

## **Orleton and Richards Castle NDP Independent Examination**

### **Delegated Decision Statement**

**25 April 2017**

### **Neighbourhood Planning (General) (Amendment) Regulations 2012**

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| Name of neighbourhood area | Orleton and Richards Castle Neighbourhood Area |
| Parish Council             | Orleton and Richards Castle Parish Council     |
| Submission                 | 31 October to 12 December 2016                 |
| Examination Date           | 4 January 2017                                 |
| Inspector Report Received  | 24 March 2017                                  |

#### **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 Orleton and Richards Castle 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 Orleton and Richards Castle was designated on 29 July 2013. The Neighbourhood Area follows both the Orleton and Richards Castle parish boundaries. The Orleton and Richards Castle Neighbourhood Development Plan has been prepared jointly by Orleton Parish Council and Richards Castle 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 July 2013.

- 2.2 The Plan was submitted to Herefordshire Council on 24 October 2016, and the consultation under Regulation 16 took place between the 31 October to 12 December 2016, where the Plan was publicised and representations invited.
- 2.3 In January 2017, Barbara Maksymiw BSc (Hons), MSc, MRTPI was appointed by Herefordshire Council, with the consent of the Parish Councils, to undertake the examination of the Orleton and Richards Castle NDP and to prepare a report of the independent examination.
- 2.4 The Examiner's report concludes that subject to making the minor 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                 | Amend the date for the plan period on the front cover of the Consultation Statement from 2016-2031 to 2011-2031 and in the Basic Conditions Statement on page 18   | For consistency               |
| Modification 2<br>Section 2    | Add a paragraph at the end of Section 2 to explain that the NDP relies on the policies in the adopted Herefordshire Local Plan –Core Strategy and saved policies from the UDP on a number of environmental matters, including minerals reserves, the historic environment and local wildlife sites | For clarity                   |
| Modification 3<br>Policies Map | Add a full title, including a date, to the Orleton and Richards Castle Map Parish Policies Map   | For clarity                   |
| Modification 4<br>Section 3    | Paragraph 3.6 'relayed' should be 're-laid'<br>Paragraph 3.10 in the third line after 'properties' add 'the'<br>Paragraph 3.12 in the second line after 'must' add 'be'<br>Paragraph 3.16 'role' should be 'roll'  | To amend typographical errors |
| Modification 5<br>Section 4    | Consider adding a reference to encouraging greater use of public rights of way in ORC (NS) 16  | For clarity                   |
| Modification 6                 | Delete the first sentence of ORC1a and replace   | To ensure that the            |

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| <p>Policy ORC1</p>   | <p>with;<br/>         'The Neighbourhood Development Plan supports the delivery of around 71 houses in the neighbourhood plan area over the period 2011-31 to meet the needs of both the local and wider community through development that contributes to meeting identified needs in terms of size, type and tenure.'</p> <p>Delete 'to ensure risks are minimised' from the second line of ORC1d</p> <p>Delete ORC1e</p> <p>Reword ORC1f to read;<br/>         'Measures to retain community facilities and services will be support; improvements to community services and facilities will be sought to benefit the health and well-being of both new and existing residents'</p> <p>Delete the first sentence of the last paragraph of ORC1</p> <p>Amend the second sentence of the last paragraph of ORC1 to read;<br/>         'Where this plan does not cover a proposal, any decision should reflect, where possible, the above priorities as well as the policies in the Herefordshire Local Plan – Core Strategy'</p> | <p>policy has sufficient precision for future decision makers.</p> <p>To remove policy duplication with Policy ORC14</p> <p>To ensure that the intensions for the policy are clear.</p> <p>Remove unnecessary wording.</p> <p>Ensure the policy refers to the whole of the Core Strategy.</p> |
| <p>Modification 7<br/>         Policy ORC2</p>                           | <p>Add a new, separate paragraph after ORC2c. This should comprise the third sentence of the first paragraph to the last sentence of ORC2c as follows;<br/>         'Limited small scale employment opportunities will be provided for, including enabling limited new and extended premises, outside of the parish's settlements in association with rural enterprises, or through utilising brownfield land or existing rural buildings. The countryside will continue to accommodate economic development and particularly that associated with agricultural and rural enterprise where these reflect the scale and nature of the landscape within which they sit.'</p> <p>Delete 'exceptional and' from ORC2c</p>   | <p>To improve the clarity and ensure precision of the policy.</p> <p>To remove any possible ambiguity within the policy</p>   |
| <p>Modification 8<br/>         Policy ORC3<br/>         Policies Map</p> | <p>Ensure that a consistent approach is taken to numbering the sub clauses of policies throughout the plan</p> <p>Annotate each area of designated Local Green Space on the policies maps with the relevant sub policy reference</p>  | <p>To ensure a consistent approach to the sub-clause.</p> <p>To ensure clarity for future decision makes and that there is cross references to the policies maps.</p>   |

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|                                 | <p>Delete the triangular area of Local Green Space to the south of the Brook from the Richards Castle Proposals Map.</p> <p>Amend the wording of ORC3v to read;<br/>'Land to the east of Westbrook and north of the Brook in Richards Castle'</p>  | <p>To remove area which does not meet the NPPF requirements. Southern apex is well planted and appears to be part of a garden with no means of public access. This will require a consequential change to para 6.3e</p> |
| Modification 9<br>Policy ORC4   | <p>Add a date to Figure 3 and additional wording to state that reference should be made to the latest flood mapping information available from the Environment Agency.</p>   | <p>To ensure that reference to referring to the most up to date mapping is included</p>   |
| Modification 10<br>Policy ORC6  | <p>Reword the first line of Policy ORC6c to read;<br/>'Ensure that new homes are fully integrated into....'</p> <p>Delete 'those pushing pushchairs, walking with aids or using a mobility scooter' and replace with 'those with mobility restrictions.'</p> <p>In ORC6e delete the phrase 'appropriate to its purpose'</p> <p>In ORCh replace 'ensuring' with 'carrying out' in the second line and adding 'ensuring that' after 'and' in the fourth line.</p>  | <p>To ensure clarity and precision.</p>   |
| Modification 11<br>Policy ORC7  | <p>Delete the first two sentence of para 7.3 and replace with;</p> <p>'The settlement boundary remains generally as defined in the Herefordshire UDP. To the north east it has been extended to include the housing site north of Kings Road and opposite Orleton Primary School which is allocated in ORC8. It has also been extended to include the Primary School Playing Fields, designated as ORC3(d). Within the settlement boundary it may be possible for limited infilling to take place, providing the criteria set out in Policy ORC7 are met.'</p> | <p>To ensure consistent approach to the settlement boundary and to ensure clarity within the policy</p>   |
| Modification 12<br>Policies Map | <p>Amend the Orleton Policies Map to include the Primary School and its playing fields within the settlement boundary</p>  | <p>To ensure consistent approach to the settlement boundary</p>   |
| Modification 13<br>Policy ORC8  | <p>Add 'following' after 'the' in the third line of ORC8 and delete 'specified in the policy 'after requirements'</p> <p>In ORC8b delete 'to be assessed taking into account the effects of climate change'</p> <p>Add 'vehicular' bore 'entrance' and delete 'is'</p>   | <p>To remove superfluous text and to update to reflect the latest position on a planning application.</p>   |

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|                                  | <p>after 'entrance' in ORC8c</p> <p>Delete ORC8n</p> <p>Update para 7.8 to reflect the latest position on planning application for site north of Kings Road and opposite the Primary School</p> <p>Delete last sentence of para 7.10</p>  |   |
| Modification 14<br>Policy ORC9   | Delete ORC9f  | Remove superfluous text   |
| Modification 15<br>Policies Map  | Annotate Richards Castle Policies Map with policy references for the two allocated housing sites ie ORC9i and ORC9ii and amend key accordingly  | To ensure the clarity of the policies maps  |
| Modification 16<br>Policy ORC10  | <p>Add 'following' between 'the' and 'requirements' in the second line of ORC10 and delete 'specified in the policy' after 'requirements'</p> <p>In ORC10a delete 'to be assessed taking into account the effects of climate change'</p> <p>Delete ORC10n</p>   | To remove superfluous text  |
| Modifications 17<br>Policy ORC12 | Use a alphabetic system to denote the sub clauses of policy ORC12   | For consistency   |
| Modification 18<br>Policy ORC 14 | Delete 'is' and replace with 'should' in ORC14b   | <p>To ensure consistency.</p> <p><i>The examiner's report refers to ORC14c, however this bullet already has 'should' within the policy.</i></p> |
| Modification 19<br>Policy ORC15  | <p>Change the title of ORC15 to 'Developer Contributions and future Community Infrastructure Levy (CIL)'</p> <p>Reword ORC 15 to read;<br/>'Where appropriate new development within Orleton and Richards Castle parishes should contribute towards necessary community infrastructure in order to address the demands that such development places on the area and to support the social dimension of sustainable development. Contributions should be made through Section 106 Agreement, CIL or other developer contribution mechanisms that may be available during the period of the plan'</p> | To ensure that the policy is more generic as CIL has not been implemented at this stage   |

## **4 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.

## **5 Decision**

- 5.1 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.
- 5.2 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. The draft plan will be altered in line with Table 1 above in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.
- 5.3 Following the modifications made, the Orleton and Richards Castle Neighbourhood Development 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.
- 5.4 It is recommended that the Orleton and Richard Castle 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 Examiner's conclusion that nothing has been suggested which would require an extension of the area beyond that designated on 29 July 2013.



Signed

Dated 25 April 2017

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