

## Progression to Examination Decision Document

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

Name of neighbourhood area	Madley Neighbourhood Area
Parish Council	Madley Parish Council
Draft Consultation period (Reg14)	15 July to 9 September 2019
Submission consultation period (Reg16)	18 December 2019 to 12 February 2020

#### 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?	1990 61K / Schedule 1	No

<ul style="list-style-type: none"> <li>• County matter</li> <li>• Any operation relating to waste development</li> <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
Is this a repeat proposal? <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

External Consultation Responses	
Historic England	<p>Pleased to note that suggestion at Reg14 have been taken into account.</p> <p>Supportive of content, vision and objectives. Extremely sound evidence base. Emphasis on conservation of local distinctiveness, good deigning deign, protection of historic buildings, farmsteads and landscape including green space is to be applauded.</p> <p>Madley Housing Manual will provide invaluable to developers.</p>
Coal Authority	No specific comments to make
Welsh Water	Pleased to note comments have been taken on board. No further comments to add.
NFU	<p>As you will be aware the farming community continues to face formidable challenges with increasing regulation, volatile markets and fluctuating farming returns. In response to these challenges farmers have had to consider the resources available to them and look at new ways of developing their businesses so that they can grow and remain competitive. This might include the need for modern agricultural buildings either to meet regulations or to change the use of existing buildings in order to respond to changing market demand.</p> <p>Like to see some of the key priorities for farms included;</p> <p>1. The ability for the next generation to take on management of farms and to support this through the provision of affordable housing to allow succession.</p>

	<p>2. Develop farming enterprises that can meet the challenges of food security through modernising and becoming more efficient</p> <p>3. Diversifying farming enterprises to meet new opportunities such as, <i>inter alia</i>, business units or tourism.</p> <p>4. Developing renewable energy which meets the needs of the farm and are appropriate to the location and renewable resources available.</p> <p>5. Access to high speed broadband and mobile phone coverage.</p> <p>Diversification should be taken into account</p> <p>Succession within farming often require the need for additional housing to enable the next generation to take over the farming enterprise</p> <p>Developed some principles which believe will help Madley shape any activity in the area.</p>
Herefordshire Council Responses	
<p>Environmental Health - Air, Land &amp; Water Protection</p>	<p><i>Policy MH2L Land west of Archenfield, Madley</i></p> <p>Land west of Archenfield, appears to have had no previous historic potentially contaminative uses.</p> <p><i>Policy MH5 Housing in the wider countryside</i></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.</p> <p><i>Policy MB1 Madley Airfield (indicated in purple on plan 5)</i></p> <p>The Airfield's potentially contaminative use would require consideration prior to any development.</p> <p><i>Policy MB3 Re-use of redundant agricultural buildings</i></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.</p>
<p>Strategic Planning</p>	<p>Confirmation of general conformity</p> <p>Full details within Appendix 1</p>
<p>Environmental Health and Trading Standards - Noise</p>	<p>No comments to make</p>
<p>Transportation</p>	<p>Policy MH1, point 5 - Improvements to bus stops and footways should include upgrading of existing infrastructure. This should include upgraded bus stops, shelters with real time bus information and Kastle kerbs.</p>

Para 4.15

bullet point 1 - Herefordshire Council would not look to adopt footways behind hedges as there have been issues with maintenance of the footways.

Bullet point 3 - Consultation with Public Rights of Way should be undertaken before works are proposed.

Para 4.19 point 4 - Transport Assessment/Statement depending on size of development. see HC website for guidance

Policy MH2 point 6 –

Transport Assessment/Statement depending on size of development. see HC website for guidance

An assessment of the footway/footpath/PROW should be provided as part any upgrade for the development

6. safe, direct and convenient pedestrian walking and cycling routes are provided along its northern and eastern boundaries and within the site, and which connect to the existing network of footpaths in the village including to the east along the B4352 and to Madley Footpath 52

Para 5.11 point 3 - Pedestrian and cycling routes':

Para 6.6 - A Transport Assessment/Statement should be provided, dependent on development size. A full 7 day speed and volume survey should be undertaken during term time and all the data sent to HC as part of any application/pre app. It should be supplied with any development which looks to increase the number of vehicles on the highway.

Policy MB3 - Adequate car and cycle parking

Policy MB4 criteria 1 - See Herefordshire Council guidance on agricultural development for requirements. Pre application should be sought before this type of development.

Policy MSC2 Criteria 2 - Car parking, depending on the type of development.

Para 7.9 - The impact of development on the highways network should be assessed and either designed out or mitigated against.

Works within the highway will require a Section 278 agreement and may also include Section 106 agreement.

Any changes to the speed limits as part of a development required will be funded by the developer and will have to undergo the Traffic Regulation Order process via Balfour Beatty.

Further comments:

There has been an ambition in the past to develop a safer route to school between Madley Primary and Kingstone High School & Kingstone & Thruxton Primary School. There is potential for route linking Madley airfield and Dene Industrial which could also serve the Madley Environmental Study Centre too. It would be good to see some support from the parish for the development of such a route.

	<p>We have had agreement in the past for Brightwells to set aside a strip of the airfield which has now become an access for MESC – this could be developed as an access through to Den Industrial Estate providing a potentially traffic free link.</p>
Other Responses	
<p>David Williamson (Local resident)</p>	<p>No comments to Reg14 remain the same.</p> <p>The fact that only 16 parishioners commented must give cause for concern as only a tiny fraction of the Madley population have made representations.</p> <p>Wrong assumption that Madley residents are all computer literate - they most certainly are not!</p> <p>NDP ignores or simply repeats the published findings of the Madley Parish Plan published Jan. 2013. Rejecting the site with greatest potential for development.</p> <p>The arbitrary black line defining the built area is restrictive</p> <p>The Madley housing commitment to 2031 relies almost exclusively on two sites - Faraday House/Beechwood (181921 &amp; 192703) &amp; several previous speculative applications for the same site over a period of 12 years. Major problems of pluvial flooding &amp; dispersal together with poor/dangerous access are getting worse rather than better as recent heavy rain has demonstrated.</p> <p>The second site, west of Archenfield, has substantially less viability for planning approval again due to pluvial flooding &amp; desperately poor access via Forty Farm Rd.</p> <p>No opportunity has been taken to put in place a Plan B to cover the problems outlined despite several clear &amp; better options being available.</p> <p>Regard this document as full of fine words &amp; aspirations, costing a huge amount of taxpayers money but with NO PLAN &amp; NO DEVELOPMENT over &amp; above the status quo</p>
<p>The Diocese of Hereford (Mr Stephen Challenger)</p>	<p>The Board is the freehold owner of the Glebe Field ('the Field')</p> <p><b>Policy MSC3: Local Green Space</b></p> <p>The Glebe Field, Madley (Plan 4)</p> <p>Seeking the Field to be removed from Policy MSC3 and paragraph 7.5 which designates it as a Local Green Space (LGS)</p> <p>Notes that the Parish Council has now removed references to 'community use' of the Field</p> <p>Although the present tenant has the field as pasture the tenancy agreement allows it be ploughed and used as arable: it would then no longer be a 'green space' but the views across it would remain undisturbed.</p> <p>As the Field is outside the Settlement Boundary and used 'for the purposes of agriculture' the possibility within the present Neighbourhood Development Plan of the Field being used than other 'for the purposes of agriculture' is at present near impossible</p> <p>The logic therefore is that Local Green Spaces are intended to be within a general built development and not outside it. Dicta in <i>Wiltshire Council v Cooper</i></p>

	<p><i>Estates Strategic Land Ltd</i> [2019] EWCA Civ 840 support this logic (underlining added):</p> <p>Request that the Field is deleted from Policy MSC2: 'Local Green Space' and all references in the draft Madley Neighbourhood Development Plan.</p>
Gladman	<p>Policy MH1</p> <p>Object to the use of settlement limits. Development which is sustainable should go ahead without delay. Policy should be worded more flexibly (new wording suggested)</p> <p>Policy MH3</p> <p>Sufficient flexibility should be included within the policy</p> <p>Policy MSC3</p> <p>Disagree with a number of the findings of the assessment of Local Green Spaces.</p> <p>Glebe Fields totals 2.1 hectares and does not meet the requirements. It is a extensive tract of land and should be removed from the policy.</p>
Hook Mason (David Baume) On behalf of Mr N Powell - landowner	<p>Land adjacent to the B4352</p> <p>Land is not included within the settlement boundary, however acknowledged within the Consultation Paper as being subject to P192672 and therefore not featured within the NDP process with no critique of its merits.</p> <p>Land adjoins the current settlement boundary and immediately adjacent to the built up area. Has been highlighted as 'medium suitability' within the 2015 SHLAA, has a safe vehicle access and connects to the village.</p> <p>Policy MH3 does not include in and adjacent to the settlement</p> <p>The site allocation within the NDP is on the western extremity of the settlement and access proposed via a narrow rural lane.</p> <p>Concerned about the robustness of the plan to deliver the minimum housing requirement.</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 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.

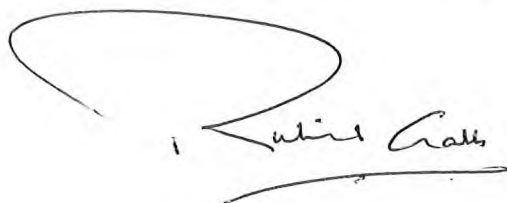
No major concerns have been raised from internal responses, nor external responses with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy. Therefore the plan is considered to meet the general conformity requirements of the Core Strategy and comments are generally supportive.

External responses from technical bodies have raised no objection to the Regulation 16 draft plan.

There were four external responses, which highlight a number of comments and objections. One comment made objection to the Settlement Boundary, another suggestion alternative allocation sites. There is also concern regarding the designation of a Local Green Space.

This issues would not prevent the plan being recommended for examination where the outstanding objections can be reviewed.

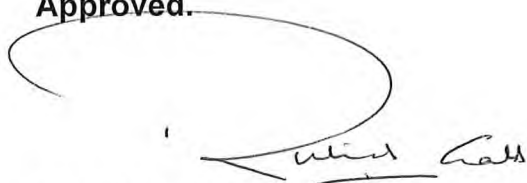
#### **Assistant Director's comments**

A handwritten signature in black ink, appearing to read 'Richard Gabb', with a large, sweeping flourish above it.

**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 black ink, appearing to read 'Richard Gabb', with a large, sweeping flourish above it.

**Richard Gabb**

**Programme Director – Housing and Growth**

Date: 24.2.2020

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

From Herefordshire Council Strategic Planning Team

Name of NDP: Madley- Regulation 16 submission draft

Date: 03/01/20

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
M1- Sustainable Development	SS1	Y	
MH1- Housing Delivery	SS2; RA2	Y	
MH2- Land West of Archenfield, Madley	SS2; RA2	Y	
MH3- Madley Settlement Boundary	SS2; RA2	Y	
MH4- Type and Size of Housing	SS2; H1; H2; H3	Y/N	<p>It is recommended by the Local Housing Market Assessment that planning policies are not overly prescriptive with regard to requiring a specific mix of housing sites.</p> <p>Realistically, this is more likely to be achievable on larger developments. To require it in <i>all</i> cases of residential proposals (such as single dwellings) may not be realistically enforceable.</p>
MH5- Housing in the Wider Countryside	RA3	Y	
ME1- Landscape Character and Wildlife	SS6; LD1; LD2; LD3; SD3; SD4	Y	The policy repeats much of that contained within the equivalent policies in the Core Strategy, which calls into question whether its inclusion is strictly necessary.
ME2- Building Design	SS1; SS6; SS7; MT1; LD1; LD2;	Y	



Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
	SD1; SD2; SD3		
ME3- Historic Environment	SS6; LD4	Y	
MB1- Madley Airfield	SS5; E1; E2; RA6	Y	
MB2- Tourism	SS5; E4; RA6	Y	
MB3- Re-use of Redundant Agricultural Buildings	SS5; RA5	Y	
MB4- Agricultural Development	RA6	Y	
MSC1- Community Facilities	SC1	Y	
MSC2- Open Space and Recreation	SS6; OS1; OS2; OS3	Y	This policy essentially echoes criteria already covered within the equivalent Core Strategy policy OS3, and does little to supplement it in a localised context. This would call into question the necessity of its inclusion in the plan.
MSC3- Local Green Space	OS3	Y	
MSC4- Design for Flood Resilience and Resistance	SD3	Y	Similarly to MSC2, the issues this policy seeks to address are covered more comprehensively by the equivalent Core Strategy policy, SD3.