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**BY EMAIL ONLY**

Dear Siobhan

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

Further to our meeting (2<sup>nd</sup> April 2025), our follow-up email (8<sup>th</sup> April 2025) and the pending timeframe for the review of the next Herefordshire Local Plan (estimated adoption in 2028) it is Natural England's intention via this letter to outline our position on any interim Neighbourhood Plans that may come forward in advance of the new Plan becoming adopted in 2028. In addition we have included some workable solutions as linked to a set of scenarios that would still enable NP's to come forward in the interim.

At the last meeting (2<sup>nd</sup> April 2025) Herefordshire Council confirmed that only two Neighbourhood Plans would likely proceed, because they were sufficiently advanced. You also said that there may also be the potential for other plans to still come forward during this interim period. We hope that the following position is helpful in guiding our expectation of all the Plans at Neighbourhood level.

From Natural England's perspective with regard to 'Due Process' in respect of development management as linked to a Local Plan (inclusive of Neighbourhood Plans) there is a requirement that all Neighbourhood Plans (NP's) should be in conformity with an overarching Local Plan, whereby all gathered impact pathway environmental evidence can be examined and considered as 'in combination', linked to all plans and projects coming forward within that Plan period. This would thus be legally compliant with the regulations linked to Habitats and SSSI's.

Any new NP's coming forward that are delivering a housing allocation will need to demonstrate that they are legally compliant with the Habitat Regulations and SSSI Regulations and have current evidence driven policies that ensure that there are no adverse impacts on protected sites. Where there is an overarching adopted Local Plan, as NP's need to be in conformity with this, the regulations are generally addressed through that process. In the absence of a current evidence based Local Plan (expected 2028), NE would be unable to comment on any NP's that come forward in advance until all the necessary environmental information/evidence has been gathered and assessed by the Herefordshire Council Local Plan process.

In the interim this would thus require each Neighbourhood Plan to do their own evidence gathering for every plan or project that would be put through the Habitat regulations and/or SSSI regulations. This would also require them to consider all impact pathways alongside other Herefordshire NP's in combination. In effect this would be doing the work of the Local Authority but at their cost. This would not just be very time consuming and costly for each NP but would not be in conformity with the national Local Plan and Neighbourhood Plan making process.

## **Interim Neighbourhood Plan enabling scenarios and solutions**

The following represents a potential acceptable scenario/solution for a Neighbourhood Plan to come forward ahead of the new Local Plan being adopted in 2028.

If there are Neighbourhood Plans that are coming forward ahead of the new Local Plan (2028) that do not have any additional housing allocations above and beyond the existing adopted plan (Herefordshire Local Plan Core Strategy 2011 - 2031) then they would not be required to adopt the process outlined above, for this was agreed at the last local plan phase. Thus, the already agreed housing allocations within the current plan would still hold and be acceptable in line with that evidence base.

In contrast, the emerging Herefordshire Local Plan (2021 - 2041) that now has new government allocated housing target (c.28,000+), present a separate set of circumstances for the Council and Neighbourhood Plan network to consider. This Plan will not as yet have been able to strategically prepare through stakeholder consultation as to where these housing numbers will be allocated across the county. This Plan will not have been subjected to the tests of soundness and consequently will not be legally compliant. Thereby the NP's will be unable to assess the 'in-combination' impact of these new housing numbers and will thus fall short of being legally compliant with governing regulations for both Habitats and SSSI's.

A further solution to consider alongside this would be to set a limited lifespan to any NP that predates the emerging Local Plan in 2028. Again, a NP would not be allowed to bring forward new housing that has not already been agreed within the current local plan (2021 - 2041). Thus, the housing allocations brought forward by these NPs would be operating in existing levels of housing with no new housing coming forward.

Please also note that the current adopted Local Plan evidence will not have originally considered Nutrient Neutrality (NN) policies and newly emerging Air Quality policies and so would be required to ensure that appropriate evidence gathering against new housing allocations is carried out in accordance with both SSSI and Habitat Regulations. It would be impractical for the NPs to be expected to fund and coordinate this work on behalf of the County.

We hope this additional advice and guidance is helpful in enabling you to coordinate and manage expectations of the Neighbourhood Plans in the county ahead of your plan being adopted in 2028.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

Yours sincerely

Philip Burton  
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