

Progression to Examination Decision Document



Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Orleton and Richard Castle Neighbourhood Area
Parish Council	Orleton and Richard Castle Parish Council
Draft Consultation period (Reg14)	7 May to 20 June 2016
Submission consultation period (Reg16)	31 October to 12 December 2016

Determination

Is the organisation making the area application the relevant body under section 61G (2) of the 1990 Act		Yes
Are all the relevant documentation included within the submission <ul style="list-style-type: none"> • Map showing the area • The Neighbourhood Plan • Consultation Statement • SEA/HRA • Basic Condition statement 	Reg15	Yes
Does the plan meet the definition of a NDP - 'a plan which sets out policies in relation to the development use of land in the whole or any part of a particular neighbourhood area specified in the plan'	Localism Act 38A (2)	Yes
Does the plan specify the period for which it is to have effect?	2004 Act 38B (1and 2)	Yes
Are any 'excluded development' included? <ul style="list-style-type: none"> • County matter 	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> Any operation relating to waste development National infrastructure project 		
Does it relation to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the parish council undertaken the correct procedures in relation to consultation under Reg14?		Yes
<p>Is this a repeat proposal?</p> <ul style="list-style-type: none"> Has an proposal been refused in the last 2 years or Has a referendum relating to a similar proposal had been held and No significant change in national or local strategic policies since the refusal or referendum. 	Schedule 4B para 5	No

Summary of comments received during submission consultation

Herefordshire Council – Strategic Planning	Confirm conformity with the Core Strategy. See appendix 1 for details.
Herefordshire Council – Environmental Health	No further comments to add
Herefordshire Council – Environmental Health (contamination)	<p><u>Policy ORC8: Housing Sites in Orleton</u></p> <p>The proposed housing site 'ORC8; Land to the north of Kings Road and opposite Orleton Primary School' identified in brown in the 'Orleton Village polices Map' appear from a review of Ordnance survey historical plans to have no previous historic potentially contaminative uses.</p> <p><u>Policy ORC10: Housing Sites in Richards Castle</u></p> <p>The two proposed housing sites 'ORC10; Land at Spout House Field and Land to the north of Westbrook House' identified in brown in the 'Richards Castle Village polices Map' appear from a review of Ordnance survey historical plans to have no previous historic potentially contaminative uses.</p>
Natural England	Natural England does not have any specific comments on this neighbourhood plan
Historic England	Please to note that our minor comments in relation to the Reg14

	Plan have now been taken into account. Overall the plan reads as a well-considered, concise and fit for purpose document which takes an exemplary approach to the historic environment.
Coal Authority	No specific comments to make on it
National Grid	There are no records of apparatus within the neighbourhood plan area.
Severn Trent Water	No specific comment to make. General information and advice given.
Dwr Cymur / Welsh Water	No further comment to make over and above response to Reg14.
Guy and Judy Whitmarsh Local resident (Richard's Castle)	<p>Building in Richard's Castle runs counter to sound principle. Richard's Castle is on outlying village of Ludlow and more dependent on Shropshire than Herefordshire.</p> <p>Building on land given the B4361 is therefore doubly inadvisable with dangerous exit and hidden dips. Which other Herefordshire village has an almost straight B road running past proposed development.</p> <p>Provision would need to be made for safe pedestrian routes and safe bus stops.</p> <p>Anomalies in the proposed number of dwellings – Spout House filed has planning permission for 4 houses but the Consultation Statement suggests 10 and the Basic Condition document states both sites should include 20 dwellings.</p> <p>NDP identifies traffic issues with HGV and agricultural vehicles and 'trouble spots' on Castle Road, how does this fit with building up to 10 dwellings.</p>
Stan and Sylvia Cadwallader Local resident (Richard's Castle)	<p>Against the proposed development of the land adjacent to the B4361 in Richard's Castle. Land is prone to flooding and the extra traffic will be coming onto the already busy road close to the entrance to Park Lane and Castle Road.</p> <p>Not opposed to the building of homes in our village but there a more suitable locations than this proposed site.</p>
Toby Fair Local resident (Richard's Castle)	<p>Extended north settlement boundary – proposes a flawed urban design solution which may lead to inappropriate development in the village. The NDP may introduce a serious road safety risk, place families beside a dangerous road, inadvertently invite bigger development than proposed, place large development at the gateway to the village changing its character, increasing the damaging environmental impact particularly flooding, harm wildlife, habitats and biodiversity, miss opportunities.</p> <p>Like to see the site besides the B4361 removed from the NDP.</p>

	<p>Local Green Space – object to creation of LGS in the garden at Westbrook. Land has previously had no designation, no one discussed the proposal with the owner causing distress due to lack of direct consultation, designation of his garden and potential uses for his land referred to in the Richard’s Castle Housing Site Assessment.</p> <p>Land does not apply with NPPF para 77, area is private land: garden. Used to be the site of the Westbrook tennis courts and Victorian rock garden. The stream runs through the proposed designated area but its banks are managed as a garden.</p> <p>There is no public right of wat and no public access or recreational value. It is not serving the community or beautiful in a landscape sense. Propose that the designation is removed.</p> <p>Consultation and Quantum – consultation is flawed, public exhibition was held too late in the process, sites had already been allocated and key decisions made.</p> <p>Alternative option – designate the north of the stream as Local green Space where the biodiversity is greater than a private garden. By incorporating the parcel of covenanted land it could play a community role protected as a green buffer between the village and the village hall.</p>
<p>Fred Fair Local resident (Richard’s Castle)</p>	<p>Extended north settlement boundary – proposes a flawed urban design solution which may lead to inappropriate development in the village. The NDP may introduce a serious road safety risk, place families beside a dangerous road, inadvertently invite bigger development than proposed, place large development at the gateway to the village changing its character, increasing the damaging environmental impact particularly flooding, harm wildlife, habitats and biodiversity, miss opportunities.</p> <p>Like to see the site besides the B4361 removed from the NDP.</p> <p>Local Green Space – object to creation of LGS in the garden at Westbrook. Land has previously had no designation, no one discussed the proposal with the owner causing distress due to lack of direct consultation, designation of his garden and potential uses for his land referred to in the Richard’s Castle Housing Site Assessment.</p> <p>Land does not apply with NPPF para 77, area is private land: garden. Used to be the site of the Westbrook tennis courts and Victorian rock garden. The stream runs through the proposed designated area but its banks are managed as a garden.</p> <p>There is no public right of wat and no public access or recreational value. It is not serving the community or beautiful in a landscape</p>

	<p>sense. Propose that the designation is removed.</p> <p>Consultation and Quantum – consultation is flawed, public exhibition was held too late in the process, sites had already been allocated and key decisions made.</p> <p>Alternative option – designate the north of the stream as Local green Space where the biodiversity is greater than a private garden. By incorporating the parcel of covenanted land it could play a community role protected as a green buffer between the village and the village hall.</p>
<p>John Greene Border Oak</p>	<p>Objection to the housing policies and allocations shown in the draft plan specifically in Orleton.</p> <p>Comments reflect the earlier consultation response to Reg14;</p> <ol style="list-style-type: none"> 1) Proposed settlement boundary for Orleton – seems conservative and unnecessary restrictive based on the old UDP boundary rather than reflecting current circumstances. Very limited infill opportunities within the proposed boundary. Green spaces, gardens and gaps are vulnerable as no alternative development options. Settlement boundary does not reflect the actual build form of the settlement. 2) Proposed single allocation of development land in Orleton 3) Lack of opportunities for housing specifically those wishing to build on their own home 4) Sites adjacent to the proposed boundary – including Amiss Bungalow and surrounding land have been excluded but the reasoning has not been presented 5) Allocated site – the principle of a single large allocation to meet all housing needs is a risky strategy. Often locally unpopular and undeliverable. Text lists flooding, drainage, highways and visual impact as constraints. Additional smaller scale sites in other locations should be allocated to demonstrate that minimum percentage growth target can be achieved. 6) Housing needs – no NDP make no special consideration for facilitating a wide variety of housing needs such as self-build, custom build, home working, homes for elderly or infirm.
<p>16 Postcards Local residents (Richard's Castle)</p>	<p>The Orleton and Richard's Castle NDP, if adopted; may; Introduce a serious road safety risk. The development requires access onto the B4361 near park Lane, an established accident blackspot</p>

<p>A M Bayliss</p> <p>K R Tyrer</p> <p>K Butcher</p> <p>J Davies</p> <p>J Parry</p> <p>Susan Onslow</p> <p>T Wormack</p> <p>K Bownes</p> <p>L Bowen</p> <p>E Tinker</p> <p>2 signed</p> <p>4 anonymous</p>	<p>Place families beside a dangerous road</p> <p>Inadvertently invite bigger development than proposed</p> <p>Place a large development at the gateway to the village changing its character for everyone</p> <p>Increase damaging environmental impacts particularly flooding</p> <p>Harm wildlife, habitat and biodiversity</p> <p>Miss opportunities</p>
<p>Ian Spalding</p> <p>Local resident (Richard's Castle)</p>	<p>In all our interests to build in Richard's Castle but not in the wrong place. Proposed area to build on sits in between a water course and historical pools and wells. Storm Angus, resulting flood water spilled onto the B4361, north of the village and ran down both sides of the road for 5 days.</p> <p>Need to deal with the run off from the potential 26 new homes to be built in Richard's Castle. Seem ludicrous that the PC have not approached the south side of the village towards Leominster and away from the water course.</p>
<p>Glyn Goodwin</p> <p>Local resident (Richard's Castle)</p>	<p>It is hard to justify creating yet another dangerous exit onto the B4361, there are far better and safe sites for development up Castle Road. There has been one fatality at a nearby exit onto the B4361.</p> <p>When there is heavy rainfall the water rushes off the adjoining field onto the B4361 at exactly the point where the suggested new exit would be. Would need major and costly drainage work.</p>
<p>Andrew and Rachel Massey</p> <p>Local resident (Richard's Castle)</p>	<p>Proposals for housing and facilities is in great danger of changing the characteristics of our historic village forever.</p> <p>Appears to have been written in response to certain plots of land becoming available rather than identify appropriate plots.</p> <p>The proposed location of land next to the B4361 is not the right location for the type of housing identified. The location is a prime position on the approach from Ludlow to Leominster, development would change the important character and appearance of</p>

	<p>Richard's Castle.</p> <p>Could give the green light to future housing in the adjacent fields moving towards the village hall.</p> <p>Area immediately adjacent to the proposed land is either designated as a Local Green Space or protected by a covenant.</p> <p>Safe access to the land is questionable both by vehicle and foot. Issues with the place where the school bus stops and picks up and drops off children. Additional access in the dip would further add to this known blackspot.</p> <p>Existing hedgerow would need to be removed which would change the landscape.</p> <p>Proposal would contradict ORC13 and the will of the residents who have stated that they appreciate the tranquillity afforded by the absence of street lighting.</p> <p>Play area is on land protected by a covenant and contrary to ORC10. Location of a play area here is questionable. Location appears a convenient afterthought rather than the best location.</p> <p>Do not know the impact of the Spout House field planning permission yet so little caution should be exercised before additional housing.</p>
<p>John Crichton Local resident (Orleton)</p>	<p>Draft plan shows the majority of the village growth is solely in the proposed development of 39 houses within the set boundary. Small scale growth would reflect the results of the data from the NDP questionnaire rather than large scale developments.</p> <p>The plan shows the majority of the proposed village growth within 1 high density, large scale estate of 39 houses with known physical constraints – periodic flooding and a long standing sewerage problems.</p> <p>Despite many of the objections raised, the NDP has endorsed this development without any specifications or restrictions.</p>
<p>John Amos On behalf of David and Carol Lewis Orleton residents / landowners</p>	<p>North and East of Overton House, Townsend Orleton.</p> <p>Seeks an amendment to the Orleton settlement boundary (ORCP7) to include and allocate the site for a small sensitively designed house scheme (up to 4 houses). This would ensure more certainty is built into delivery of a resilient ORCNDP to deliver their minimum housing requirement.</p> <p>Numbers – the parish seeks 15-23 new dwellings from a target of 53. Heavy reliance is place on delivery of outstanding planning permissions and windfalls.</p> <p>Settlement boundary – other than adjustments made for ORCP8 allocations, the settlement boundary contains only marginal adjustments to the pervious UDP boundary representing a</p>

	<p>restrictive approach to growth and expansion. Does not inform a context and analysis of Townsend and its relationship to the built form.</p> <p>Allocation – land to the north of Kings Road indicates doubts as to whether this site can be deliver the expected housing.</p> <p>Five year land – appeal evidence demonstrates 4.39 years.</p> <p>Townsend – site was put forward during call for sites, proposed low density and sensitively designed housing scheme compatible to the character of this location. Decision not to include the recently built affordable home site north of Kitchen Hill Road within the settlement boundary is anomalous and Townsend’s context is not appropriately summarised by the plan text because of that decision. The site lies outside flood zone 2 and 3, view of Orleton Manor is sheltered.</p>
<p>Richard Agnew Gladman</p>	<p>Considered that some policies are currently not in accordance with the NPPF and the plan is trying to undertake policies which are outside of the remit of neighbourhood plans.</p> <p>Policies are very prescriptive and may be considered restrictive in terms of development.</p> <p>ORC2 – unnecessarily restrictive. No information is provided to justify the inclusion of ‘exceptional circumstances’, likely to lead to inconsistencies through the development management process. Area is not AONB, National Park and Green Belt and exceptional circumstances should be deleted.</p> <p>Policy ORC5 – Improvements to the sewerage infrastructure are under the remit of the infrastructure bodies and not the responsibility of the developers. Delaying development over something out of the control of the development would not be in accordance with the framework and should be deleted.</p>
<p>MR and RD Harris Local residents /landowners (Orleton)</p>	<p>Policy ORC7 – only site referred to for potential development site is 39 houses opposite the school; this site does not conform to the requirements within the policy.</p> <p>Para 7.9/7.10 – refers to three site but where are the three sites?</p> <p>No mention of a site for the provision of a residential home for the elderly which is exactly what Orleton needs for residents of our parish to stay locally.</p> <p>Statistics referring to 70% of residents is actually 70% of those who attended the open day.</p> <p>Supporting development on a flood risk area and ignoring all the possible sites put forward which do not flood.</p>
<p>Chloe Harris</p>	<p>Concerned about publicity of the consultation period locally.</p>

<p>Local resident (Orleton)</p>	<p>With the issue of flooding being emphasised throughout the NDP, the only site outlined is in fact within an area liable to flood. Contrary to policy ORC4 and local community concerns.</p> <p>Section 7.10 mentions that the capacity of the sewerage system is considered to affect all three sites. Where are the additional sites; Only land to the north of Kings Road is mentioned.</p> <p>Unclear where the woodland is which separates south west of village</p>
<p>Linda Crichton Local resident (Orleton)</p>	<p>Draft plan shows the majority of the village growth is solely in the proposed development of 39 houses within the set boundary. Small scale growth would reflect the results of the data from the NDP questionnaire rather than large scale developments.</p> <p>The plan shows the majority of the proposed village growth within 1 high density, large scale estate of 39 houses with known physical constraints – periodic flooding and a long standing sewerage problems.</p> <p>Despite many of the objections raised, the NDP has endorsed this development without any specifications or restrictions.</p>
<p>Robert Harris Local residents (Orleton)</p>	<p>Disappointed to see that no other land has been included for consideration for housing development other than the site being considered for 39 houses opposite the primary school.</p> <p>Para 7.10 of the NDP outlines that sewerage is an issue that needs to be considered over three sites. There is no mention of other sites. Map detailing the other locations should have been included to inform community members of all possible sites.</p> <p>Site is inclusive of a flood zone 3 and stated within the plan a number of times that developments in flood zone 2 or 3 will not be permitted. Increased infrastructure of a housing development would negatively impact on the current flooding situation in that area of the village and even on proprietries further upstream.</p>
<p>Jon Lewis (Orleton)</p>	<p>It does not seem a good idea to try and build 39 houses all together at the bottom end of the village where there is a known sewerage problem and flooding issues. Would it be better idea to have small clusters of houses spread throughout the village which would be more in keeping.</p>
<p>Denzil Onslow Local resident (Richard's Castle)</p>	<p>The proposal to site any houses in the field to the north of Westbrook is inappropriate.</p> <p>Any access to the B4361 at this point will add to the danger to pedestrians and cyclists, particularly children. Any access will require costly and extensive modifications mostly within the county of Shropshire outside the boundary of the NDP and in different land ownership. Child was killed at the junction with Park Lane 40 years ago.</p>

	<p>Number of houses proposed and the new junctions will visually spoil the approach from the north and exit from the south. Modern crammed development will clash with the appearance of the other mature properties along the B4361.</p> <p>No objection to more houses in Richard's Castle but they should be on Castle Road where the safety issues are much less.</p>
<p>Joanna Sharp Local resident (Richard's Castle)</p>	<p>Main reason for objection is that land previously unsuitable for buildings has now had planning permission for 4 houses and the land downstream of that site is also included within this draft plan.</p> <p>Sites already known locally to flood. Main roads through Richard Castle is likely to be affected by surface water flooding which will affect traffic.</p> <p>Hope that sense will prevail and the objections to the planning permission are taken into consideration. Rush to fulfil some arbitrary target, a quiet rural village with no services is in danger of becoming urbanised with none of the infrastructure to support the development.</p>

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

Officer's Appraisal

27 representations were received in total with an additional 16 postcards. The internal Herefordshire Council comments confirmed conformity with the Core Strategy and the 6 statutory consultees' responses indicated general support. A total of 9 representations have been made to the Orleton element of the NDP and 9 representations have been made to the Richard's Castle section of the NDP, a further 16 postcards were received concerning the development within Richard's Castle.

The outstanding issues regarding the site allocations (Richard's Castle and Orleton), settlement boundary (Richard's Castle and Orleton), and Local Green Space (Richard's Castle) can be addressed as part of the examination process.

Assistant Director's comments

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

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

A handwritten signature in blue ink, appearing to read 'Richard Gabb', with a large, stylized flourish above the name.

Richard Gabb

Programme Director – Growth

Date: 19 December 2016

Appendix 1 Herefordshire Council Strategic Planning Team

Name of NDP: Orleton and Richard's Castle- Regulation 16 submission version

Date: 08/11/16

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
ORC1- Promoting Sustainable Development	SS1	Y	
ORC2- Development Strategy	SS2, RA2, RA3	Y	
ORC3- Local Green Space	OS3, LD3	Y	
ORC4- Protection from Flood Risk	SD3	Y	
ORC5- Sewerage Infrastructure	SD4	Y	
ORC6- Sustainable Design	SD1, LD2	Y	
ORC7- Housing Development in Orleton	RA2	Y	
ORC8- Housing sites in Orleton	N/A	Y	
ORC9- Housing Development in Richard's Castle	RA2	Y	
ORC10- Housing Sites in Richard's Castle	N/A	Y	Are there assurances that the site to the North of Westbrook House is going to be deliverable?
ORC11- Provision of a Range and Mix of Housing	H3	Y	
ORC12- Traffic Measures within	MT1	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
Parishes			
ORC13- Highway Design Requirements	MT1	Y	
ORC14- Agricultural Diversification, Workshops, Services and Facilities	RA5, RA6, E1, E3	Y	
ORC15- Use of the Community Infrastructure Levy	SC1, OS1- OS3	Y	