper was published in June 2022 and contains some useful information.

### **Retained European Union Obligations**

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG<sup>29</sup> confirms that it is the responsibility of the local planning authority, in this case HC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is HC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

### ***Strategic Environmental Assessment***

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

An Environmental Report (ER) dated May 2022 has been submitted as the initial screening assessment of January 2020 indicated a SEA was needed.

The ER confirms that a Scoping Report (dated March 2020) was prepared and sent to the statutory consultees from 10 March – 21 April 2020. Only Historic England replied, but no substantive comments were made.

A draft ER underwent a period of consultation alongside the pre-submission version of the Plan. Following the Regulation 14 stage, a number of new policies were added to the Plan and other changes made to help with clarity. The existing policies and new ones have been assessed.

The ER concludes that the Plan "...is in general conformity with both national planning policy...and strategic policies..." and "...the plan proposes a level of growth which reflects the proportional growth that is prescribed by strategic policy."<sup>30</sup> It was published for consultation alongside the submission version of the Plan.

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<sup>29</sup> PPG para 031 ref id 11-031-20150209

<sup>30</sup> Environmental Report Non-technical summary

HC will monitor the outcomes from the Plan's policies annually.

The ER is a comprehensive document that has dealt with the issues appropriately, including the consideration of reasonable alternatives, for the content and level of detail in the Plan. This in line with PPG advice which confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan.<sup>31</sup> In my view, it has been prepared in accordance with Regulation 12 of the Regulations.

Therefore EU obligations in respect of SEA have been satisfied.

### ***Habitats Regulations Assessment***

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

An Appropriate Assessment (AA) dated May 2022 has been submitted. This explains that an initial screening undertaken in January 2020 concluded that a full HRA screening would be needed. This was because the River Wye (including the River Lugg) Special Area of Conservation (SAC) is some 7km away from the Parish boundary, but the Parish falls within the Lugg hydrological catchment. The River Lugg is not currently meeting its water quality targets and is subject to measures to reduce nutrients. There is also a duty under the Water Framework Directive to ensure that proposals for growth do not adversely affect river water quality.

The AA concludes that "...there will not be a significant effect on the integrity of the River Wye (including the River Lugg) SAC when the mitigation and avoidance measures have been taken into account."<sup>32</sup> This related both to alone and in combination effects. It also included a rescreen of the amended and new policies following the pre-submission stage.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats

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<sup>31</sup> PPG para 030 ref id 11-030-20150209

<sup>32</sup> Appropriate Assessment Report Executive Summary

and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance, nature and characteristics of the relevant SAC and the nature and contents of this Plan, I agree with the conclusion of the AA and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

### ***Conclusion on retained EU obligations***

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.<sup>33</sup> In undertaking work on SEA and HRA, HC has considered the compatibility of the Plan in regard to retained EU obligations including with the Water Framework Directive, and does not raise any concerns in this regard.

### **European Convention on Human Rights (ECHR)**

The Basic Conditions Statement contains a statement in relation to human rights. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

## **7.0 Detailed comments on the Plan and its policies**

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in **bold text** and where I suggest specific changes to the wording of the policies or new wording these appear in **bold italics**.

The Plan is presented to a high standard and contains 18 policies. There is an eye catching front cover. The Plan begins with a helpful contents page and list of policies.

### **Introduction**

This is a helpful introduction to the Plan.

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<sup>33</sup> PPG para 031 ref id 11-031-20150209

## **1.0 Background**

This section sets out helpful contextual information. It will need some natural updating as the Plan progresses and in places, this section still refers to the pre-submission version of the Plan.

## **2.0 A Portrait of Stoke Lacy Parish**

This section provides an informative description of the Plan area as it has developed historically and sets out some of the challenges facing the Parish today.

## **3.0 Vision and Objectives**

The vision for the Plan is:

Stoke Lacy is a rural community which wishes to retain its distinctive character of historic and heritage assets while allowing the community to flourish and develop. Development should be sustainable thereby meeting the needs of the present without compromising the ability of future generations to meet their own needs. Emphasis should be on Climate Smart Choices and resource efficiency. By 2031, residents of Stoke Lacy will continue to enjoy a high quality of life with good access to local facilities and to the exceptional countryside around the Parish.

The clearly articulated vision is supported by seven objectives. All are articulated well, relate to the development and use of land and will help to deliver the vision. It is also good to see that the objectives are directly linked to the policies in the Plan.

## **Planning Policies**

This section starts with an explanation of the status of the Plan and two Policies Maps for Stoke Lacy village and Stoke Cross and a Parish Policies Map.

## 4.0 Natural Environment

### Policy SL1: Protecting and Enhancing Local Landscape Character and Biodiversity

This policy encapsulates a number of different issues.

As part of the work on the Plan, Design Guidance and Codes have been produced independently by AECOM. These are based on a character assessment of the Plan area which divides the Parish into three character areas. As well as identifying general principles, it identifies character area specifics. The document explains that it is divided into two parts; the first part contains key elements to consider when preparing and assessing proposals. The second part contains the design guidance and codes which are particular to this Plan area. They have more general elements so called design guidelines and then the design codes are set out as area wide principles and character area specific design principles and are therefore more prescriptive.

This policy refers to Design Codes 02 and 03 requiring development proposals to demonstrate consideration of the codes and their design principles. I consider the wording could be made more robust.

Secondly, the visual impact from development is referred to with landscaping, biodiversity, including net gain, and landscape features all included.

Thirdly, lighting and dark skies are protected.

Fourthly, public rights of way are protected.

The last criterion of the policy refers to key public views indicating these should be respected in accordance with Design Code 03. The Code states that existing views of landscape or heritage significance should be maintained and used as a good placemaking opportunity.<sup>34</sup> In respect of Character Area Stoke Lacy, views to the Church are referred to and in relation to Character Area Stoke Cross, it indicates new development should avoid interrupting views from the wider Plan area.<sup>35</sup>

The Plan goes further than the Design Guidance and Code work which does not identify specific views. Seven key public views have been identified as part of the work on the Plan. These are shown on page 25 of the Plan. In some ways this is helpful as it indicates the views of most importance to the local community. However, there is little in the way of technical evidence or explanation for them although they have been identified through public consultation. Nevertheless I saw at my visit that they were appropriately selected given the character, topography and setting of the Parish with the exception of one which is a view looking outwards from the Plan area, very close to

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<sup>34</sup> Design Guidance and Codes page 66

<sup>35</sup> Ibid page 67



its boundary. This view, Number 2, should be deleted from Figure 1 as the Plan cannot deal with issues falling outside its area boundary.

Given the contents of Design Code 03 and the views identified, the wording of the last criterion of the policy needs amendment to both better reflect the Design Code work and to ensure that the wording is more flexible.

The NPPF is clear that policies should contribute to and enhance the natural and local environment through protection in line with their statutory status or identified quality of the area concerned and by recognising the intrinsic character and beauty of the countryside.<sup>36</sup> It specifically refers to the importance of trees and woodland.<sup>37</sup>

In addition, the NPPF is clear that developments are sympathetic to local character including landscape setting.<sup>38</sup>

CS Policy SS6 conserves and enhances those environmental assets that contribute to an area's distinctiveness, as well as addressing light pollution and biodiversity. CS Policy LD1 refers to landscape and townscape. CS Policy LD2 refers to biodiversity and geodiversity. CS Policy LD3 refers to green infrastructure.

Policy SL1 seeks to conserve and enhance the natural environment, landscape features and the rural character and setting of the Parish.

HC has suggested a clarification around the words "new build". I agree this is necessary in the interests of clarity and accordingly make a modification to address this point.

The policy has regard to the NPPF. It is in general conformity with CS Policies SS6, LD1, LD2 and LD3 in particular and will help to achieve sustainable development, particularly its environmental objective. With the modifications put forward the policy will meet the basic conditions.

- **Change the first paragraph of the policy to read:**

***"All relevant development proposals should demonstrate that the area wide and character area specific design principles and Design Codes 02 and 03 have been taken into account."***

- **Change the words "all new build" in paragraph two of the policy to " all new buildings"**

- **Change point 7. of the policy to read:**

***"Existing views of landscape and heritage significance should be respected and used as a placemaking opportunity. A number of Key Public Views of***

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<sup>36</sup> NPPF para 174

<sup>37</sup> Ibid

<sup>38</sup> Ibid para 130

*particular importance to the local community have been identified and are shown on Figure 1. Views to the Church in Character Area Stoke Lacy are also important. Where a development proposal would affect these views, appropriate evidence should be submitted with any application to demonstrate how the view has been taken into account and respected.”*

- Delete View 2 from Figure 1: Key Public Views

## Policy SL2: River Wye Special Area of Conservation (SAC)

This policy refers to the SAC and seeks to ensure that development will not have an adverse effect on the conservation objectives of the SAC or to protected species. It cross-references CS Policies SD3, SD4, LD1, LD2 and LD3. It refers to nutrients. CS Policy SD4 addresses the issue of water quality targets for rivers within the County.

Although HC has asked for some changes to be made, I consider that the policy given its specific reference to the SAC is acceptable. Furthermore, I note that the Environment Agency welcomes this policy.

The NPPF is clear that the planning system should contribute to and enhance the natural and local environment;<sup>39</sup> this policy takes account of national policy and will help to achieve sustainable development. It generally conforms to CS Policies SS6, LD1, LD2, LD3, SD3 and SD4. It therefore meets the basic conditions and no modifications are recommended.

## 5.0 Community Facilities

### Policy SL3: Community Facilities

The NPPF supports the provision of social, recreational and cultural facilities and services needed by a community.<sup>40</sup> It promotes planning positively for such facilities and guarding against the loss of such facilities.<sup>41</sup> It refers to the importance of retaining accessible local services and facilities in supporting a prosperous rural economy.<sup>42</sup>

This policy identifies three facilities of importance to the local community; the Plough Inn, the Village Hall and the Church of St Peter and St Paul. It identifies these facilities on the Policies Maps.

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<sup>39</sup> NPPF para 174

<sup>40</sup> Ibid para 93

<sup>41</sup> Ibid

<sup>42</sup> Ibid para 84

The policy then guards against the loss of a community facility unless alternative and equivalent facilities are provided or that it is clearly demonstrated the use is no longer viable.

I consider a modification is necessary to ensure that the policy covers both the identified facilities and others which may emerge over the Plan period to help with clarity and to future proof the policy.

With this modification, the policy will have regard to the NPPF, be is a local expression of CS Policy SC1 in particular which protects, retains and enhances existing social and community infrastructure and will help to achieve sustainable development thereby meeting the basic conditions.

- **Change the first sentence of the second paragraph of the policy to read:**

***“Proposals involving the loss of the community facilities identified on the Policies Maps or any community facility or local service will be strongly resisted.”***

#### **Policy SL4: Local Green Space**

Two areas of Local Green Space (LGS) are proposed. These are shown on the Policies Maps. Table 1 in the Plan on page 33 sets out how the two spaces meet the criteria in the NPPF.

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>43</sup>

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.<sup>44</sup> It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.<sup>45</sup> The NPPF sets out three criteria for green spaces.<sup>46</sup> Further guidance about LGSs is given in PPG.

I saw the two areas on my site visit.

1. **Netherwood** is a nine acre woodland in close proximity to the centre of Stoke Lacy. It was planted to commemorate the Millennium and is managed by the Woodland Trust. It has public access and is used for walking and recreation.

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<sup>43</sup> NPPF para 101

<sup>44</sup> Ibid

<sup>45</sup> Ibid

<sup>46</sup> Ibid para 102

2. **The Churchyard** is used as a meeting place and for community events such as fayres. It forms part of the setting of the listed Church. It is located in the heart of the village.

In my view, both of the proposed LGSs meet the criteria in the NPPF satisfactorily. The proposed LGSs are demonstrably important to the local community, are capable of enduring beyond the Plan period, meet the criteria in paragraph 102 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given other policies in the development plan and this Plan.

The Policies Maps showing the Churchyard also include the Church building itself. This should be removed from the designation for two reasons. Firstly, because it is a building rather than a green space and secondly, because the Church is identified as a community facility in Policy SL3.

Turning now to the wording of the policy, in setting out how new development might be regarded, it should have regard to, and be consistent with, the NPPF which explains the management of development in LGSs should be consistent with that in the Green Belt.<sup>47</sup> Therefore the policy needs modification to ensure that it takes account of national policy and is clear.

HC make the point that, later in the Plan, reference is made to the consultation responses which identify the improvement of existing facilities at Netherwood. I do not consider that the two issues; one designating the woodland as a LGS and the other reporting consultation responses and a desire to see improved facilities, are necessarily incompatible.

With these modifications, the policy will meet the basic conditions.

- **Ensure that the Policies Maps and any other maps exclude the Church building from the Churchyard LGS**
- **Change the second paragraph of the policy to read: “*Development proposals within the local green spaces will be consistent with national policy for Green Belts.*”**

### **Policy SL5: Public Open Space**

The Plan explains the Parish has few play areas and no playing pitches. Policy SL5 supports the provision of new public open space and improvements to existing spaces. The policy includes some of the types of provision sought, accessibility and addresses future management of those spaces.

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<sup>47</sup> NPPF para 103

The NPPF supports the retention of sports venues and open spaces amongst other things as part of its support for prosperous rural economies.<sup>48</sup> It supports policies that aim to achieve healthy, inclusive and safe places including sports facilities, allotments and high quality public spaces.<sup>49</sup>

The NPPF specifically refers to open spaces in setting out its social objective in relation to the achievement of sustainable development.<sup>50</sup> It indicates that planning policy should plan positively for the provision of open space, amongst other things, to provide the social, recreational and cultural facilities and services the community needs.<sup>51</sup>

Access to a network of high quality open spaces and opportunities for sport is important for the well-being and health of communities as well as delivering wider benefits for nature and supporting efforts to address climate change.<sup>52</sup>

This policy has regard to the NPPF, is in general conformity with CS Policies OS1 and OS2 which require the provision of appropriate open space, and helps to achieve sustainable development. The policy therefore meets the basic conditions.

## 6.0 Built Character

### **Policies SL6: Pattern and Layout of Buildings; SL7: Green Infrastructure; SL8: Detailing and Materials; SL9: Conversions, Extensions and Infill; and SL10: Promoting Innovative and Sustainable Design**

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.<sup>53</sup> It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.<sup>54</sup>

It refers to design guides and codes to help provide a framework for creating beautiful and distinctive places with a consistent and high quality standard of design.<sup>55</sup>

The NPPF continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to

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<sup>48</sup> NPPF para 84

<sup>49</sup> Ibid para 92

<sup>50</sup> Ibid para 8

<sup>51</sup> Ibid para 93

<sup>52</sup> Ibid para 98

<sup>53</sup> Ibid para 126

<sup>54</sup> Ibid para 127

<sup>55</sup> Ibid para 128

local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.<sup>56</sup>

In addition the policies have regard to the NPPF's stance on the conservation and enhancement of the historic environment.<sup>57</sup>

This group of policies specifically refer to the Design Guidance and Codes produced by AECOM for the Parish which I have referred to earlier in my discussion of Policy SL1. In essence, the policies seek to deliver locally distinctive development of a high quality that protects, reflects and enhances local character. This is to be welcomed.

However, I make a recommendation to delete all of these policies and replace them with a single policy that refers to the Design Guidance and Codes. This is because the Design Guidance and Codes is an evidenced based, independently prepared document. Whilst I can see that the set of policies is based on that work, all of the policies include some of the principles, but not all of them, or have summarised or paraphrased the principles, but in places have slightly altered the meaning or subtlety or in other policies criteria have been added. This therefore has, to my mind, created a set of rather muddled and complicated policies. The Design Guidance and Codes are a robust piece of work and the Plan should place its confidence in that work and feel able to rely on it.

I therefore recommend a modification to address this issue. With this modification, I am confident that the policy will do all that existing draft Policies SL6 – SL10 seek to achieve but do so in a more pragmatic and clear way for all users of the Plan. It will meet the basic conditions by having regard to the NPPF, being in general conformity with CS Policies SS6 which refers to environmental quality and local distinctiveness, SS7 which addresses climate change, LD1 which deals with landscape and townscape, LD3 which refers to green infrastructure, SD1 which deals with sustainable design and energy efficiency, SD3 which addresses water management and water resources and helping to achieve sustainable development.

For the avoidance of doubt, the supporting text can be retained, but I have suggested a revision to paragraph 6.21.

There are a couple of spelling errors in the Design Guidance and Codes which could be corrected if desired, but this is not a matter I need to make a recommendation on.

- **Delete Policies SL6 – SL10 inclusive and replace with a new policy “Achieving and Promoting Good and Sustainable Design in Development” that reads:**

***“All development proposals should be designed to a high standard and reflect the special qualities and unique identity of the Plan area. All development proposals should demonstrate how they have taken the relevant Design Codes 01 – 08 in the Design Guidance and Codes document and replicated in Appendix 7 into account. This should be based on an appropriate and***

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<sup>56</sup> NPPF para 130

<sup>57</sup> Ibid Section 16

*proportionate assessment depending on the location, type and scale of proposal.”*

- **Change paragraph 6.21 on page 41 of the Plan to read:**

***“The Stoke Lacy Design Guidance and Codes document was produced to inform new development proposed in the area. It includes a character assessment of Stoke Lacy Parish identifying three character areas of CA1 Stoke Lacy Conservation Area and Village, CA2 Stoke Cross and CA3 the Outer Plan Area. It details the key characteristics of each areas which make the neighbourhood area a special place to live in and visit. The second part of the document then contains design guidance and design codes to promote sustainable development and guide best practice across the Neighbourhood Plan Area. Policy XX Achieving and Promoting Good and Sustainable Design in Development seeks to promote a high standard of design in the Plan area by referring to the Design Guidance and Codes.***

***There are eight Codes covering 01 Pattern and layout of buildings, 02 Green infrastructure, active travel and open space, 03 Views and landmarks, 04 Architecture and details, 05 Materials, 06 Building modifications, extension, conversion and plot infill and 07 Waste, recycling and utilities and 08 Sustainability and building performance. It is expected that all development proposals requiring the submission of a planning application will use the Design Guidance and Codes in preparing proposals and that the specific principles in the Codes are taken into account. The Design Guidance and Codes will be used in the assessment of development proposals.***

***It is expected that evidence in the form of a statement or similar will be submitted with the planning application to show how the principles, where relevant and as appropriate, have been taken into account. This statement should be proportionate to the location, type and scale of the proposal.***

**The identified Character Area boundaries, CA1 Stoke Lacy Conservation Area and Village, CA2 Stoke Cross and CA3 the Outer Neighbourhood Plan Area refer to local character assessment and are not the same as the settlement boundaries identified on the Policies Maps in the NDP.”**

## 7.0 Business and Tourism

### Policy SL11: Employment Site

The NPPF indicates that planning policies should support economic growth<sup>58</sup> and set out a clear economic vision that positively and proactively encourages sustainable economic growth.<sup>59</sup>

The NPPF supports a prosperous rural economy through the sustainable growth and expansion of all types of businesses and through the development and diversification of agricultural and other land-based businesses.<sup>60</sup>

There are a number of employers in the Parish which provide both local employment opportunities but also encourage tourism.

This policy identifies two areas of employment uses on either side of the main road as employment sites on the Stoke Cross Policies Map. It safeguards these areas as employment land, cross referencing CS Policy E2 which safeguards best and good employment land, but permits the loss of moderate employment land in certain circumstances. The identification of good and moderate land uses the methodology in the Employment Land Study 2012.

Whilst one of the sites identified, the Woodend Lane Business Park, was identified as “good” in the Employment Land Study 2012, the others do not appear to have been identified and it is not clear to me whether the other sites would result in a good or moderate categorisation using the Employment Land Study methodology.

Nevertheless, it is clear that these sites are important not only in the Plan area but beyond. There is also merit in not cross-referencing a CS policy in a way which relies wholly on it. In addition, the NPPF<sup>61</sup> includes an important caveat on the agent of change which I consider necessary to add to the policy.

Therefore a modification is recommended. With this modification, the policy will have regard to the NPPF, be in general conformity with CS Policies E1 which seeks to provide a range of locations, types and sizes of employment provision to meet the needs of the local economy and E2 and help to achieve sustainable development. It will therefore meet the basic conditions.

- **Change the policy to read:**

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<sup>58</sup> NPPF para 81

<sup>59</sup> Ibid para 82

<sup>60</sup> Ibid para 84

<sup>61</sup> Ibid para 187



**“The Wye Valley Brewery, Woodend Lane Business Park and the outdoor storage business (on two sites) as identified on Map 3B: Stoke Cross Policies Map are safeguarded as employment land and buildings.**

***Proposals which would result in the loss of these employment sites will only be permitted if all of the following criteria are met:***

- 1. the development of the site for other uses would not result in an overall shortage in the quantity or quality of employment land supply in the area;***
- 2. there would be a net improvement in amenity through the removal of a non-conforming use in a residential area and where the alternative use would offer amenity benefits;***
- 3. the proposal would not result in a piecemeal loss of employment land where there is potential for a more comprehensive scheme;***
- 4. the development would not result in unreasonable restrictions placed on existing businesses and facilities or in any way adversely affect their operation without suitable mitigation being provided by the agent of change prior to the completion of development.***

***In all cases the viability of the development proposal should be confirmed through an assessment and there must be evidence of appropriate marketing for at least 12 months for a change of use and it can be shown that this marketing has been unsuccessful.***

***The provision of complementary uses that help to meet the day-to-day needs of the employment sites and their employees will be permitted where they are of an appropriate scale.”***

## **Policy SL12: Agricultural Buildings and Polytunnels Requiring Planning Permission**

Farming in the Parish remains of importance. As farming enterprises grow, diversify and expand, this policy sets out support for the growth and expansion of rural businesses through conversions and well-designed new buildings. It sets out criteria for new development including the effect on nearby residential occupiers with regard to noise, odour and outlook; all recognised planning terms, visual impact, materials and the use of energy and resource efficiency.

The NPPF supports the development and diversification of agricultural and other land-based rural businesses.<sup>62</sup>

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<sup>62</sup> NPPF para 84

One of the criteria is prescriptive and a modification is made to make it more flexible without losing the intention of the policy. In addition some modifications are made to help with the flow of the policy.

With these modifications, the policy will meet the basic conditions as it will have regard to national policy, be in general conformity with CS Policies SS6 and LD1 and will help to achieve sustainable development.

- **Reword Policy SL12 to read:**

***“The growth and expansion of rural businesses through conversions and well-designed new buildings will be supported where all of the following criteria are met:***

- 1. The character of the countryside is respected;***
- 2. There is an acceptable impact on the amenities of occupiers of neighbouring buildings (including non and residential properties) with particular regard to noise, odour and outlook;***
- 3. Any new buildings or structures are carefully sited and designed to minimise visual impacts and impacts on the landscape. This may include the need for larger scale development to be “broken up” through careful design and sensitive use of materials and height;***
- 4. Natural materials and an appropriate material colour palette to help blend new buildings into their surroundings are used; and***
- 5. Energy and resource efficiency measures are incorporated as appropriate.”***

### **Policy SL13: Proposals for New Renewable Energy Technology Schemes**

The policy refers to community energy schemes taking account of the NPPF’s stance on community led initiatives for renewable and low carbon energy which specifically refers to neighbourhood planning.<sup>63</sup> The policy sets out criteria including the effect on local character, residential amenity and highway safety, preferring brownfield sites and avoiding the use of productive agricultural land.

The policy meets the basic conditions in that it has regard to national policy and guidance, generally conforms to the aims of CS Policies SD1 which addresses sustainable design and energy efficiency and SD2 which supports renewable and low carbon energy generation and will help to achieve sustainable development.

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<sup>63</sup> NPPF para 156

## Policy SL14: Tourism and Rural Enterprise

Recognising that the Parish has much to offer, this policy supports the visitor economy by setting out a criteria based policy for small scale tourism and rural enterprise development. The criteria include design, employment opportunities, access and amenity. It particularly encourages farm and village shops and cafes. The criteria will all help to ensure that development is appropriate. However, I recommend a modification to add a criterion about odour for completeness.

The policy has regard to the NPPF's promotion of sustainable rural tourism and leisure developments which respect the character of the countryside as part of its support for a prosperous rural economy,<sup>64</sup> is in general conformity with CS Policies RA6 which supports the rural economy including through sustainable tourism and E4 which promotes tourism and will help to achieve sustainable development. It therefore meets the basic conditions.

- **Add the word "odour" after "...noise..." to point 5.**

## 8.0 Accessibility and Transport

### Policy SL15: Improving Accessibility and Sustainable Travel

The NPPF is keen to ensure that transport issues are considered from the earliest stages of plan-making so that, amongst other things, opportunities to promote walking, cycling and public transport use are taken.<sup>65</sup> It indicates that planning policies should provide for well-designed walking and cycling networks.<sup>66</sup>

This policy encourages walking and cycling and the use of public transport. It refers to the Design Code seeking new development to develop and improve existing networks and connectivity, provide cycle storage and incorporate electric charging points.

This policy has particular regard to the NPPF, is in general conformity with the aims of CS Policies SS4 and MT1 which, amongst other things, promote walking, cycling and public transport and will help to achieve sustainable development. It meets the basic conditions and it is not necessary for me to recommend any modifications to it.

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<sup>64</sup> NPPF para 84

<sup>65</sup> Ibid para 104

<sup>66</sup> Ibid para 106

## 9.0 Housing

### Policy SL16: Development Within Settlement Boundaries

Two settlement boundaries for the villages of Stoke Lacy and Stoke Cross have been identified. They are shown on the Policies Maps. I saw the settlement boundaries at my site visit and consider they have been designated appropriately and logically.

Policy SL16 supports development within the settlement boundaries subject to a number of criteria. These include conformity with the relevant Design Code, being small scale in nature, suitable access, amenity, flood risk and drainage considerations. All of the issues identified will help to ensure that any development is appropriate.

The supporting text to CS Policy RA3 is clear that where settlement boundaries are defined in neighbourhood plans, then Policy RA3, which deals with development in the countryside outside the defined settlements, will apply. The approach taken by the policy is therefore in general conformity with the CS.

However, the policy and its supporting text refers to “small in scale” defining this as developments of 1-3 dwellings and “up to five houses” where the proposal can demonstrate high quality design which responds to local context. It does not differentiate between Stoke Cross and Stoke Lacy, but does refer to the relevant Design Codes.

There is a potential conflict between the policy and the Design Codes in relation to the definition of small in scale included in the policy and supporting text. Whilst there is evidence to support the Design Code principles, there is little other technical evidence to support the different definition in the policy which refers to five houses whereas the Design Code refers to six, but this only applies to Character Area 01, Stoke Cross. With modification, the policy and its supporting text can be revised to ensure that there is no internal conflict.

With these modifications, the policy will have regard to the NPPF, be in general conformity with CS Policies SS2, RA1 and RA2 and will help to achieve sustainable development thereby meeting the basic conditions.

- **Change point 1. of the policy to read: “Proposals *should be low density and small scale in nature taking account of the relevant Design Code for the Character Area in which they are located.***
- **Change paragraph 9.15 on page 60 of the Plan to read:**

**“Policy SL16 has been prepared to guide new housing development within the settlement boundaries. The settlement boundaries are shown on the Policies**

Maps, Map 3A and 3B. Residents are concerned that developments should be small in scale and infill rather than comprising major development.<sup>15</sup>

*The Design Codes also refer to the need for new development to be character-led, meaning that development density should be low and small in scale In Character Area 01 Stoke Lacy Conservation Area and Village, this means that roadside facing development should be restricted to ones or two and that communal access and development that extends further than one plot back is characteristic In Character Area 01 Stoke Cross, this means that development dwelling quantities should be restricted to no more than six and no more than two dwellings facing the A465 with a primary elevation. It is important that the relevant Design Code is taken into account.*

**Infill development is development that goes in the gaps between existing buildings and such proposals also should be small in scale. Following the Regulation 14 public consultation the settlement boundaries were amended to improve consistency.”**

#### **Policy SL16/1: Crossfield House, Stoke Cross**

A ‘Call for Sites’ was undertaken in 2020. 13 proposals were put forward (including a site which came forward after the original report had been prepared and which is the subject of a representation). An assessment of the sites was made by AECOM. HC’s Highways Department was also asked to comment on the options. The assessment and site options were publicly available and comments invited.

This policy allocates a site, Crossfield House in Stoke Cross and identified in the policy and on the Policies Maps for two dwellings. The policy also includes criteria to ensure the development is appropriate; it refers to suitable access, hedgerows and the pond and the orchards to the south of the site.

The site has the physical capacity for more than two dwellings and this would also take into account the relevant Design Codes. However, the site owners have indicated an intention to develop two units and therefore more may not be deliverable. In addition, I saw at my site visit that access will need resolving and therefore larger numbers may not be desirable; this would be a matter for the detailed planning stage. The site is well related to the commitment site as part of the site adjoins it. It therefore allocated for two units, but clearly this would be assessed at planning application stage; the allocation of itself does not grant planning permission.

In addition, I am mindful that the Plan does not need to allocate sites. Not only does PPG make it clear that neighbourhood plans are not obliged to include policies on all types of development,<sup>67</sup> but the Parish has exceeded its indicative housing growth

<sup>67</sup> PPG para 040 ref id 41-040-20160211

target of 15% as set out in CS Policy RA1 over the Plan period. This has been confirmed by HC. Obviously the CS time period differs from this Plan period, but both plans have the same end date of 2031.

The indicative housing growth target set out at CS level is based on the strategic context set out in CS Policies SS2 and RA1 which indicate that 5,300 dwellings will be delivered throughout the rural housing market areas (HMA). This Plan area falls within the Bromyard HMA. This HMA has an indicative housing growth target of 15% according to CS Policy RA1, equating to 24 dwellings in the Parish over the Plan period. The Parish has, with the commitment site, 47 dwellings, nearly doubling its target.

The CS explains that this indicative growth target in CS Policy RA1 will form the basis for the minimum level of new housing to be accommodated in each neighbourhood plan across the County.

The main focus for development is within or adjacent to existing settlements listed in two figures, 4.14 and 4.15. CS Policy RA2 translates this into policy. Stoke Lacy/Stoke Cross are identified in Figure 4.14 as settlements which will be the main focus of proportionate housing development. I have already explained that once settlement boundaries are defined through neighbourhood plans, CS Policy RA3, relating to development in the countryside, applies.

The policy has regard to the NPPF, is in general conformity with CS Policies SS2, RA1 and RA2 and will help to achieve sustainable development. The policy meets the basic conditions and no modifications are recommended.

### **Policy SL17: Housing Mix**

The Parish has a mix of house types and sizes. The local community is concerned about the lack of affordable rental properties in particular. The Housing Market Area Needs Assessment Final Report July 2021 recommends smaller unit provision across all tenures.

The NPPF is clear that the Government's objective of significantly boosting the supply of housing should be supported and that the needs of groups with specific housing requirements are addressed.<sup>68</sup> Within this context, the size, type and tenure of housing needed for different groups in the community should be addressed and reflected in planning policies.<sup>69</sup> This includes the provision of affordable housing, housing suitable for families or older people and those wishing to build their own homes.<sup>70</sup>

This policy requires any residential development to show how it contributes to a suitable mix and responds to local needs, particularly for medium sized family housing,

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<sup>68</sup> NPPF para 60

<sup>69</sup> Ibid para 62

<sup>70</sup> Ibid

starter homes and homes suitable for older people. It also supports self build and larger homes that include provision for home working.

I accept that the likely level of housing development in the Parish is unlikely to mean that housing mix is imperative or that more affordable housing through schemes other than rural exception sites is likely. However, it is an important consideration and one that seeks to ensure that suitable properties are available for the community.

I consider the policy should be modified so that it is based on the latest available evidence of local needs and viability considerations. This will also ensure it is future proofed if needs change over the Plan period.

With this modification, the policy will meet the basic conditions in that it will have regard to the NPPF, in particular by seeking to boost the supply of housing needed for different groups in the community. It is a local expression of CS Policy H3 which seeks to provide a range and mix of housing to create balanced and inclusive communities. It will help to achieve sustainable development and especially the social objective of ensuring a sufficient number and range of homes are provided to meet the needs of present and future generations.

- **Add the words “*based on the latest available evidence of housing need*” at the end of the first paragraph of the policy**
- **Add the words “*if evidenced by the latest available housing needs and viability considerations*” at the end of the second paragraph of the policy**

## 10.0 Next Steps

This section will need some natural updating or removal as the Plan progresses.

## Appendices

A number of appendices follow.

Appendix 1 is a Process Diagram.

Appendix 2 contains details of the Stoke Lacy Conservation Area.

Appendix 3 contains details of the location and descriptions of listed buildings in the Parish.

Appendix 4 shows the public footpaths in the Plan area.

Appendix 5 details the public consultation responses to the site options. Whilst this has been a useful addition to draft versions of the Plan, once the Plan moves towards referendum, consideration could be given to the removal of this appendix. However this is not a modification I need to make in respect of the basic conditions.

Appendix 6 is an extract from the Herefordshire Housing Market Area Needs Assessment Final Report July 2021.

Appendix 7 contains extracts of the Design Guidance and Codes and refers to the main documents which are separate because of their size.

## 8.0 Conclusions and recommendations

I am satisfied that the Stoke Lacy Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Herefordshire Council that, subject to the modifications proposed in this report, the Stoke Lacy Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Stoke Lacy Neighbourhood Development Plan should proceed to a referendum based on the Stoke Lacy Neighbourhood Plan area as approved by Herefordshire Council on 8 January 2020.

Ann Skippers MRTPI  
Ann Skippers Planning  
October 2022



## Appendix 1 List of key documents specific to this examination

Stoke Lacy Parish Neighbourhood Development Plan 2021 – 2031 Submission Version

Basic Conditions Statement May 2022

Consultation Statement May 2022

Environmental Report May 2022 (HC)

Appropriate Assessment May 2022 (HC)

Site Options and Assessment Draft Report February 2021 (AECOM)

Site Assessment and Options – Addendum November 2021 (AECOM)

Design Guidance and Codes October 2021 (AECOM)

Stoke Lacy Parish Policies Map

Stoke Cross Village Policies Map

Stoke Lacy Village Policies Map

Herefordshire Core Strategy 2011-2031 October 2015 and Appendices

Saved Policies of the Unitary Development Plan 2007

Rural Areas Settlement Hierarchy Background Paper and the Bromyard Housing Market Area June 2022

Parish Council comments on Regulation 16 representations

Other documents on the Parish Council website [www.stokelacy.co.uk](http://www.stokelacy.co.uk)

**List ends**