

Lyonshall NDP

Comments on Reg 16 Consultation Responses

Respondent	Comment	PC Response / Comments
<p>Andrew Turner Environmental Officer H.C.</p>	<p>Site A: Orchard behind Howe Terrace A review of Ordnance survey historical plans indicate the site has historically been used as an orchard. By way of general advice I would mention that orchards can be subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination and any development should consider this.</p> <p>Site E: Land opposite the Memorial Hall A review of Ordnance survey historical plans indicate a railway track historically ran along the east side of the site boundary. It is possible that unforeseen contamination may be present at the above mentioned site. Consideration should be given to the possibility of encountering contamination as a result of its former use and specialist advice be sought should any be encountered during the development.</p> <p>General comments: Developments such as hospitals, homes and schools may be considered 'sensitive' and as such consideration should be given to risk from contamination notwithstanding</p>	<p>Comment noted. Developer should investigate through the normal planning process.</p> <p>Comment noted. Developer should investigate through the normal planning process.</p> <p>Noted.</p>

	<p>any comments. Please note that the above does not constitute a detailed investigation or desk study to consider risk from contamination. Should any information about the former uses of the proposed development areas be available I would recommend they be submitted for consideration as they may change the comments provided. It should be recognised that contamination is a material planning consideration and is referred to within the NPPF. I would recommend applicants and those involved in the parish plan refer to the pertinent parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development. Finally it is also worth bearing in mind that the NPPF makes clear that the developer and/or landowner is responsible for securing safe development where a site is affected by contamination.</p> <p>These comments are provided on the basis that any other developments would be subject to application through the normal planning process.</p>	<p>These are largely detailed matters and will be addressed through the development management process as and when planning applications come forward.</p>
<p>Herefordshire NDP conformity</p>	<p>Draft Policy LE2 Protecting and Enhancing Local Wildlife</p> <p>All development in Lyonshall will be required to have no detrimental impact on the Curl Brook watercourse and, where possible, aid in it achieving</p>	<p>Note comment on LE2 – However, retaining this policy, which is welcomed by parishioners, has no adverse implications for the plan.</p> <p>The additional wording was included in the Policy following consideration of the EA's comments at Regulation 14 (see Table 2). However, if HC</p>

	<p>‘good status’ by 2027.’ This provision is unnecessary as it duplicates the requirements of CS policy SD4; SD3 and ensure that development does not undermine the achievement of water quality. There is no need for the NDPs to include addition mitigation covered within these policies as it is within the higher level plan (the Core Strategy).</p>	<p>considers the wording is unnecessary then the PC agree it could be deleted by the Examiner.</p>
Coal Authority	No comments	Noted.

Mr D Oram	<p>There is a major and fundamental misconception held by Lyonshall Parish Council regarding housing needs within the parish. Many people agree with ‘Consultee 5.0’ in Table 3 of the ‘Residents Comments on the Consultation Responses 25th October – 7th December 2018’, that ‘We need to keep small villages small’ otherwise ‘we will destroy the countryside’. This is a self-evident truth. The ‘Parish Council’s Consideration’ (also in Table 3) that this view is ‘not accepted’ serves to show the intransigent and unrepresentative attitude of the current parish council. New housing should be sparing, and well considered in both style and location. Two houses per annum, as considered to be suitable at one time in the near past, would seem to be appropriate today, and is likely to meet with parish residents’ approval. Many rural villages contain voids between houses where the fields reach the roads. To in-fill them amounts to creeping urbanisation which will eventually destroy the characters of our villages and</p>	<p>Not accepted: Regrettably, this is one of the handful of parishioners unhappy with the NDP. The assertions made are contrary to the views given and the decisions arrived at through the consultation process.</p> <p>The NDP has been prepared through a lengthy and thorough process of community engagement and consultation. The PC considers that the plan is widely supported in the Parish but there remains a minority of parishioners who object to the plan's policies and proposals, notably the proposed housing growth.</p> <p>Proposed development is considered low density and sympathetic to the rural setting, as evidenced by Historic England’s comments.</p> <p>Other policies will help to ensure that development is</p>
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	<p>hamlets. An example in Lyonshall is Fishpools where the medieval pools could have been restored, and the surrounding area made into a small park which is sadly missing in Lyonshall.</p> <p>The land surrounding the village hall could also have been identified as a suitable site for a small recreational area (which was once one of the parish council's ambitions but no longer seems to be so). This would have preserved some of the remains of the medieval village which have already been located at this site, in particular as an opportunity for further excavations that future residents of the village may wish to be available to them. Where possible, we should not prejudice the needs of future citizens just because of our own present parochial inclinations.</p> <p>There is little mention of future investigation of the remains of the medieval village, which must be considerable, particularly near to Lyonshall castle. If suitable, exposure of these could be a tourist attraction particularly if the castle and its environs were to be subject to some judicious restoration.</p> <p>It is noted that nowhere in the NDP is the number of new properties ring fenced. This then seems to make the NDP a developers' charter and is not, therefore, as it stands, a document primarily for the benefit of the community.</p>	<p>designed sensitively and responds positively to the distinctive local character of the village.</p> <p>Not accepted: These 'voids' are privately owned. However, the Parish Council has acquired a piece of land by Curl Brook to provide such a recreation area, linking with another public space – the children's playground.</p> <p>The mediaeval village has already been investigated by the Parish Council following concerns expressed by parishioners. These investigations by Herefordshire Council archaeological department failed to uncover any significant evidence to support further archaeological research on that site.</p>
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		Lyonshall Castle is privately owned and currently not open to the public, owing to safety concerns. Therefore, the NDP has not addressed proposals for its possible development as a tourist attraction.
Ryan Norman Welsh Water	As you will be aware, we were consulted and provided a response to the Regulation 14 consultation last year. We are pleased to note that the Parish Council has taken on board our comments and included our recommendations within the Neighbourhood Plan document – as such we have no further comment to make at the current time.	Accepted.
Graeme Irvine Environmental Services – Planning Advisor	<p>We provided comments on the Regulation 14 consultation, noting that Site B was partially located within Flood Zone 2, the medium risk zone. Whilst the Regulation 16 NP has not provided detailed assessment of the adjacent ordinary watercourse, to ascertain a more accurate indication of flood risk, it has revised the site boundary so that the allocated area is wholly within Flood Zone 1, low risk.</p> <p>As previously stated, the Flood Map at this location has not been produced from a detailed hydraulic model but by using a national, generalised mapping technique. Whilst this is the best data available at the current time, this is for indicative purposes only and may not be an accurate representation of the floodplain in this location as this type of mapping does not include the presence of structures such as bridges and culverts on flooding.</p> <p>It should be noted that the river network that impacts Lyonshall, the Curl Brook in this</p>	<p>Accepted:</p> <p>Flooding on the proposed sites has been considered as low risk.</p> <p>The densities allow the NDP to accommodate the suggestion put forward by the environment agency in the last paragraph.</p> <p>As and when any proposals come forward through the development management process, HC's land drainage team will be consulted and should provide detailed advice as required.</p>

	<p>instance, is classified as ‘ordinary watercourse’ and falls under the jurisdiction of Herefordshire Council and the Lead Local Flood Authority. Therefore, in consideration of the above, we would not maintain our concerns on the NP but would recommend you seek the views of your Land Drainage team with regard to the suitability of the proposed development. Similarly Site C, whilst shown to fall wholly within Flood Zone 1, may have flood risk associated with it that is not shown on the Flood Map. Planning applications for the development of these two sites will require site specific Flood Risk Assessments (FRA’s) to provide more a more detailed indication of flood risk. This may include focusing development on the Western Portion of the sites with a sufficient buffer zone between the housing and the watercourse which will enable compliance with point 8 of your Policy LH1 which promotes a sequential approach to flood risk.</p>	
<p>Susan Smith Historic England</p>	<p>Thank you for the invitation to comment on the Submission Neighbourhood Plan. Our previous comments on the Regulation 14 Plan remain entirely relevant, that is: <i>“Historic England are supportive of the Vision and objectives set out in the Plan and the content of the document, particularly its’ emphasis on local distinctiveness including undesignated heritage assets, the maintenance of historic rural character and the importance of good design”</i>. Overall the plan reads as a well-considered document which we consider takes a suitably proportionate approach to the historic environment of the Parish. Beyond those observations we have no further substantive comments to make on</p>	<p>Accepted with thanks.</p>

	<p>what Historic England considers is a good example of community led planning. I hope you find this advice helpful.</p>	
<p>Mr John Quinton Adams & Mrs Julia Adams</p>	<p>This is to advise you that it is with the deepest concern that I and my Partner have been unable to respond to this document by the deadline of March 8th. Unfortunately I only discovered it by chance on the Lyonshall Website [www.lyonshall.net] on March the 9th (Friday) and to-day is the first working day after that. I found it when I accessed the sub-section “NDP Home Page – Current Consultations” on another matter. No announcement had been made by the usual Email alert system, in the “News and Events” section of the website or in the February/March issue of The Parish Magazine Lyonshall CPC insert where the only references to the NDP are to its modification at the ‘Regulation 14’ stage and that it would “...now progress to the Regulation 15 stage of the legal process”</p> <p>This is regrettably typical of NDP Consultations in The Parish of Lyonshall which have relied on the Lyonshall Website as the main, and often the sole source of information distribution. The number of Lyonshall residents who access the Website on a daily basis or who have the facilities to print off lengthy (47 pages in colour) documents is almost certainly extremely small, hence the very small number of respondents to previous consultations also – less than 10% on average. Lyonshall is not exceptionally apathetic, but we</p>	<p>Not accepted.</p> <p>This comment is factually inaccurate, as is evidenced in the Consultation Statement.</p> <p>The Regulation 16 consultation process is a matter for HC. There is no requirement for the PC to re-run extensive consultation and publicity at this stage.</p> <p>The NDP pages of the website have been kept up to date in terms of progress on the plan at all stages.</p>

	<p>can't comment on what we don't know about.</p> <p>Please accept our apologies and add this Email to your file as coming from two Registered Electors of Lyonshall.</p>	
Louise Edwards	<p>Further to my email below, I have been investigating further the background of Paul Avery, both the Chair of the Lyonshall Parish Council and Chair of the Steering Group for the NDP. Mr Avery is the main Director of Lyonshall Property Company Limited, an active company which operates in the 'real estate' sector (Companies House classification). To my knowledge, these interests have not been declared anywhere. In a steering group of only 3, Mr Avery and the Kirkwells representative account for 2 of the group. I therefore have serious concerns about conflicts of interest and poor governance practices in the drafting of the NDP for Lyonshall. As stated below, this is not a community-created plan.</p>	<p>Lyonshall Property Company Ltd is a company owned by the chair of the steering group, Paul Avery and his wife, and owns a house in London and a portfolio of start-up company investments. Neither the property nor the investments are based in Herefordshire. The company does not develop any property. The sole connection to Herefordshire is that the company's registered office for the serving of official notices is the home address of the owners in Lyonshall.</p> <p>The comments on the Steering Group are factually incorrect:-</p> <p>The NDP has been developed by a small steering group of hard-working parishioners driven by the results of the inclusive consultation process within the parish.</p>
4. Louise Edwards	<p>On behalf of the Edwards family, who have been in possession of ADDRESS REDACTED, for several generations, I would like to express my concerns about the Neighbourhood Development Plan submitted by the Parish Council, supported by Kirkwells, consultants to property developers. This Plan is, unfortunately, developer-driven for profit and not community-created. Response rates on community consultation have been low, demonstrating that the level of engagement with the co</p>	<p>The accusations of impropriety in these responses are unacceptable and personal in nature.</p> <p>Kirkwells are experienced planning consultants with extensive experience in supporting PCs with NDPs in Herefordshire and across the Midlands and North of England. They are members</p>

	<p>community has not acquired the dynamism that it should have done. The involvement of Kirkwells in the consultation process is particularly concerning; I urge you to look closely at the methods and tactics employed. The attitudes of some of those who did respond was only changed by the apparent offer of community facilities in return for additional housing (as acknowledged by the steering group itself). In reality, these facilities are showing very little progress. The conversion of the Royal George Inn, which was supposed to represent the heart of the village (in return for the building of 30 houses by the developer) was given planning permission in 2017, but is currently lying derelict. We are now being asked to support additional housing, for which there appears to be little demand, as evidenced by the extremely slow rate of sales of houses recently constructed. The proposed settlement boundary will extend greatly the area allocated for housing over the coming decade, with the attendant (potentially negative) impact on the village and its environment.</p>	<p>of the Royal Town Planning Institute and do not have any developer / landowning clients in the Herefordshire area.</p>
National Grid	<p>Specific Comments An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high-pressure gas pipelines, and also National Grid Gas Distribution's Intermediate and High-Pressure apparatus. National Grid has identified that it has no record of such apparatus within the Neighbourhood Plan area.</p>	<p>Noted.</p>
Natural England	<p>Natural England does not have any specific comments on this neighbourhood plan.</p>	<p>Noted.</p>
Tim Edwards	<p>Whilst a lot of work has gone into this document and process, it makes sad reading. A comparison with the similar plan for Eardisland (2016) is revealing. Whilst Eardisland NDP</p>	<p>This is the last of four complaints at Reg 16 from the Parish, and it is the most detailed and specific.</p> <p>In the view of the steering group, it is not the NDP's task</p>

	<p>has the environment, the community and heritage at its heart, the Lyonshall plan seems to be all about new housing and an overriding desire for the village to expand, rather than about re-establishing the reason for Lyonshall and how the community might rebuild. One is left with the view that the wishes of local landowners to sell land for housing has been a priority, rather than developing the heart of the village where a mix of people could live together as a thriving community. The number of new houses is already well ahead of those needed or required. There is no demonstration that the majority of Lyonshall owners support the big (and legally unnecessary) expansion of the village and what benefits this might bring. Indeed, one of the few arguments – that it will justify the reopening of The Royal George – is highly questionable (see below). Already it can be seen that the take-up of housing on new developments already approved isn't happening and they don't take into account integration with neighbouring longestablished properties. The Burnt Orchard/ White Lion Meadow development, in particular, has been going on for a long time as a building site with the houses still not completed and not all those that have are sold. If there was demand, surely this would have been long-since completed, sold and occupied? Thought should have been given in the plan to how new</p>	<p>to attempt to rebalance the Lyonshall age profile, indeed a substantial number of respondents to surveys expressed the wish to be able to retire locally.</p> <p>The steering group rejects the contention that poor publicity was responsible for low turnout: the pivotal presentation and survey was advertised (i) on the website, (ii) by posters in the village, and (iii) by a large postcard through the letterbox of every house in the parish.</p> <p>In the absence of evidence, the steering group rejects all claims by individuals that 'many people' support the complainant's arguments.</p> <p>A particular aim of the plan was to ensure that Lyonshall remain sustainable. Other forces will dictate whether the pub and the houses will ultimately be built, for their mutual support in this objective, but it has been the task of the steering group to enable the positive outcomes sought by the parish in its expressed wishes, not to deliver them. This it has attempted, by extending the settlement boundary chiefly around the village centre, whilst carefully safeguarding appropriate density and character.</p> <p>The detailed publicity about the Issues and Options consultation given to each</p>
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	<p>developments need to integrate with neighbouring, long-established properties. In this case, it resulted in a huge, tall solid wooden fence being erected in very close proximity to ADDRESS REDACTED and which has adversely and unnecessarily affected the setting and enjoyment of it.</p> <p>There is very little in the consultation devoted to the population imbalance in Lyonshall and how this might be redressed to make for a sustainable community. It is estimated that</p> <p>2</p> <p>already, about 30% of the entire population is aged over 65. Building more luxury houses in isolation, without the necessary back-up infrastructure – nearby shops, nursery, pre-school and primary/ secondary schools (including 6th form), social facilities etc – will not encourage more younger people to move to and live in Lyonshall. Indeed, as with many villages, the drain of the young (those needing work and raising a family) and the very old (those needing specialist care) is likely to leave Lyonshall even more of a car-dependant, isolated community largely attractive only for the healthy retired 60 to 80 year olds. It is these issues that should form the basis of long-term Neighbourhood Development Plans.</p> <p>Specific Objections Page Number 4 Paragraph Number Background Policy Number Object <input checked="" type="checkbox"/> Making a Comment <input checked="" type="checkbox"/></p>	<p>household in Parish has been detailed earlier in this response. That consultation specifically asked, amongst other things, the total number of new houses that could be built in the Parish, the new development boundary itself and whether the parishioners agreed that the suggested specified plots (each with a maximum number of houses) should be permitted to be developed and included within the proposed boundary. The NDP, as drafted, accurately reflects the results expressed ahead of the formal regulation 14 consultation.</p>
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	<p>“Our conclusion was that people had accepted the argument that a pub and a shop, both of which had closed owing to lack of use, would not be sustainable in the future without more growth in the village”.</p> <p>This statement is considered by many in Lyonshall/ Holme Marsh to be hugely misleading.</p> <p>There is no mention about the nature of the voting and what percentage of the electorate was involved in the process – understood to be extremely low, due to poor publicity.</p> <p>Page Number 17</p> <p>Paragraph Number 3.1.3</p> <p>Policy Number 3.1 Housing</p> <p>Object <input checked="" type="checkbox"/></p> <p>Making a Comment <input checked="" type="checkbox"/></p> <p>“From April 2011 to April 2018 (the latest figures available from Herefordshire Council), 25 new houses were built in the parish. As at January 2019, existing commitments (where planning permission has been granted but development has not been implemented) number a further 47 houses and 6 under construction. This gives a total figure of 77 new houses already built or committed in Lyonshall parish, exceeding the minimum indicative housing growth target for Lyonshall by 41 units. However, NDPs can plan for more housing than the minimum requirement”</p> <p>The plan does NOT demonstrate why there is any need to build far more houses than the growth target. There appears to be no shortage of homes in the village at the moment and</p>	
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	<p>no excessive demand over supply. Indeed, it is arguable that the reverse is the case (there</p> <p>3</p> <p>is more supply than demand). Building more homes where there is not the demand, is not the answer.</p> <p>Page Number 17 Paragraph Number 3.1.5 Policy Number 3.1 Housing</p> <p>Object <input checked="" type="checkbox"/></p> <p>Making a Comment <input checked="" type="checkbox"/></p> <p>“The response to the Issues and Options consultation demonstrated overwhelming local support for some further new housing development in the Parish, provided it is sensitive to local character. 77.4% of respondents supported more new housing and, of these, 39.8% favoured more than 30 units, with 37.6% preferring fewer than 30 units. 71% of respondents also supported further development which could include developer contributions towards improving community assets such as the Memorial Hall”</p> <p>There is no indication as to how many respondents these figures are based upon. e.g: 77.4% of what number? We were completely unaware of any survey and therefore unable to respond. Did a majority of the population respond? Appendix 4 suggests a response rate of 25% to the Housing Survey. If this is the level, surely it is too low to be regarded as representative</p> <p>Page Number 18 Paragraph Number 3.1.7 Policy Number 3.1 Housing</p> <p>Object <input checked="" type="checkbox"/></p>	
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	<p>Making a Comment <input checked="" type="checkbox"/></p> <p>“However, leading up to and during the consultation on Issues and Options, the Parish Council was approached by local landowners proposing potential areas of land as suitable for new housing development around Lyonshall village. There was therefore a need to consider whether any or all of those areas should be included within the new settlement boundary as possible housing site allocations”</p> <p>Why was there a need to extend the settlement boundary, just because local landowners proposed areas of land suitable for development, when the target number of new homes had already been met? The Burnt Orchard/ “White Lion Meadow” development is a classic case. These have (and are) struggling to sell and this has delayed the building process .</p> <p>Where is the need for still more houses and where is the demand?</p> <p>Page Number 18 Paragraph Number 3.1.8 Map 4 Policy Number 3.1 Housing</p> <p>Object <input checked="" type="checkbox"/></p> <p>Making a Comment <input checked="" type="checkbox"/></p> <p>Even if there is demand (which is questionable), why does the village development boundary need to be extended in a linear way south along the A480? This takes away the village feel, by making a disproportionately long, overly linear village.</p>	
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	<p>Linear development has blighted many villages and why so many have increasingly suffered from having no “heart”. Not so much in Lyonshall, but where linear development has occurred along a main trunk road, you now have numerous examples where a village is effectively bisected, with two halves not able to integrate due to the constant heavy lorries and traffic thundering through a village divided into two and people (especially the young and the elderly) fearful of crossing into “the other half”.</p> <p>It defeats the argument about needing more houses to justify The Royal George, if people can’t quickly walk to it. If they have to drive because the village has become linear, then people can’t (by definition) then drink alcohol.</p> <p>Page Number 19 and 25 Paragraph Number 3.1.9 and 3.1.21 Policy Number 3.1 Housing</p> <p>Object <input checked="" type="checkbox"/></p> <p>Making a Comment <input checked="" type="checkbox"/></p> <p>Again, the number of respondents is not indicated. Appendix 4 suggests a response rate of 25% which is surely too low to be regarded as representative.</p> <p>What has been the response rate to the surveys and questionnaires that the draft plan is based upon?</p>	
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