

## Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Much Marcle Neighbourhood Area
Parish Council	Much Marcle Parish Council
Draft Consultation period (Reg14)	7 November 2016 to 3 January 2017
Submission consultation period (Reg16)	5 January to 16 February 2018

### 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"> <li>• Map showing the area</li> <li>• The Neighbourhood Plan</li> <li>• Consultation Statement</li> <li>• SEA/HRA</li> <li>• Basic Condition statement</li> </ul>	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"> <li>• County matter</li> <li>• Any operation relating to waste development</li> </ul>	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> <li>National infrastructure project</li> </ul>		
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"> <li>Has an proposal been refused in the last 2 years or</li> <li>Has a referendum relating to a similar proposal had been held and</li> <li>No significant change in national or local strategic policies since the refusal or referendum.</li> </ul>	Schedule 4B para 5	No

### Summary of comments received during submission consultation

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

<p>Herefordshire Council</p> <p>Strategic Policy</p>	<p>Majority of the policies conformed to the Core Strategy. Policies H01, H02, H03 and H05 concluded with a Y/N conformity. The policies require amendment but issues that have arise can be clarified at examination stage.</p> <p>See appendix 1 for details.</p>
<p>Herefordshire Council</p> <p>Transportation</p>	<p>P12 Sustainable means of transport should be reviewed, developments should include cycle storage. Business development should also look to provide changing areas and showers to promote cycling and sustainable transport modes.</p> <p>P13 Issue Transport and Infrastructure- Speed limit change requests should be submitted to Balfour Beatty to help back any call for the changes to a speed limit. Changes to speed limits have to be in line with the environment where the speed limit is.</p> <p>P22 Maps are not very clear. Objective 12 p38- Speed limit change requests should be submitted to Balfour Beatty to help back any call for the changes to a speed limit. Changes to speed limits have to be in line with the environment where the speed limit is.</p> <p>Bus services- Improvements in bus stop facilities should be promoted.</p>
<p>Herefordshire Council</p> <p>Environmental Health</p>	<p>Comments made at the Regulation 14 consultation stage do not appear to have been taken on board in the Regulation 16 report.</p> <p>Would like to reiterate our earlier comments as they relate to noise and nuisance issues that might arise from development and the potential impact on the amenity of new residential premises where it abuts industrial or agricultural premises which has not been addressed in the policy.</p> <p>In this context we recommend additional criterion to Policy MM3 on Housing Sites <i>'complement adjacent properties, would not result in loss of amenity for existing residents and where the amenity of future residential occupants is not impacted by</i></p>

	<p><i>existing development'</i></p> <p>This is to ensure that future residential occupants are not nuisance as a result of existing business activity. (agricultural/ industrial/ commercial).</p>
<p>Herefordshire Council</p> <p>Environmental Health</p>	<p><b>Policies HO1 &amp; HO4: Proposed Housing Sites</b></p> <p><b>Kynaston Village Polices Map <u>Old Chapel Site</u></b> A review of Ordnance survey historical plans indicate the site has no previous historic potentially contaminative uses</p> <p><b>Policies HO1 &amp; HO4: Proposed Housing Sites</b></p> <p><b>Rushall Village Polices Map <u>'Land at Stoney House Farm'</u></b> A review of Ordnance survey historical plans indicate the site has historically been used as an orchard.</p> <p>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>Agricultural practices such as uncontrolled burial of wastes or excessive pesticide or herbicide application may be thought of as potentially contaminative and any development should consider this.</p> <p><u>'Land and barns around Gatchapin'</u></p> <p>Some farm buildings may be used for the storage of potentially contaminative substances (oils, herbicides, pesticides) or for the maintenance and repair of vehicles and machinery. As such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development.</p> <p>Agricultural practices such as uncontrolled burial of wastes or excessive pesticide or herbicide application may be thought of as potentially contaminative and any development should consider this.</p> <p><u>Land adjacent to No. 10 Orchard View</u></p> <p>A review of Ordnance survey historical plans indicate the site has no previous historic potentially contaminative uses.</p> <p><b>Policies HO1 &amp; HO4: Proposed Housing Sites</b></p> <p><b>Much Marcle Village Policies Map <u>Land adjacent to Audley Farm'</u></b>:</p> <p>A review of Ordnance survey historical plans indicate the site has historically been used as an orchard. 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>Agricultural practices such as uncontrolled burial of wastes or excessive pesticide or herbicide application may be thought of as potentially contaminative and any development should consider this.</p> <p><u>'Land beside Glebe Orchard'</u>:</p> <p>This allocated site appears from a review of Ordnance survey historical plans to have historically been used as orchards. 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>

Plot between Hardwick Oaks and Audley Cottage

A review of Ordnance survey historical plans indicate the site has historically been used as an orchard. 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.

**Policy HO5 - Exception Sites outside Much Marcle Settlement Boundary**

The 'Hazerdine' site is located in an area, which has historically been used for the quarrying of sand and clay operation and since 1980 has been classed as unknown filled ground (pit, quarry etc.)

Sites identified as unknown filled ground can be associated with contaminative fill material. In practice, many sites identified through the historical mapping process as unknown filled ground are instances where hollows have been made level with natural material, have remained as unfilled 'hollows' or have filled through natural processes. However, there are some instances where the nature of the fill is not inert and would require further investigation. Without any additional information it is not possible to comment further on this site. Any additional information you may be able to obtain will help in determining the exact nature of the site.

Responsibility for securing safe development rests with the developer and/or landowner. It is incumbent on the developer and/or landowner to demonstrate that the proposed development is both safe and suitable for its intended use.

The sites historic potentially contaminative use (former quarry) will require consideration prior to any development. I would recommend any application that is submitted should include, as a minimum, a 'desk top study' considering risk from contamination in accordance with BS10175:2011 so that the proposal can be fully considered.

- Land adjacent to Jink Robin

A review of Ordnance survey historical plans indicate the site has no previous historic potentially contaminative uses

- Old Pike

A review of Ordnance survey historical plans indicate the site has no previous historic potentially contaminative uses

- 'Rye Meadows - plot between Farley and New Normandy':

This allocated site appears from a review of Ordnance survey historical plans to have historically been used as orchards. 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.

- 'Slip and area around gardens of houses, Watery Lane':

This allocated site appears from a review of Ordnance survey historical plans to have historically been used as orchards. 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.

Convertible Buildings (Identified in the 'Conversions of Buildings' map)

Regarding the 19 existing redundant or disused buildings identified as suitable for conversion, I would advise the following:



	<ul style="list-style-type: none"> <li>Some farm buildings may be used for the storage of potentially contaminative substances (oils, herbicides, pesticides) or for the maintenance and repair of vehicles and machinery. As such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development.</li> <li>Regarding sites with a historic agricultural use, I would mention that agricultural practices such as uncontrolled burial of wastes or excessive pesticide or herbicide application may be thought of as potentially contaminative and any development should consider this.</li> </ul>
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Welsh Water	No further comments to make at this stage.
How Caple, Sollershope and Yatton Parish Council.	How Caple, Sollershope and Yatton PC has considered the Much Marcle NDP and has resolved not to make a representation the at Reg 16 consultation.
Environment Agency	<p>Whilst we welcome reference to flood risk within the plan we would not, in the absence of any specific sites allocated within areas of fluvial flooding, offer a bespoke comment at this time.</p> <p>However, it should be noted that the Flood Map provides an indication of 'fluvial' flood risk only.</p>
Woodland Trust	Neighbourhood planning is an important mechanism for also embedding trees into local communities, as such we are very supportive of some of the policies set out in your plan. Provided comments on NE1 and how they can improve this section in relation to trees.
Historic England	<p>Our previous comments remain entirely relevant, that is</p> <p><i>"Historic England is supportive of both the content of the document and the vision and objectives set out in it. The emphasis on the conservation of local distinctiveness and the protection of rural landscape character including important views is commendable. We consider that the Plan takes a suitably proportionate approach to the historic environment of the area".</i></p> <p>Beyond that observation we have no substantive comments to make on what Historic England considers is a good example of community led planning</p>
National Grid	National Grid has identified that it has no record of apparatus within the Neighbourhood Plan area.
Natural England	No further comment to make on this plan at this stage.
Severn Trent	No specific comments to make.
Coal Authority	No specific comments to make on it.
Forest of Dean District Council	No comments to make at this stage.
Ms Massey	<p>I object to the proposed building at Rye Meadows.</p> <p>I regularly walk this driveway and as a private driveway of length I do not feel that this</p>

<p>Resident Objection</p>	<p>driveway can support more housing without it impacting on the current and proposed new residents with the upkeep and infrastructure required to maintain a safe access for normal car users.</p> <p>There are other proposed sites in the village where new families would be able to access schools and amenities without needing a vehicle. This would also reduce traffic on an already very busy lane where as residents we are increasingly concerned regarding the ever increasing volume of business traffic using the lane which feeds this driveway.</p> <p>It is increasingly filled with a high volume of vehicle recovery lorries and the associated salvage car transporters collecting stock from Bakers at Rushall and police investigators etc. This is a very small lane with some very nasty corners and is not an ideal setting for a business of this type which has developed over the years to have multiple lorries accessing Rushall in large vehicles via many single track lanes from Ridge Hill and Much Marcle over a 24 hour shift pattern.</p>
<p>Ms Leslie and Virginia McCoy Resident Objection</p>	<p>Object to the proposed development of Site Option 17, between Farleys and New Normandy, Rye Meadows, Much Marcle.</p> <p>Our reasons for the objection are as follows: Water Supply The three existing properties close to the site – New Normandy, Stone Cottage and Farleys itself – all draw water from private wells as there is no mains connection for either water or sewage. During times of dry weather, the water level for New Normandy drops considerably. We have a genuine concern that if another bore hole is sunk to serve a new development, there will not be a sustainable natural water source available, and all the properties, including the new building, will be adversely affected.</p> <p>Flood Risk – Objective MM02 We are concerned at the proximity of New Normandy to Flood Zone 3, and that any new development of building, areas of hardstanding, or major landscaping changes could exacerbate flood risk. We believe our property is too close to the proposed development site to remain unaffected.</p> <p>Access to the Proposed Site The proposed site is half a mile from Watery Lane, accessed via a single lane stone track. This is maintained, with difficulty, by the residents of the existing four properties. We believe the track to be at its maximum capacity and that any increase in traffic would result in unsustainable wear and tear on an already difficult and deteriorating surface.</p> <p>Brownfield Site We are surprised that this proposed development is possibly being considered as a brownfield site. It is our belief that it does not constitute such a site, as it would irreparably damage a long-established cider apple orchard, and falls outside the Much Marcle Settlement Boundary.</p> <p>Environment and Wildlife We are extremely concerned at the impact of such a development on the local environment and wildlife. As mentioned in “Brownfield Site” above, the orchard is a vital haven for numerous over-wintering birds such as fieldfares. Also, sparrow hawks and tawny owls regularly nest there. In addition, there is also a colony of pipistrelle bats roosting, which we understand to be a protected species. We would ask that you please give all the above points your very serious consideration as the Plan progresses and agree that this site is simply not viable.</p>
<p>Mr R. Page Resident Objection</p>	<p>Object to the development in Rye Meadows (Site Option 17 between Farleys and New Normandy).</p> <p>This tiny hamlet, within Much Marcle is accessed by an unadopted road half a mile long, the resident’s battle to keep access open via the stone track. There was a time when all residents had letters, from the Post Office threatening to stop deliveries</p>

	<p>because of the poor condition of the lane, in fact according to them it was the worst lane in the Three Counties. Any increased traffic from a new development will only make the problem of access to all our properties worse. Water and drainage is also an issue for our properties in Rye Meadows, as it is situated in one of the lowest spots within the village. In times of drought we have had our wells run dry, in times of heavy rain the water table can come up to ground level, making drainage impossible.</p> <p>A further development will make this situation worse. The proposed development is only 80 yards from the brook, which can flood. My understanding is that as far back as 1948 chickens were kept in the original building, of the proposed new development. When I arrived in 1978 there were just a few stones left which are all that stand today, and nature reclaimed this site many years ago.</p> <p>It should be noted that there is a footpath in front of the proposed development and also a green lane, both of which are used by pedestrians and horse riders. There are Brownfield's sites within the overall development plan, for which development would have a positive benefit, this is not one of them, and I fail to see this is a 'Brownfield' site at all.</p> <p>This is a unique site that has not been touched during my residency; it is an oasis for wildlife, amidst intensively farmed land. All the species listed in your development plan and more may well be found within this site, which has never been cultivated or touched by modern life. There has been progressive development in the centre of the village and huge improvements to services e.g. sewage system. I believe development should continue in the centre where there is vast scope for more houses, and not in fields where both access and services are an issue. If this development were permitted it would set a precedent for further development in fields where previous dwellings existed. It will damage the immediate environment and make life more difficult for current residents.</p>
<p>Phillip Cranfield Resident Objection</p>	<p>Proposed development of Site Option 17 Dear Sirs We are writing to object to the proposed development at Farleys, Ryemeadows (Site Option17).</p> <p>We are particularly concerned that allowing a new dwelling here would set a precedent and requests for new country houses in similar rural spots would rapidly follow given that applicants would know that they have a stronger case for approval. The proposed plot lies in a very rural spot at the end of an unmade, single width track, (not maintained by the public highways) which degrades significantly with use and winter weather. Any further traffic on this track would cause greater damage to its fabric. It should also be noted that passing another vehicle along this track can be difficult and require considerable reversing along its half-mile length. The vicinity of the Rye meadows is one of fields that are farmed intensively and we believe it is important to preserve such spots as provided by the proposed site at Farleys to provide undisturbed habitats for wildlife. Certainly there are many better places for development within the area and we would prefer that the planners focus their aim on development in or on the edge of the villages to protect our rural countryside. We trust that our views in relation to Site Option 17 will be properly considered and that the committee will agree that development of this site is inappropriate.</p>
<p>Virginia Cranfield Resident Objection</p>	<p>Object to the proposed development at Farleys, Ryemeadows (Site Option17).</p> <p>We are particularly concerned that allowing a new dwelling here would set a precedent and requests for new country houses in similar rural spots would rapidly follow given that applicants would know that they have a stronger case for approval.</p> <p>The proposed plot lies in a very rural spot at the end of an unmade, single width track, (not maintained by the public highways) which degrades significantly with use</p>

	<p>and winter weather. Any further traffic on this track would cause greater damage to its fabric. It should also be noted that passing another vehicle along this track can be difficult and require considerable reversing along its half-mile length.</p> <p>The vicinity of the Rye meadows is one of fields that are farmed intensively and we believe it is important to preserve such spots as provided by the proposed site at Farleys to provide undisturbed habitats for wildlife.</p> <p>Certainly there are many better places for development within the area and we would prefer that the planners focus their aim on development in or on the edge of the villages to protect our rural countryside.</p> <p>We trust that our views in relation to Site Option 17 will be properly considered and that the committee will agree that development of this site is inappropriate. The full response can be found in reg 16 redacted comments document.</p>
<p>Hook Mason on behalf of client Mr Watkins</p> <p>Objection</p>	<p>Objection to NDP.</p> <p>Request that the current application site is included within the NDP. Settlement boundary is quite tightly drawn. Combining Kynaston with Rushall as a single settlement is contrary to policy RA2.</p> <p>Concerned that the parish did not undertake a formal call for sites assessment.</p> <p>Settlement boundary includes only a part of the clients land application (173698) Land adj to Glebe Orchard.</p> <p>Clients are not interested in releasing their land for a reduced residential development of three dwellings within Policy HO4.</p>
<p>Chris Watkins</p> <p>Objection</p>	<p>Objection to NDP.</p> <ol style="list-style-type: none"> <li>1. Residual supply target</li> <li>2. A. Site allocations gardens behind Monks Walk there is a restrictive covenant forbidding building of houses therefore site is not viable. B. Dobbins Pitch-Both applications on site were refused, site is not viable as a future exception site.</li> <li>3. Settlement Boundary-Settlement boundary is inconsistent and includes inappropriate land.</li> </ol>

### Officer's Appraisal

This plan has met the requirements of the regulations as set out in the table above. All the requirements of regulation 14 were undertaken by the parish council and all the required documentation was submitted under regulation 15. A total of 47 site options were considered during the production of the plan and included within the Environmental Report.

No concerns have been raised from internal responses with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy. However some residents have raised the issue of viability within the sites, these can be assessed further at examination stage. There are site allocations within the plan but the plan is also reliance on windfalls and capacity within the settlement boundaries of Much Marcle, Rushall and Kynaston.



Commitments include up to 2 commitments and 17 completions within the plan period leaving a residual of 22 dwellings. The plan allocates up to 6 dwellings in Much Marcle and 10 dwellings in Kynaston and Rushall. There are 8 Rural Exception sites expected to come forward in Much Marcle and a potential of 10 building conversions this along with commitments and completions will help meet and exceed the target of 41 dwellings. Therefore the plan is considered to meet the general conformity requirements of the Core Strategy. This has been confirmed by the Strategic Planning team.

Overall, 17 responses have been received 4 from internal service providers and 13 external consultees and residents. HC Strategic Planning raised no major objections towards the plan, policies HO1, HO2, HO3 and HO5 concluded with a Yes and No. No comments have been received by Development Management, Transport sent through comments to strengthen and clarify existing policies and maps within the plan. External responses from technical bodies such as Historic England, Natural England, Welsh Water, Severn Trent, National Grid and Environment Agency have raised no objection to the regulation 16 draft plan. However provide comments to enhance the policies drafted within the NDP.

There have been 6 comments received from residents all of them being objections from local residents. Majority of the objections are raised around the concerns of

- Object to the proposed development of Site Option 17, between Farleys and New Normandy, Rye Meadows, Much Marcle.
- Combing Kynaston with Rushall as a single settlement quite restrictive.
- Water Supply The three existing properties close to the site – New Normandy, Stone Cottage and Farleys itself.
- Settlement boundary includes only a part of the clients land application (173698) Land adj to Glebe Orchard.

These are issues which can be dealt with during the independent examination process. It should be noted that the material weight attributed to the Much Marcle NDP prior to the conclusion of the examination will need to take account of the level of outstanding objections in line with para 216 NPPF.

#### **Programme 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



**Richard Gabb**

**Programme Director – Housing and Growth**

Date: 23<sup>rd</sup> February 2018.

## Appendix 1

### Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Much Marcle- Regulation 16 submission version

Date: 12/2/18

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
SD1- Sustainable Development	SS1, SD1, SD2, SD3, SD4	Y	
SD2- Renewable Energy	SD2	Y	
HO1- Housing Sites	SS2, RA2, RA3, RA4, RA5, H1, H2	Y/N	The Ministerial Statement of the 27 <sup>th</sup> March 2015 "Housing: optional technical standards" adopted a new approach to the setting of technical standards. Local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water, and an optional nationally described space standard. Local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area.
HO2- Housing Infill	RA2, SD1		
HO3- Householder Extensions	SD1		
HO4- Allocated sites within Settlement Boundaries	N/A	Y	
HO5- Exception Sites outside Much Marcle Settlement Boundary	H2	Y/N	Rural exception sites are permissible on the basis that they are an exception to usual planning policy, but complying with Core Strategy policy H2. These generally come forward through Housing Associations, and they usually would be sought to be developed on a larger scale than those proposed in order for them to be viable.

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
HO6- Windfall Building Conversions	N/A	Y	Whilst it identifies buildings suitable for conversion, it is not made clear in the current wording what the objective of this policy is. For instance, it would be clearer and more effective if it was stated that conversion of these buildings into new housing would be supported or encouraged.
EM1- Employment and Economy	RA6	Y	
EM2- Business Premises	E2	Y	
BE1- Listed Buildings	LD4	?	Unaware of a policy NE8 for proposals to comply with?
NE1- Landscape	LD1	Y	
NE2- Biodiversity	LD2	Y	In line with the corresponding objective, and Core Strategy policy LD2, the policy could encourage enhancement of existing and creation of new biodiversity habitats/assets where appropriate.
CS1- Community Facilities	SC1	Y	
CS2- Loss of Community Facilities	SC1	Y	
CS3- Local Green Spaces	LD3, OS1	Y	
TI1- Transport Infrastructure & Public Access	SS4, MT1	Y	
TI2- Broadband & Mobile Reception	N/A	Y	

