

## **Stretton Sugwas NDP Independent Examination Delegated Decision Statement**

**25 October 2018**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Stretton Sugwas Neighbourhood Area
Parish Council	Stretton Sugwas Parish Council
Submission	30 April 2019
Examination Date	September- October 2019
Inspector Report Received	24 October 2019

### **1 Introduction**

- 1.1 The Town and Country Planning Act 1990 (as amended), states that the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and to take the plans through a process of examination and referendum.
- 1.2 The Localism Act 2011 (Part 6 chapter 3) details the Local Planning Authority's responsibilities under Neighbourhood planning.
- 1.3 This Decision Statement confirms that the modifications proposed by the examiner's report have been accepted, the draft Stretton Sugwas Neighbourhood Plan has been amended taking into account the modifications, and that NDP may proceed to referendum.

### **2 Background**

- 2.1 The Neighbourhood Area of Stretton Sugwas was designated on 25 November 2013. The Neighbourhood Area follows the boundary of Stretton Sugwas parish boundary. The Stretton Sugwas NDP has been prepared by Stretton Sugwas Parish Council. Work on the production of the plan has been undertaken by members of the local community through a Neighbourhood Plan Steering Group since spring 2014.

- 2.2 The Plan was submitted to Herefordshire Council on 30 April 2019, and the consultation under Regulation 16 took place between the 8 May to 19 June 2019, where the Plan was publicised and representations invited.
- 2.3 On 23 August 2019 Mr John Mattocks BSc DipTP MRTPI FRGS, was appointed by Herefordshire Council, with the consent of the Parish Council, to undertake the examination of the Stretton Sugwas NDP and to prepare a report of the independent examination.
- 2.4 The examiner's report concludes that subject to making the modifications recommended by the examiner, the plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.5 Having considered each of the recommendations made within the examiner's report and the reasons for them, Herefordshire Council (in accordance with the 1990 Act Schedule 4B paragraph 12) has decided to make the modifications to the draft plan referred to in Section 3 below to ensure that the draft plan meets the basic conditions set out in legislation.

### 3 Recommendations by the examiner

- 3.1 The table 1 below details the recommendations made by the examiner within her report along with the justification:

Policy	Modification recommended	Justification
Modification 1 Map 5	Modify the settlement boundary for Stretton Sugwas as shown on Map 5 on page 23 of the plan to exclude land to the east of the A480 bypass from the settlement.  Redraw the boundary north of the Travellers Inn to follow the western side of the A480.	In accordance with policy RA2.
Modification 2 Policy SS9	Delete Policy SS9 as a statutory policy and move it, along with the accompanying text, to the section 6.5 of the plan as a community aspiration dealing with those measures considered necessary to minimise any environmental impact on the parish.	For clarity and accordance with national planning policy guidance.  Removal of aspirational non land use parts of the policy.
Modification 3 Policy SS1	In the second paragraph of Policy SS1, delete the first part of the second sentence from 'Developments should ...' to, and including, the words '...wherever possible and' starting the sentence with 'New buildings should ...'	For clarity and accuracy.  Removal of ambiguity.  In accordance with national planning policy guidance.
Modification 4 Policy SS4	Delete the first paragraph of Policy SS4 and replace it by the following paragraph:-Wherever practicable, development proposals should seek to retain and enhance traditional buildings and structures, especially	For clarity and accordance with national planning policy guidance.

	those dating from previous centuries, which make a positive contribution to the villages and rural settlements of the area. Delete the second sentence in criterion 8 of Policy SS4.	
Modification 5 Policy SS6	<p>Delete the second paragraph of Policy SS6 and incorporate the third and fourth paragraphs within a revised Policy SS7.</p> <p>Delete the second sentence in the fifth paragraph of Policy SS6 and amend the first sentence to read as follows:- Developments are encouraged to prioritise the re-development and re-use of existing brownfield sites and buildings, provided the proposed site or buildings do not have a high environmental value such as for biodiversity.</p>	<p>Clarification of text.</p> <p>Interests of consistency and accuracy.</p> <p>Merge of policies and removal of overlap.</p> <p>In consistency with the NPPF.</p>
Modification 6 Policy SS7	<p>Replace Policy SS7 by the following revised policy:- All sites proposed for housing development within the settlement boundaries of Stretton Sugwas and Swainshill will be required to meet the following criteria:</p> <ol style="list-style-type: none"> <li>1. The proposed development should be well related to the settlement within which it is located and respect the size of the settlement in terms of its scale and character;</li> <li>2. proposed development should not be of such a scale that it would: <ol style="list-style-type: none"> <li>a. significantly harm neighbours' enjoyment of their homes and gardens including through loss of light or traffic movements;</li> <li>b. have a detrimental effect on the openness of the countryside;</li> <li>c. Stretton Sugwas to an unacceptably adverse impact on existing local services and infrastructure;</li> <li>d. have such an adverse impact on the local road network that it cannot be satisfactorily mitigated;</li> </ol> </li> <li>3. proposals should demonstrate physical and visual linkages to the existing built-up area;</li> <li>4. any proposals for new development along the A438 at Swainshill should include a road traffic noise risk assessment taking into account the design and layout of the site;</li> <li>5. the layout and design of housing schemes should provide for the development to be broken into small groups of houses or clusters of up to five properties wherever possible;</li> <li>6. development should seek to reduce the environmental impacts of traffic and transport with layouts to facilitate walking and</li> </ol>	<p>Interests of clarity and accuracy.</p> <p>Merge of policies and removal of overlap.</p> <p>Ensure policy is flexible.</p> <p>Ensure policy is in conformity to the NPPF and CS policies.</p> <p>Ensure policy is implementable.</p>

	<p>cycling;</p> <p>7. schemes should include a mix of housing types and sizes to meet local needs as identified in an up-to-date local housing needs assessment.</p>	
Modification 7 Policy SS7	<p>Include a reference to road traffic noise impacting development along the A438 at Swainshill as part of the justification for criterion 4 in revised policy SS7 within the explanatory text for the policy.</p> <p>Also, include reference to the maintenance of the local character of small and fragmented groups of houses and smallholdings as justification for criterion 5 in the revised policy.</p>	<p>Interests of consistency and accuracy.</p> <p>Conformity to Core Strategy.</p>
Modification 8 Policy SS8	<p>Replace the word 'and' on the first line of Policy SS8 by 'for' and delete all of the first sentence after '... affordable housing'.</p> <p>Section 5 - Formal conclusion and overall recommendations including consideration of the referendum area.</p>	<p>Interests of accuracy and clarity.</p> <p>Conformity to Core Strategy.</p>
Modification 9 Referendum Area	<p>The area for the referendum should be extended to cover the parish of Stretton Sugwas as constituted on 1<sup>st</sup> April 2019.</p>	<p>In accordance with national legislation.</p>

### 3.2 Post Adoption SEA and HRA

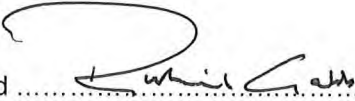
- 4.1 The modifications made as a result of the Examiner's report, as outlined above in Section 3 of this document, have been considered in terms of any resultant changes to the Strategic Environmental Assessment and Habitat Regulations Assessment. None of the changes are considered to have a significant effect on the overall appraisals. The updated SEA and addendum to the HRA are available to accompany the final plan.

### 4 Decision

- 4.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the examiner made in the report under paragraph 10 of Schedule 4A to the 1990 act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan. Herefordshire Council have considered each of the recommendations made in the examiner's report and the reasons for them and have decided to accept the modifications to the draft plan
- 4.2 The draft plan will be altered in line with Table 1 above and also the points set out in paragraph 3.2, in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.
- 4.3 Following the modifications made, the Stretton Sugwas Neighbourhood Plan will meet the basic conditions:
- Having regard to national policies and advice contained in guidance issues by the Secretary of State, it is appropriate to make the 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 Herefordshire Local Plan – Core Strategy
- The making of the neighbourhood plan does not breach and is otherwise compatible with EU obligations and
- The making of the neighbourhood plan is not likely to have a significant effect on a European site either alone or in combination with other plans and projects.

4.4 It is recommended that the Stretton Sugwas Neighbourhood Plan progresses to referendum. Consideration has been given as to whether the area should be extended beyond that of the neighbourhood area. Herefordshire Council concur with examiners conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 25 November 2013.

Signed  .....

Dated *25. 10. 2019* .....

**Richard Gabb**  
**Programme Officer – Housing and Growth**