

Latham, James

From: Turner, Andrew
Sent: 12 February 2020 15:35
To: Neighbourhood Planning Team
Subject: RE: Madley Regulation 16 submission neighbourhood development plan consultation

RE: Madley Regulation 16 submission neighbourhood development plan

Dear Neighbourhood Planning Team,

I refer to the above and would make the following comments with regard to the above proposed development plan.

It is my understanding that you do not require comment on Core Strategy proposals as part of this consultation or comment on sites which are awaiting or have already been granted planning approval.

Having reviewed records readily available, I would advise the following:

Policy MH2L Land west of Archenfield, Madley

A review of Ordnance survey historical plans indicate the proposed site allocated for development (indicated in grey on Plan 4); Land west of Archenfield, appears to have had no previous historic potentially contaminative uses.

Policy MH5 Housing in the wider countryside

- 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.
- 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.

Policy MB1 Madley Airfield (indicated in purple on plan 5)

- The Airfield's potentially contaminative use would require consideration prior to any development.

Any future redevelopment of the site would be considered by the Planning Services Division of the Council however, if consulted it is likely this division 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. With adequate information it is likely a condition would be recommended such as that included below:

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.
2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

Policy MB3 Re-use of redundant agricultural buildings

- 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.

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 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.

These comments are provided on the basis that any other developments would be subject to application through the normal planning process.

Kind regards

Andrew

Herefordshire.gov.uk

Andrew Turner
Technical Officer (Air, Land & Water Protection)
Economy and Place Directorate,
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From: Neighbourhood Planning Team <neighbourhoodplanning@herefordshire.gov.uk>
Sent: 18 December 2019 10:48
Subject: Madley Regulation 16 submission neighbourhood development plan consultation



The Coal
Authority



INVESTOR IN PEOPLE



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Learning Partner

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Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Neighbourhood Planning
Herefordshire Council

[By Email: neighbourhoodplanning@herefordshire.gov.uk]

03 February 2020

Dear Neighbourhood Planning

Madley Neighbourhood Development Plan - Regulation 16

Thank you for consulting The Coal Authority on the above.

Having reviewed your document, I confirm that we have no specific comments to make on it.

Should you have any future enquiries please contact a member of Planning and Local Authority Liaison at The Coal Authority using the contact details above.

Yours sincerely

Christopher Telford BSc(Hons) DipTP MRTPI
Principal Development Manager

Latham, James

From: donotreply@herefordshire.gov.uk
Sent: 10 February 2020 15:34
To: Neighbourhood Planning Team
Subject: A comment on a proposed Neighbourhood Area was submitted

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Comment on a proposed neighbourhood plan form submitted fields	
Caption	Value
Address	
Postcode	
First name	David
Last name	Williamson
Which plan are you commenting on?	Madley NDP Reg. 16
Comment type	Objection
Your comments	<p>My comments as "Parishioner 16" have been recorded on responses to the consultation at Reg. 14 stage &, having been given very little research, remain the same & should be addressed again at this new opportunity to comment. The fact that only 16 parishioners commented must give cause for concern as only a tiny fraction of the Madley population have made representations. I believe this to be due to the wrong assumption that Madley residents are all computer literate - they most certainly are not! In its current form, & without good reason, this NDP ignores or simply repeats the published findings of the Madley Parish Plan published Jan. 2013 which was much better responded to & the sundry deliberations of the SHLAA (2015) even to the extent of rejecting, for no good reason, the site with greatest potential for development. The arbitrary "black line" defining the built area is restrictive but probably unenforceable as hinted at in the NDP which puts the onus on the Local Planning Authority in determining applications for developments . There is already evidence from elsewhere that landowners will not be forced to abandon development plans but will resort to appeal or judicial review to assert their rights. This will be costly for Council Tax payers in the event that HCC resists the appeals. The Madley</p>

housing commitment to 2031 relies almost exclusively on two sites - Faraday House/Beechwood (181921 & 192703) & several previous speculative applications for the same site over a period of 12 years. Major problems of pluvial flooding & dispersal together with a hopeless case of poor/dangerous access are getting worse rather than better as recent heavy rain has demonstrated. It is reported on business websites that the developer of Phase 1 has ceased trading & thus will have to offer the "poisoned chalice" elsewhere, presumably with further delay. The second site, west of Archenfield, has substantially less viability for planning approval again due to pluvial flooding & desperately poor access via Forty Farm Rd. which is a single track leading to a dead end & potentially expected to take private, commercial, & agricultural traffic up to the size of refuse/recycling vehicles, combine harvesters, & removal pantechnicons. The landowner (Duchy of Cornwall) shows, in common with a fully approved site for 24 homes at St. Weonards, no appetite for submitting the Madley site for even pre-planning consultation let alone outline approval. This despite the very long lead time to approval, if at all, as with the other site discussed above. No opportunity has been taken to put in place a "Plan B" to cover the problems outlined despite several clear & better options being available. Far too much effort has been wasted on discussing the esoteric details of building design whilst ignoring the important basics required for planning approval. I note that the many Madley problems raised regularly by residents have been logged as "Community Action" with the onus on the Parish Council (Table 4). If these haven't been able to be addressed in the last 15 years of my residence (including a spell as PC Chairman) I see no way that the draft NDP will magically facilitate the much needed improvements. In conclusion, I regard this document as full of fine words & aspirations, costing a huge amount of taxpayers money but with NO PLAN & NO DEVELOPMENT over & above the status quo!

Latham, James

From: Norman Ryan <Ryan.Norman@dwrcymru.com>
Sent: 27 January 2020 11:03
To: Neighbourhood Planning Team
Subject: {Disarmed} RE: Madley Regulation 16 submission neighbourhood development plan consultation

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

I refer to the below consultation and would like to thank you for consulting Welsh Water.

As you will know, we were consulted by the Parish Council at the Regulation 14 consultation and are pleased to note that the Parish Council have taken on board our comments. As such, we have no further comments to make at this time.

Kind regards,



Ryan Norman

Lead Forward Plans Officer | Developer Services |
Dŵr Cymru Welsh Water

T: 0800 917 2652 | E: 40719

A: PO Box 3146, Cardiff, CF30 0EH



W: dwrcymru.com

E: developer.services@dwrcymru.com

From: Neighbourhood Planning Team <neighbourhoodplanning@herefordshire.gov.uk>
Sent: 18 December 2019 10:48
Subject: Madley Regulation 16 submission neighbourhood development plan consultation

***** External Mail *****

Dear Consultee,

Madley Parish Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link: **[MailScanner has detected a possible fraud attempt from "eur03.safelinks.protection.outlook.com" claiming to be https://www.herefordshire.gov.uk/directory_record/3085/madley_neighbourhood_development_plan](https://www.herefordshire.gov.uk/directory_record/3085/madley_neighbourhood_development_plan)**

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

The consultation runs from 18 December 2019 to 12 February 2020.

If you wish to make any comments on this Plan, please do so by e-mailing: neighbourhoodplanning@herefordshire.gov.uk, or sending representations to the address below.

If you wish to be notified of the local planning authority's decision under Regulation 19 in relation to the Neighbourhood Development Plan, please indicate this on your representation.

Kind regards

From: Stephen Challenger <s.challenger@hereford.anglican.org>
Sent: 10 February 2020 09:12
To: Neighbourhood Planning Team
Subject: Madley NDP

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Planning Team

Madley Neighbourhood Development Plan 2011-2031

Regulation 16 Consultation

Response of the Hereford Diocesan Board of Finance ('the Board')

1 The Board is the freehold owner of the Glebe Field ('the Field') referred in the Draft Plan at p.42:

Policy MSC3: Local Green Space

The development of the following Local Green Spaces as shown on Plans 4 and 6 will not be permitted unless very special circumstances arise which outweigh the need for protection:

1. The Glebe Field, Madley (Plan 4)
- 2 The Board asks, as it did at the Reg. 14 Consultation, for the Field to be removed from Policy MSC3 and paragraph 7.5 which designates it as a Local Green Space (LGS)
- 3 The Board's response to the Reg. 14 consultation is found in detail in the Consultation Statement October 2019 Response Log at pages 36-38 ('Board's Reg. 14 response').
- 4 The Board notes, and is grateful, that the Parish Council has now removed references to 'community use' of the Field: see the Consultation Statement October 2019' on page 28.
- 5 In particular the Board notes the Parish Council states there, "The designation is without prejudice to the continued agricultural use of the field.". As was pointed out in the Board's Reg. 14 response 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.
- 6 In any event a switch from pasture to arable would be lawful: Section 55 of the Town and Country Planning Act 1990 provides:
(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—
...
(e) the use of any land for the purposes of agriculture or forestry ...
- 7 Policy MSC3 states (underlining added): "The development of the following Local Green Spaces as shown on Plans 4 and 6 will not be permitted unless...". 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 and does not need to be designated as a LGS. The designation of the Field as an LGS is, with respect, of no practical purpose whatsoever: in one word, otiose.
- 8 The Inspector is asked to take into account the totality of the Board's response to the Reg. 14 consultation: Consultation Statement October 2019 Response Log at pages 36-38.

- 9 The Neighbourhood Planning Guidance states (underlining added):
What considerations, other than administrative boundaries, may be relevant when deciding the boundaries of a neighbourhood area?

The following could be considerations when deciding the boundaries of a neighbourhood area:

- village or settlement boundaries, which could reflect areas of planned expansion
- ...

Paragraph: 033 Reference ID: 41-033-20140306

Revision date: 06 03 2014

There is no definition or glossary given in either the NPPF nor the NPG for “settlement boundary”.

- 10 This is contrasted in the NPPF with ‘Green Belt’ (underlining added):

133. The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

- 11 From 9 and 10 above it is logical to accept that a settlement boundary has the very similar, if not the same, function as a Green Belt: to define boundaries of the general built development. The logic therefore is that Local Green Spaces are intended to be within a general built development and not outside it. On the true construction and meaning of the NPPF paragraph 100 a LGS is located within a settlement boundary and/or is not applicable to agricultural land outside it.

- 12 Dicta in *Wiltshire Council v Cooper Estates Strategic Land Ltd* [2019] EWCA Civ 840 support this logic (underlining added):

10. In other words, land designated as a Local Green Space has a very high level of protection against development.

48. ... Within the planning system, the land in question could be given the status of Local Green Space within the emerging plan. That would confer on the land the same planning status as green belt land. So there is no question of a free for all within the settlement boundary.

- 13 **The Board, for the above reasons and those in its Reg 14 submission, requests that the Field is deleted from Policy MSC2: ‘Local Green Space’ and all references in the draft Madley Neighbourhood Development Plan.**

Stephen Challenger
Property Secretary, on behalf of the Board
Dated: 10.02.2020

Mr Stephen Challenger
Property Secretary
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<https://facultyonline.churchofengland.org/user-manuals>

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www.gladman.co.uk

By email only to: neighbourhoodplanning@herefordshire.gov.uk

Re: Madley Neighbourhood Plan Regulation 16 Consultation

Dear Sir/Madam,

This letter provides Gladman's representations in response to the draft version of the Madley Neighbourhood Plan 2011-2031 (MNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation of numerous plans across the country, it is from this experience that these representations are prepared.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the MNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*
- (g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).*

National Planning Policy Framework and Guidance

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms

announced previously through the Housing White Paper. This version was itself superseded on the 19th February 2019, with the latest version, largely only making alterations to the Government's approach for the Appropriate Assessment as set out in Paragraph 177, clarification to footnote 37 and amendments to the definition of 'deliverable' in Annex 2.

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Relationship to Local Plan

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in

the adopted Development Plan. The adopted Development Plan relevant to the preparation of the MNP is the Herefordshire Local Plan Core Strategy 2011-2031 (HCS), adopted in October 2015. The HCS provides the vision, objectives and spatial strategy for the district over the plan period 2011 – 2031. The MNP should therefore seek to support and meet those policies contained in the HCS.

The housing requirement set out in the strategic housing policy sets out that the Council is required to deliver at least 16,500 dwellings over the plan period. This figure is reliant on the delivery of large strategic sites and neighbourhood plans allocating sites for a combined total of 5,300 dwellings. Policy RA1 of the HCS sets approximate housing numbers across the 7 Rural HMAs but does not set specific settlement targets for the neighbourhood areas. Therefore, the MNP should not seek to constrain potential sustainable development opportunities from coming forward.

Madley Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the MNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination.

Policy MH1: Housing delivery

This policy sets out the spatial strategy for the neighbourhood area, defining the Built-Up Area Boundary, inside of which development proposals will be supported. The Policy is reliant on Policies MH2 and MH3 to fulfil elements 1 and 2 within it. This settlement boundary is predicated upon meeting the housing needs of the Parish through the proposed allocation, sites with planning permission and windfalls.

Gladman object to the use of settlement limits in circumstances such as this where they would preclude otherwise sustainable development from coming forward. The Framework is clear that development which is sustainable should go ahead without delay. The use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework. As such, Gladman suggest that this policy should be worded more flexibly in the interim to the progression of the Herefordshire Core Strategy Partial Review in accordance with Paragraphs 11 and 16(b) of the NPPF (2019) and the requirement for policies to be sufficiently flexible to adapt to rapid change and prepared positively.

Accordingly, Gladman consider that the above policy should be modified to allow for this flexibility, and it is considered that the MNP would be better served by a criteria-based approach consistent with the requirements of national policy and the following wording is put forward for consideration:

“The neighbourhood plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Development proposals that accord with the policies of the

Development Plan and the Neighbourhood Plan will be supported particularly where they provide:

- **New homes including market and affordable housing; or**
- **Opportunities for new business facilities through new or expanded premises; or**
- **Infrastructure to ensure the continued vitality and viability of the neighbourhood area.**

Development proposals that are considered sustainable and well related to the existing settlement will be supported provided that the adverse impacts do not significantly and demonstrably outweigh the benefits of development.”

Gladman have seen changes made to other neighbourhood plans prepared in a similar context to that of the MNP. One such example is the examination of the Godmanchester Neighbourhood Plan. Paragraph 4.12 of the Examiner’s Report states:

“...Policy GMC1 should be modified to state that “Development ...shall be focused within or adjoining the settlement boundary as identified in the plan.” It should be made clear that any new development should be either infill or of a minor or moderate scale, so that the local distinctiveness of the settlement is not compromised. PM2 should be made to achieve this flexibility and ensure regard is had to the NPPF and the promotion of sustainable development. PM2 is also needed to ensure that the GNP will be in general conformity with the aims for new housing development in the Core Strategy and align with similar aims in the emerging Local Plan.”

A further example is the Deddington Neighbourhood Plan. In this example, the Examiner recommended changes to the approach to support development proposals within and adjacent to the settlement limits as the policy was not sufficiently evidence based and would have the clear possibility of restricting the supply of new housing in the plan period, contrary to Paragraph 47 of the NPPF(2012).¹ Gladman suggest that similar changes could be made to the MNP, this will be important to ensure that the plan meets basic condition (a).

Policy MH3: Madley settlement boundary

This policy defines the settlement boundary for Madley and supports proposals for housing within the settlement boundary with respect to settlement character, Policy ME2 and Policy MH4.

It is highly likely that the housing needs of Madley will increase in the near future, through the review of the HCS and limiting the provision of housing that the MNP is providing will not allow the plan to be effective for its duration. The policies of the MNP will be quickly superseded by the HCS Review

¹ Paragraphs 7.20 through to 7.25 of <https://www.cherwell.gov.uk/download/downloads/id/9160/deddington-examiners-report-03092019.pdf>

should they not be drafted in such a way, suggested in response to Policy MH1, to allow for sufficient flexibility towards changing needs.

Policy MSC3: Local Green Spaces

This policy identifies 4 areas to be designated as Local Green Spaces (LGS). In order to designate land as LGS the HNP must be supported by proportionate robust evidence that demonstrates how each of the designations meets the national policy requirements set out in Paragraphs 99 and 100 of the Framework.

The requirements of the Framework are supplemented by PPG², which states that *'Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.'*

Having analysed the supporting document of the MNP to support the designation of LGS, Gladman disagree with a number of findings of the assessment of whether each of the proposed LGS designations are local in character and not extensive tracts of land when in fact it appears that a number of the designations could be considered to be extensive tracts of land. Whilst there is no definition of what makes an area extensive, the issue regarding what constitutes an extensive tract of land has been previously explored in numerous Neighbourhood Plan Examinations for made Neighbourhood Plans. The following Examiner's Reports are of particular importance:

- The Examiner's Report to the Sedlescombe Neighbourhood Plan recommended the deletion of LGS measuring approximately 4.5ha as this constituted an extensive tract of land.
- The Examiner's Report to the Oakley and Deane Neighbourhood Plan recommended the deletion of LGS measuring approximately 5ha and also found it to be not local in character.
- The Examiner's Report to the Alrewas Neighbourhood Plan identified that both sites proposed for LGS designation 'in relation to the overall size of Alrewas village' comprised of extensive tracts of land measuring approximately 2.4ha and 3.7ha.
- The Examiner's Report to the Brixworth Neighbourhood Plan recommended the deletion of three proposed LGS due to the lack of evidence supporting their designation. In doing so, the Examiner recommended the deletion of 1 LGS measuring approximately 2.7ha.

The Glebe Field totals 2.1ha and does not meet the requirements for an area not to be an extensive tract of land and should be removed from this policy.

Conclusions

² Paragraph: 007 Reference ID: 37-007-20140306

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the MNP as currently proposed with the requirements of national planning policy and the strategic policies for the wider area. Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,

Alasdair Thorne
Assistant Planner
Gladman
a.thorne@gladman.co.uk



Historic England

Mr James Latham
Herefordshire Council
Neighbourhood Planning & Strategic Planning
Planning Services, PO Box 230, Blueschool House
Blueschool Street
Hereford
HR1 2ZB

Direct Dial: 0121 625 6887

Our ref: PL00045411

22 January 2020

Dear Mr Latham

MADLEY NEIGHBOURHOOD PLAN - REGULATION 16 CONSULTATION

Thank you for the invitation to comment on the above Neighbourhood Plan. We are pleased to note that our suggestions at Regulation 14 stage have been taken into account and note that our other comments on the Regulation 14 Plan remain entirely relevant, that is:

“Historic England is supportive of both the content of the document and the vision and objectives set out in it. We also commend the extremely sound evidence base for the Plan that includes reference to the Herefordshire Council Historic Environment Record and County Landscape Character Assessment.

The emphasis on the conservation of local distinctiveness through good building design that respects local character and on the protection of historic buildings, farmsteads and landscape character including locally significant green space is to be applauded.

The Madley Housing Manual, derived from in depth community consultation, will no doubt prove invaluable in providing a detailed context for developers when designing their proposals”.

In conclusion, the plan reads overall as a well-considered, concise and fit for purpose document that Historic England considers takes a suitably proportionate approach to the historic environment of the Parish. We also consider that particularly in relation to local distinctiveness the Plan constitutes a very good example of well-focused community led planning.

I hope you find these comments and advice helpful.

Yours sincerely,

Peter Boland
Historic Places Advisor
peter.boland@HistoricEngland.org.uk



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6888
HistoricEngland.org.uk





Neighbourhood Planning Team,
Planning Services,
PO Box 4,
Hereford HR1 2ZB

Your ref:
Our ref:
Email: Sarah.faulkner@nfu.org.uk
Direct line: 01952 400500
Date: 07/02/2020

Dear Sir,

Madley Neighbourhood Development Plan Consultation – NFU Response

The West Midlands NFU welcomes the opportunity to comment on the Madley Neighbourhood Development Plan. The West Midlands NFU represents approximately 5400 Farmers and Growers across the West Midlands region and over 50,000 farmers and growers nationally. In Herefordshire we represent over 1000 farmers and landowners. Our response is given below along with some key priorities.

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.

Our members in Madley are no exception and given that the area is largely rural it is clear that any form of Neighbourhood Plan must adequately the issues and opportunities of farming. Our vision for the area is:

Madley is a sustainable rural community that is underpinned by an innovative rural economy, and thriving farming and food industry, which is profitable and supports viable livelihoods, underpins sustainable and healthier communities and enhances the environmental assets that are vital to the counties prosperity.

For the farming community this vision is to be achieved by the following themes

1. Strengthening our farming businesses to help them build profitability and respond to new opportunities
2. To create thriving localities that meet the needs of their communities, businesses and their environment.
3. Realising the value of the region's environmental assets

In addition we would see some of the key priorities for farms to include (not in order of priority):

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.
2. Develop farming enterprises that can meet the challenges of food security through modernising and becoming more efficient
3. Diversifying farming enterprises to meet new opportunities such as, *inter alia*, business units or tourism.
4. Developing renewable energy which meets the needs of the farm and are appropriate to the location and renewable resources available.
5. Access to high speed broadband and mobile phone coverage.

Food production is a key priority for economic growth both nationally but also importantly in a rural area such as Madley. In the Government white paper *'Local Growth: realising every place's potential'* the Coalition Government makes clear that the first priority "*is to return the nation's economy to health*". This includes creating, "*the conditions that will help business and gets the economy growing*" and this includes the support for farming enterprises so vital to the rural economy and enabling them to remain viable through diversified enterprises. We would expect that any proposals for developing farms will take this into account.

Diversification is in line with National Planning Policy Framework (NPPF) that provides that local authorities should support development that enables farmers to become more competitive and sustainable and diversify into new opportunities. A key message within the NPPF is the need for economic growth. "*A positive planning system is essential, because without growth, a sustainable future cannot be achieved. Therefore, significant weight should be placed on the need to support economic growth through the planning system...the default answer to development proposals is yes.*" Madley neighbourhood plan has the opportunity to help support

farms diversify and create new employment and income opportunities for the area. These will range from the provision of business units through to farm shops.

In the NPPF the government makes a number of very important statements related to this the development of renewable energy. Paragraphs 95 to 98 make a number key points including: *'local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'* (para 97); *'have a positive strategy to promote energy from renewable and low carbon sources'* which *'maximise renewable and low carbon energy sources'*. Renewable energy represents an important opportunity for farms to reduce their energy bills and also to create revenue that can help support farming activity. We understand that this can be a contentious issue within communities as has been highlighted by the government with the policy it has introduced for requiring areas to be identified for wind development in local or neighbourhood plans such as yours. Some of our members will be looking to erect wind turbines for electricity to be used on farm at a very small scale. We ask that you consider the issue of scale and how you can support our farmers.

Succession within farming businesses is often critical to their ongoing sustainability. This will often require the need for additional housing to enable the next generation to take over the farming enterprise and to allow the current generation to take a less involved role. We ask that the neighbour hood plan supports farms to build new housing.

To help guide any work we have developed some principles which we believe will help Madley shape any activity in the area. These are:

- Food security is a crucial issue for now and the future and any actions must ensure that we do not compromise our ability to feed ourselves
- We should look to increase farm productivity and decrease impact on the environment.
- The achievement of sustainable development in rural areas through the integration of environmental, social and economic objectives.
- Meet the needs of a diverse rural population and ensure equality of opportunity.
- Maintain and enhance the areas natural asset base.
- Farmers and landowners should always be consulted and listened to with regard to developing the area.
- Support sustainable growth in the rural economy.

- Sustainable farming will support the wider community.
- Not one system of farming is the answer and all should be supported for maximum benefit to society and the environment
- Encourage links between rural areas and urban centres.

Many thanks for the opportunity to respond to this consultation and we hope that these comments are helpful and will be taken into account.

Yours faithfully

Sarah Faulkner

Regional Environment Adviser

**TO: DEVELOPMENT MANAGEMENT- PLANNING AND
TRANSPORTATION
FROM: ENVIRONMENTAL HEALTH AND TRADING
STANDARDS**



APPLICATION DETAILS

297674 /
Madley Parish
Susannah Burrage, Environmental Health Officer

I have received the above application on which I would be grateful for your advice.

The application form and plans for the above development can be viewed on the Internet within 5-7 working days using the following link: <http://www.herefordshire.gov.uk>

I would be grateful for your advice in respect of the following specific matters: -

	Air Quality		Minerals and Waste
	Contaminated Land		Petroleum/Explosives
	Landfill		Gypsies and Travellers
	Noise		Lighting
	Other nuisances		Anti Social Behaviour
	Licensing Issues		Water Supply
	Industrial Pollution		Foul Drainage
	Refuse		

Please can you respond by ..

Comments

Our department has no comments to make with regard to the Madley Neighbourhood Plan from a noise and nuisance perspective.

Signed: Susannah Burrage
Date: 22nd January 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

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
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;	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
	LD1; LD2; 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.

Submission draft



Policy M1: Sustainable development

Development proposals which contribute to the sustainable development of the Madley Neighbourhood Area will be supported. In making this assessment, the following objectives will be sought and balanced, as relevant to the proposal:

1. meeting strategic requirements for new housing and the needs of the local community;
2. taking all opportunities to conserve and enhance the distinctive natural and historic environment, with development avoiding undue loss of visual amenity or impacts on landscape character and biodiversity;
3. providing new and diversified employment opportunities which are compatible and in scale with the rural nature of the area;
4. retaining and enhancing social and community infrastructure, and promoting and enabling new provision, to meet a range of needs and promote quality of life;
5. **fostering sustainable transport provision and making use of opportunities to provide or support the provision of new or improved public transport, walking and cycling infrastructure and connectivity.**



Methodist Chapel, Madley

and output from the Workshop are recorded in the Madley Housing Manual⁶ and have been used to inform the planning requirements for the development of the site.

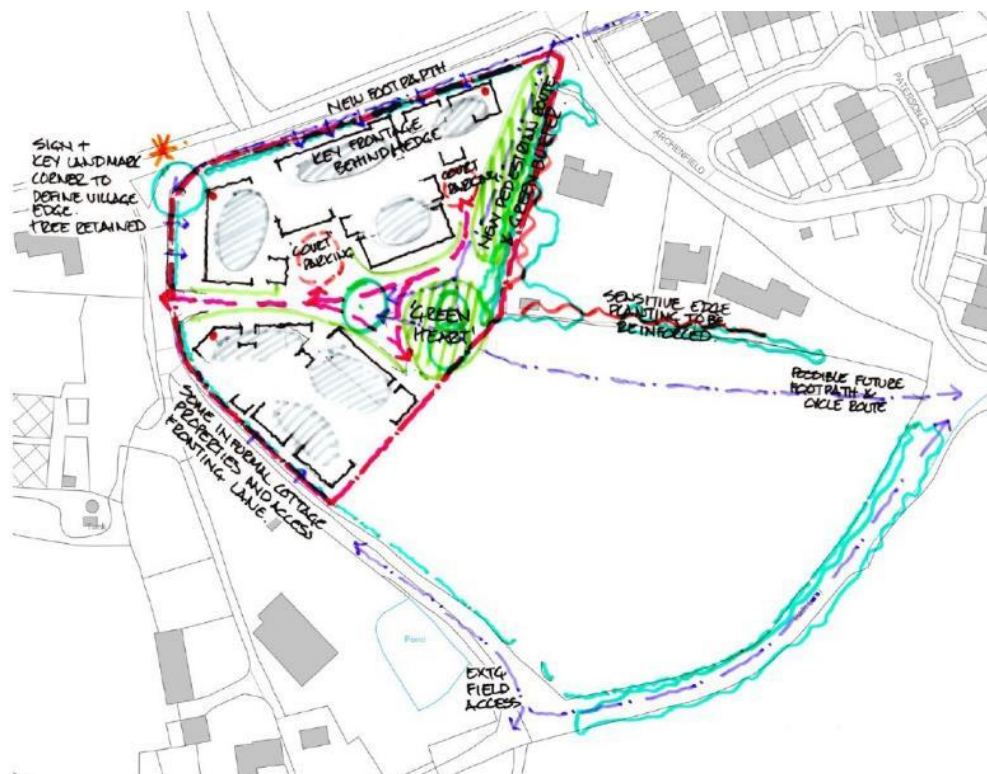
- 4.10 The site is bounded by hedgerow to the west, north and east. It has frontage to the B4352 and in the west to Forty Farm Road which also serves a plant nursery and Forty Farm. Village housing lies to the east. The site has a gentle fall from north-west to south-east.
- 4.11 The site has capacity for around 22 new dwellings. Dŵr Cymru Welsh Water have confirmed that the site can be supplied with clean water (some level of off-site mains will be required), and that the public sewerage network and Madley Wastewater Treatment Works can accommodate foul-only flows arising (some level of off-site sewers will be required). Development should reflect local housing needs and preferences as identified in the Local Housing Market Assessment (or successor documents), the Parish Plan and the Issues and Options consultation, with an emphasis on a mix of housing including 2 and 3-bedroom homes. Further guidance is given by policy MH4.
- 4.12 A proportion of the dwellings should be provided as affordable housing in line with Local Plan Core Strategy policy H1 *Affordable housing*, which requires 35% affordable housing provision. To meet this requirement eight affordable homes should be provided on-site. The affordable units should be presented 'tenure-blind' as to both siting and design.
- 4.13 Options for how the site should be developed were discussed at the Community Workshop and are distilled in the indicative sketch below. It is envisaged that the site will be developed as clusters of built form, with a variety of building types and both traditional and modern designs. The aim should be to reflect the existing diversity of dwellings in Madley and provide a locally distinctive scheme which is reflective of its edge of village context. Off-street car parking could be provided in rear courtyards to minimise visual impact. Lower-rise / single-storey development should be considered on the higher northern parts of the site.
- 4.14 The preference is for the site to be accessed via Forty Farm Road and thence to the B4352 by utilising the existing junction, thereby avoiding another access onto the B road.
- 4.15 The site should be well-connected to existing village footpaths and rights of way. The prevalence of such routes was seen as one of the 'qualities of place' identified at the Community Workshop as making Madley distinctive. Pedestrian routes in the form of both village pavements / paths and countryside rights of way offer opportunities for social interaction and exercise. They have both functional and recreational value. The following provisions should be made to integrate the site into this existing network:
- A new footpath along all of the northern frontage of the site and which connects to the existing roadside footpath to the east, linking to the school and wider village. At the Community Workshop, there were suggestions to retain the roadside hedge with the footpath running behind it (as is the case in part to the east); and

⁶ Madley Housing Manual, particularly section 1.5. The Manual can be seen at <https://madleyparishcouncil.org/madley-neighbourhood-development-plan/>

- Provision for a footpath route into the site from the north-east corner to the south-east corner, running through a linear area of landscaping along this edge of the site which will provide a buffer between the new dwellings and existing development to the east; and
- Investigation of the feasibility of extending this route as a footpath/cycleway from the site's south-east corner outside the allocated area to provide a direct link to Pennylock and Rosemary Lane; and
- A link to Forty Farm Road to enable connectivity to the eastern side of the village via Madley Footpath 52.

4.16 Development along the road frontages of the site will define new village edges and so needs careful consideration in design terms. The site's north-western corner will represent a new entrance to the village from the west and the treatment here should reflect this gateway aspect. The existing mature tree should be retained.

4.17 The green buffer area to be provided between the development and existing housing to the east should lead to a focal area of open space – a 'green heart'. Native species should be used in planting and landscaping. The existing trees and hedgerow on the eastern boundary should be retained and strengthened.




*Illustrative sketch from Madley Housing Manual showing principles for site development
Reproduced with permission of The Prince's Foundation and the Duchy of Cornwall*

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- 4.18 The Parish Council will continue to work with the Duchy of Cornwall to secure a locally-distinctive design solution to the development of the site which is responsive to housing requirements, creates a sense of place and responds to local character, and enhances community and wellbeing (Community Action CA1, see chapter 8).
- 4.19 Any planning application for development on the site should include the following supporting information:
- Planning Statement
 - Design and Access Statement, showing how the principles of good placemaking and design guidance set out in the Madley Housing Manual have been applied to inform the scheme
 - Landscape and Visual Impact Assessment, to be informed by topographic survey information and the proposed floor levels and ridge heights of new dwellings
 - **Transport Assessment/Statement**
 - Arboricultural Impact Assessment.

Policy MH2: Land west of Archenfield, Madley

Land west of Archenfield, Madley is allocated for development for around 22 new dwellings. The site is shown on Plan 4. Proposals which meet the following site-specific requirements will be supported:

- 1. dwellings are provided which contribute to meeting the latest assessment of housing needs including house type and size in accordance with policy MH4; and**
- 2. 35% of the dwellings are provided as affordable housing available in perpetuity for those in local housing need; and**
- 3. the scheme is designed by applying the principles of good placemaking and design guidance set out in the Madley Housing Manual and having regard to the essential qualities of the village; and**
- 4. the built frontages to the B4352 and to Forty Farm Road are designed to provide a new distinctive village edge, retaining existing hedges and the mature tree at the site's north-eastern corner; and**
- 5. vehicular access is taken from Forty Farm Road to the B4352; and**
- 6.  direct and convenient pedestrian 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; and**
- 7. areas of open space landscaped with native species planting are provided including along the boundary between the site with existing housing to the east and in the site. Existing planting on the eastern boundary is to be retained and strengthened.**

minimising carbon footprint, and specifying materials with regard to their life cycle, including from reclaimed, salvaged or recycled sources.

5.11 These concerns were explored in the Community Workshop which underpins the Madley Housing Manual. Five essential qualities of place were identified, representing what is special and unique about Madley and which the community feels should be appreciated when building in the area.¹⁵ Any new development in Madley should respect these qualities and demonstrate how they have been incorporated into the design:

- rural character: links to the open countryside, nature, and the value of dark skies
- amenities and activities: the role of services/facilities, community-led activities and venues in making the village a convenient, functional and lively place to live for all ages
- **pedestrian routes**: pleasant, safe and plentiful pedestrian routes in the form of both pavements / paths in the village and countryside public rights of way which offer opportunities for social interaction, exercise and engagement with nature
- the 'village feel': resulting from its size and scale, informal layout, varied architecture and peaceful atmosphere
- Herefordshire materials: a range of local materials used in a particular way resulting in a visual identity and supported by boundary treatments and the relationship between properties and the street.

5.12 The Manual identifies and explains 13 principles of good placemaking which will help deliver sustainable design which responds to the character of the locality.¹⁶ They are:

- Place
- Public space
- Permeability
- Hierarchy
- Longevity
- Value
- Scale
- Harmony
- Enclosure
- Materials
- Decoration
- Craftmanship
- Community

5.13 The Manual sets out principles to improve design quality in placemaking and architecture, provide more certainty about the design of local development, ensure new designs respond to the local context, allow flexibility for preferences, and suggest suitable house types.¹⁷ These principles provide detailed and locally-derived design guidance which should be followed by new development. Full details can be found in the Manual.

5.14 The Manual mainly deals with residential development since this likely to be the main form of new building in the village. However, it should also be applied to the design of non-residential buildings, and used to inform development in the wider countryside as appropriate.

¹⁵ Madley Design Manual, section 1.4. The Manual can be seen at <https://madleyparishcouncil.org/madley-neighbourhood-development-plan/>.

¹⁶ Ibid., section 1.5.

¹⁷ Ibid., section 2.

on the rural road network, the scope for increased traffic impacts including from HGVs, and the potential for noise, light and air pollution. There were suggestions that polluting or noisy industrial / manufacturing uses should be avoided. It was also felt that more could be done by way of landscaping and screening, to protect residential and visual amenity.

- 6.7 It is recognised that there are limiting factors posed by the site's isolated location. It is relatively remote from a main road and dependent for access on the rural road network with width limitations evident along Stone Street. It is poorly-located with respect to any settlement and there is no provision for sustainable travel by way of public transport, footpaths or cycle. The amount of land potentially available for new development has the potential to cause significant impacts through traffic generation, including heavy goods traffic, or through odour, noise, light and air pollution. These are addressed in the following policy.
- 6.8 The Airfield has been identified by Herefordshire Council as having had a potentially contaminative use. The implications of this will need to be addressed by development proposals. As a minimum a desk-top study to the current British Standard should be undertaken by a suitably competent person and submitted with any planning application, so that the risk from contamination can be fully considered.

Policy MB1: Madley Airfield

Proposals for new development or the re-use of existing buildings at Madley Airfield as shown on Plan 5 for employment uses within Use Classes B1 (Business), B2 (General industrial) or B8 (Storage or distribution) will be supported provided that:

- 1. the amount and type of traffic likely to arise is acceptable in terms of safety and highway capacity; and**
- 2. appropriate opportunities are included to promote sustainable transport modes, bearing in mind the location of the site; and**
- 3. the proposal does not lead to unacceptable adverse impacts on residential amenity or the environment from odour, noise, light, air or water pollution; and**
- 4. the risk from any previous contaminative uses has been shown to be acceptable or as otherwise being capable of satisfactory remediation; and**
- 5. visual amenity and landscape character is respected in building design, choice of colour and associated native-species landscaping.**

Proposals for non-employment uses will be guided by Herefordshire Local Plan Core Strategy policy E2 and should also have regard to the site's rural location and access limitations.

Proposals of an appropriate scale will be encouraged where they provide local employment and/or serve to sustain, enhance and promote an appreciation of the local natural, historic and cultural environment.

Re-use of redundant agricultural buildings

- 6.13 Traditional farm buildings which become redundant and fall into disuse offer opportunities for re-use and conversion to small workshops and offices as well as dwellings. Local Plan Core Strategy policy RA5 *Re-use of rural buildings* provides the strategic context. Subject to specified criteria, re-use schemes which will make a positive contribution to rural businesses and enterprise, support the local economy, or which otherwise contribute to residential development, will be permitted.
- 6.14 Responses to the Issues and Options consultation supported the inclusion of a policy in the Neighbourhood Development Plan to guide the sensitive re-use of disused farm buildings for employment uses. Comments on this option focussed on ensuring that the new use(s) were appropriate to the character of the existing structure and its setting, and that any increase in traffic and parking requirements was able to be accommodated on the rural lane network and on-site respectively. Policy MB3 reflects these concerns and is intended to complement Local Plan Core Strategy policy RA5.

Policy MB3: Re-use of redundant agricultural buildings

The re-use of redundant farm buildings for small-scale rural business uses such as workshops, offices, artisan activities, creative industries and live/work units will be supported provided they do not generate unacceptable levels of traffic on the rural road network.

Conversion schemes should respond positively to the existing building fabric and the site context. Adequate car parking to meet operational, servicing and customer requirements should be provided on site.

Agricultural development

- 6.15 Whilst older farm buildings have fallen into disuse, pressures have arisen for larger-scale, industrial-sized developments in the countryside such as intensive livestock units, polytunnels and glasshouses. Permitted development rights for agriculture and forestry mean that only buildings above certain size thresholds will require planning permission. Local Plan Core Strategy policy RA6 *Rural economy* provides that proposals to diversify the rural economy will be permitted provided that there are no undue impacts due to scale or on residential amenity, traffic safety and water quality.
- 6.16 Responses to the Issues and Options consultation supported a Neighbourhood Development Plan policy to help manage such developments when planning permission is required. There

were concerns about the large-scale and dramatic impacts such developments could have on the landscape and the potential for knock-on effects on tourism.

- 6.17 Larger-scale proposals may give rise to a range of possible impacts including on the landscape, the highway network and public rights of way. The following policy is intended to help ensure that new agricultural development is undertaken sensitively and with due regard to its implications.
- 6.18 For polytunnels, Herefordshire Council has issued a Planning Guide which provides a comprehensive assessment of the relevant issues and a set of guidelines.¹⁹ These guidelines will also be taken into account in deciding whether polytunnel proposals requiring planning permission are to be supported.

Policy MB4: Agricultural development

Proposals for agricultural development requiring planning permission, for example intensive livestock units, polytunnels or horticulture, should be able to demonstrate that they meet the following requirements. Any other existing, permitted or proposed similar developments in the locality should be taken into account so that cumulative impacts can be considered:

- 1. the local highway network and the proposed means of vehicular access can cater safely for both the volume and type of vehicles anticipated, and the proposed access is environmentally acceptable; and**
- 2. the impacts on landscape character and visual amenity are acceptable, or are capable of being satisfactorily mitigated by a landscaping scheme which is itself acceptable; and**
- 3. there will be no undue loss of amenity to the occupiers of residential properties, including by way of external lighting or the design and siting of any installation; and**
- 4. there are no unacceptable impacts on the natural and historic environments, in accordance with policies ME1 and ME3; and**
- 5. sustainable drainage proposals are included to acceptably manage surface water and avoid risk of pollution and soil erosion; and**
- 6. there are no unacceptable impacts on the utility and enjoyment of public rights of way.**

¹⁹ https://www.herefordshire.gov.uk/download/downloads/id/14577/polytunnels_planning_guide_2018.pdf

Policy MSC2: Open space and recreation

Proposals that would result in the loss of open space, sport and recreational land and buildings will not be permitted unless:

1. it can be satisfactorily demonstrated that the open space, buildings or land concerned are surplus to requirements, or
2. that the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, taking into account accessibility by foot, cycle and public transport, or
3. the development is for alternative sports or recreational provision, the benefits of which clearly outweigh the loss.

Local Green Space

7.5 Neighbourhood Development Plans can designate land as Local Green Space in order to protect green areas of particular importance. From the Issues and Options consultation, several areas of Local Green Space have been identified for designation. They are shown on Plans 4 and 6 and are:

1. The Glebe Field, Madley (Plan 4)
2. Kettle Ponds north of Madley village (Plan 4)
3. Madley Moat (Plan 4)
4. The Bower, Shenmore (Plan 6).



Glebe field, Madley

Traffic and transport

- 7.7 Responses to the Issues and Option consultation highlighted many aspects of traffic and transport in and around the Neighbourhood Area which were of concern to residents. Most of these issues were also raised in the preparation of the Parish Plan. They include:
- Speed and volume of traffic through the village and elsewhere, such as Stone Street. Positive interventions to improve road safety such as reduced speed limits, enforcing existing provisions and other speed reduction measures such as traffic calming were suggested
 - Lack of parking around the Primary School and in the village generally, resulting in congestion particularly at the start and end of the school day
 - Condition, width and capacity of the rural lanes throughout the Neighbourhood Area, particularly those around Brampton, Shenmore and at Stone Street which serve existing businesses
 - Availability of public transport highlighting the importance of local bus services in enabling access to services and reducing isolation for those without a car
 - Maintenance of public rights of way and lack of continuous footpath provision.
- 7.8 These traffic and transport issues do not generally involve land use and development and to this extent they are outside the scope of the Neighbourhood Development Plan. For instance, Herefordshire Council sets speed limits as the highway authority, and these are enforced by West Mercia Police and the Safer Roads Partnership. Public transport is mainly delivered by commercial operators supported by public subsidy from Herefordshire Council. However, local initiatives to address such issues may be expressed in the Neighbourhood Development Plan as Community Actions, to be undertaken or led by Madley Parish Council. Such Community Actions are listed at Table 4 (Chapter 8).
- 7.9 **When development is proposed, relevant planning policies are to be found in the Local Plan Core Strategy. Policies SS4 *Movement and transportation* and MT1 *Traffic management, highway safety and promoting active travel* sets out the planning requirements and these do not need to be repeated here.**

Flood resilience and resistance

- 7.10 Areas at risk of flooding from watercourses are shown on Plan 3. There are also records of surface water flood events on the B4352 during 2012, on Brampton Road and at Shenmore in 2013, and on the Canon Bridge Road and Bridge Sollars Road on an annual basis. The Issues and Options consultation supported guiding development to areas of lowest flood risk and that new buildings should be designed to be flood resilient and resistant.
- 7.11 Local Plan Core Strategy policy SD3 *Sustainable water management and water resources* requires development proposals to be located in accordance with the Sequential Test and Exception Tests (where appropriate) set in national guidance. Where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage

Our Ref: DB/DB/6919

5th February 2020

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Madley Neighbourhood Development Plan: Regulation 16 draft plan – public consultation representation

1.0 Introduction

This representation is made on behalf of Mr N Powell who owns land adjacent B4352 Madley, close to the historic core of the village settlement which is currently the subject of planning application ref P192672/F relating to residential development of ten dwellinghouses.

The following should be read in conjunction with the representation made during the Regulation 14 draft plan consultation period and subsequently recorded within the Consultation Statement prepared by DJN Planning Limited dated October 2019.

The Regulation 14 stage Consultation Statement response log reference Policy MH3 relating to land which is currently the subject of planning application ref P192672/F simply states: *'This site has not hitherto featured in the NDP process...'* whilst offering no critique of its merits or any specific reasons why it would be inappropriate for inclusion within a realigned village settlement boundary in the emerging NDP. The response acknowledges that the proposals received the conditional support of the Parish Council and would contribute towards the NDP's windfall allowance if approved; ergo the NDP Steering Group tacitly acknowledge its suitability.

At the time of writing a great majority of the technical constraints and design issues relating to these planning application proposals have now been resolved to the satisfaction of the Council and the proposals continue to be supported by officers of Herefordshire

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Clive Emerson
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Council. It is hoped that all outstanding matters will be concluded during April 2020 enabling the application to finally be determined thereafter.

Notwithstanding the fact that Madley's NDP Steering Group did not modify the draft plan to include this land within the defined village settlement boundary detailed on the Madley Village Policies Map, the content of that representation nevertheless remains equally valid now, as it was at the time of writing on 2/09/2019 and as such is reproduced below in its entirety.

Regulation 14 Draft plan public consultation representation: Sept 2019

Land adjacent Town House, B4352, Madley Herefordshire HR2 9DP : Proposed site for residential development allocation

As the NDP steering group will be aware from previous pre application consultation with the Parish Council, the principle of residential development on this land has been supported by Herefordshire Council during the extensive pre application consultation process undertaken in conjunction with them. The land was highlighted in the 2015 SHLAA as land with medium suitability for residential development, being close to the centre of the village and with good connectivity to the village centre and all of the various services and facilities within the village, however notwithstanding that fact somewhat inexplicably the NDP steering group subsequently disregarded this site in preference for others further from the centre of the village & with resulting less connectivity to the village centre. It should be highlighted that the Core Strategy requirement for 89 dwellings in Madley within the plan period to 2031 is a minimum not maximum and therefore does not preclude inclusion of other sites.

The design of the proposed development which is the subject of the current planning application acknowledges its location close to the village centre and the various designated heritage assets & the proposed design is a response to this location and neighbouring buildings, drawing from the local vernacular, adjacent converted former agricultural buildings together with farmstead design typology. The development is of modest size, comprising ten units in total and will integrate sensitively within this edge of settlement location with several designated heritage assets in relative proximity. Similar design principles are exemplified within the Madley housing design manual documents.

All of the various technical constraints to development have been demonstrably addressed as part of the current planning application and the land is available immediately for development. The mix of housing proposed mirrors the stated requirements detailed within Herefordshire's Housing Market assessment document (2013), and as such provides an appropriate range of house types necessary to meet the current requirements of the Madley local community as detailed within both Herefordshire's Core Strategy policy H3 and Madley NDP policy MH4

The landowners would therefore request that the proposed settlement boundary is adjusted accordingly to accommodate this site for inclusion as an allocated residential site within the emerging draft Madley NDP, as it evolves further towards its Regulation 16 draft.

2.0 Madley Neighbourhood Development Plan: Regulation 16 Draft Plan

2.01 The following comments relate to the Regulation 16 stage draft NDP insofar as its housing policies only are concerned and in the context of the current parallel planning application ref P192672/F relating to residential development of ten dwellinghouses on land adjacent to the B4352, Madley is concerned.

2.02 The current draft NDP references at paragraph 4.4 that it implements Herefordshire's Core Strategy (CS) by defining an appropriate settlement boundary together with land for new housing, reflecting the requirement for planned housing growth within Madley during the plan period to 2031.

2.03 CS Policy RA2 '*Housing in settlements outside Hereford and the market towns*' : states in 1.) that housing proposals will be permitted where their design and layout reflects the size, role and function of each settlement and be located within or adjacent to

the main built up area. This specific wording is mirrored in CS Policy RA1 para 4.8.16, which additionally adds that *'this will ensure that unnecessary isolated, non- characteristic and discordant dwellings do not arise which would adversely affect the character and setting of a settlement and its local environment'*.

2.04 The site of the proposed residential development currently the subject of planning application on land adjacent B4352 ref P192672/F adjoins the currently defined settlement boundary within Regulation 16 draft NDP and is located immediately adjacent the main built up area of the settlement. The location is acknowledged by Herefordshire Council to be an appropriate sustainable location for residential development, entirely in accordance with the policies of the CS.

2.05 The land was highlighted in the 2015 SHLAA as land as having 'medium suitability' for residential development, being close to the centre of the village and with good connectivity to the village centre and all of the various services and facilities within Madley. Safe vehicle access can be provided directly from B4532 and pedestrian connectivity to other parts of the village, all of its and its services and facilities is provided by provision of a new pedestrian footway along the B4352.

2.06 The National Planning Policy Framework (NPPF) or 'Framework' sets out the Government's planning policies for England and how these should be applied. At paragraph 29 the framework states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Footnote 16 to paragraph 29 states that *'Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area'*.

2.07 The draft NDP Policy MH3 defines the Madley development boundary within Plan 4 Madley Village Policy Map. This policy states that only *'proposals for housing within the defined settlement boundary will be supported'* where they meet various specified criteria. Paragraph 4.32 specifically states that land immediately abutting the settlement boundary is considered to be 'open countryside' and in such locations residential development is limited to exceptional circumstances so as to avoid unsustainable patterns of development.

2.08 NDP Policy MH3 does not therefore directly correspond with CS Policy RA2.1), in that it doesn't similarly support development *'within or adjacent the main built up area'* of a settlement. CS policies relating to provision of new housing form strategic policies for the County of Herefordshire and as such NDP Policy MH3 cannot be considered to be in conformity with the strategic policies of the CS as required by NPPF paragraph 29 and footnote 16.

2.09 NDP Paragraph 4.5 describes a single site allocation to the west of Archenfield to accommodate approximately 22 new dwellings, together with its rationale for achieving 16 additional dwellings via a 'windfall allowance'. These together with 44 dwellings with extant planning permissions (as at 1/04/18) and 12 housing completions since 2011 total 94 new dwellings, which in their entirety exceed the CS minimum housing growth requirements for Madley of 89 new dwellings within the period to 2031.

2.10 The location of the single allocated site for future housing in Madley is on the western extremity of the settlement and utilises prime agricultural land, with access proposed via a narrow rural lane trafficked regularly by large commercial and agricultural vehicles. Its relationship, juxtaposition and connectivity to the core of the village and many of its facilities is more tenuous and with inferior vehicle access in comparison to the land adjacent B4352 which is additionally available for residential development .

2.11 It is not stated within the draft NDP whether the principle of development on the land west of Archenfield has formed the subject of any formal pre planning application

consultation exercise with the Council. However any such consultation is not binding and would only provide 'in principle' support, subject to demonstrably satisfying a whole raft of technical constraints against development. What is certain however is that this proposal has not been tested by any formal planning application and as such ultimately its deliverability can currently only be the subject of conjecture.

2.12 The assumed deliverability of all of the extant and windfall allowances included within the stated overall projected housing numbers must equally be questioned, as previously highlighted during the Regulation 14 consultation process; raising the distinct possibility that the overall minimum new housing requirements for Madley within the NDP plan period to 2031 as currently envisaged may in reality not be achievable. It must equally be emphasised that the CS requirement for 89 dwellings within the plan period is very much a minimum as opposed to maximum number.

2.13 Failure to test the viability of the only allocated housing site within the draft NDP by formal planning application in even outline terms prior to adoption of the neighbourhood plan, together with questions relating to deliverability of both extant and potential windfall sites demonstrates that the assumptions made in respect of minimum future housing deliverability in Madley may be based largely on wishful thinking. This would place Madley's future planned overall minimum housing commitments in significant jeopardy.

3.0 Conclusions

3.01 The above raises doubt as to the overall robustness of the current draft NDP policies insofar as minimum future housing delivery is concerned, together with doubt as to complete conformity with strategic policies of the adopted CS development plan for Herefordshire.

3.02 The location of the only allocated housing site proposed within the current draft NDP to the western extremity of the Madley settlement is demonstrably more remote from the core of the settlement than the site adjacent the B4352 (currently not allocated). The land west of Archenfield is more detached from many of Madley's services and facilities, with tenuous connectivity, questionable vehicle access and with potential inherent highways safety implications.

3.03 In contrast, the site adjacent B4352 is demonstrably a sustainable location, well related to the village core and all of the services / facilities that Madley provides. The current planning application proposals reflect an appropriate mix of house types and sizes to meet local needs and of entirely appropriate design for its setting. These proposals are supported conditionally by the Parish Council and well progressed as a formal full planning application, supported by officers of the Council.

3.04 Subject to the current planning application being determined positively during Spring 2020 (as currently envisaged) the site will become immediately available for development, contributing towards meeting Madley's minimum housing commitment during the plan period to 2031.

3.05 Insofar as the Madley NDP process to date is concerned, this site appears to have been discounted solely on the basis that the landowner omitted to formally promote it within the initial call for sites exercise undertaken during 2017 for inclusion within the emerging draft plan, having mistakenly understood that the land was already being considered for inclusion.



3.04 We would once again commend the proposed development of land adjacent B4352 Madley (the subject of current planning application P192672/F for residential development of ten dwellinghouses) for inclusion within Madley's NDP and urge realignment of the proposed village settlement boundary to embrace this site.

3.05 The land forms an entirely logical further extension of residential development to the eastern edge of the Madley settlement and subject to receiving planning permission during 2020 available immediately to contribute towards meeting Madley's future housing growth within the plan period.

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