

Much Marcle Neighbourhood Development Plan

Note of meeting with Herefordshire Council Planning Department 24/1/17

Present:

Samantha Banks	NDP Team Leader
Karla Johnson	NDP Team
Stephanie Kitto	NDP Team
Kevin Singleton	Strategic Planning Policy Team Leader
Stuart Powell	Planning Policy Team
Barry Durkin	Herefordshire Councillor (Old Gore)
Sally Tagg	Foxley Tagg Planning Ltd (Consultants)
James Marsden	Chair, MMNDP Working Party

1. Planning policy context

Herefordshire Council is currently supporting 106 NDPs around the county.

SB confirmed that the MMNDP must pass all four tests of conformity with planning policy, otherwise the Independent Assessor will rule the Plan unsound or make modifications. The four tests of conformity are:

- National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- Herefordshire Local Plan – Core Strategy 2011-2031
- EU Conservation of Habitats and Species Regulations (2010)
- Sustainable development

2. Review of treatment of Rushall & Kynaston as a single settlement within the meaning of Core Strategy Policy RA2

JM outlined the alternative views as:

- Kynaston is not a settlement under Core Strategy Policy RA2 (i.e. it is not included in Figures 4.14 and 4.15), but will be treated as 'open countryside' under Policy RA3; and/or
- Kynaston and Rushall could be considered as a joint settlement within the meaning of Policy RA2.

Responses to the Regulation 14 consultation draft MMNDP version 4.3 from Herefordshire Council's Development Management and Planning Policy Teams had highlighted this discrepancy of views from Herefordshire Council.

Background

In response to an enquiry from the MMNDP Working Party dated 22 May 2016, written advice received from Karla Johnson on 24 May and 2 June 2016 confirmed that because Kynaston is not identified as a settlement for proportionate growth with the Core Strategy Policy RA2 it must be treated as open countryside under Policy RA3.

The MMNDP Working Party and Much Marcle Parish Council (MMPC) challenged this decision on the basis that "*Kynaston is quite clearly a 'settlement', and has been so for generations, with a defined settlement pattern and 12 dwellings within the main settlement area, of which 6 are council built houses. It's not part of Rushall, being separated by open country either side of Hall Court, and is acknowledged to be a*

separate hamlet in the Much Marcle Parish Design Statement which was approved by Herefordshire Council."

On 23 September 2016, Karla Johnson wrote to the Chair of the MMNDP Working Party with alternative advice, as follows: "*I think the best way forward to be able for you to allocate housing sites in Kynaston, is to include this as part of the Rushall settlement; as stated in your plan. I have spoken with Kevin Singleton on this matter and think this is possibly the best solution, if you want to have housing sites within Kynaston. Acceptability of including Kynaston as part of Rushall can be further determined at regulation 14 consultation, regulation 16 consultation and at examination.*"

The SEA and HRA (including detailed assessment of all the housing land allocations) produced by Herefordshire Council on the Regulation 14 consultation draft MMNDP version 4.3 were completed on the basis that Rushall and Kynaston would be treated as a single settlement within the meaning of Policy RA2.

Further comments from Planning Policy on 13 December 2016 stated: "*On inspection, I would be inclined to concur with Development Management's comments, in that it would not be a sustainable location for housing growth. Settlements that are not identified in Figures 4.14 and 4.15 of the Core Strategy, which applies to Kynaston, should be treated in policy terms as countryside. Any new housing development here would therefore need to accord with the criteria of Policy RA3. This limits the scope for the delivery of any significant housing development in this location.*"

Discussion

JM explained that if the latter view is upheld, and in combination with views expressed about the allocated housing land sites to the west of the A449 at Much Marcle, then two consequences follow: 1) we will not be able to achieve the 14% growth target; and b) the provision of affordable housing is at risk because two possible sites in private ownership are at Kynaston (could still be brought forward as rural exception sites under Policy RA3), two potential sites for affordable housing at Much Marcle (i.e. Hazerdine and Old Pike, both of which are in social ownership) are deemed to be contrary to CS and NPPF policy by Development Management, and a third site adjacent to Glebe Orchard owned by the PCC has been earmarked for a new vicarage and open market housing.

KS responded that if a detailed and well-evidenced written case is made to treat Kynaston and Rushall as a joint settlement within the meaning of Policy RA2, Herefordshire Council would consider it. He advised that this case should be published as a supporting document on the MMPC website.

Action: JM to produce a supporting document on policy context and treatment of Rushall and Kynaston.

3. Settlement boundaries

KS advised that supporting text on settlement boundaries should 'anchor' the approach taken within the MMNDP to criteria in Herefordshire Council Guidance Note 20 – guide to settlement boundaries.

Much Marcle Settlement Boundary

The constraints for development land in Much Marcle were identified as:

- land in the Environment Agency's Flood Zone 3 around the A449 crossroads (and a wider area in Flood Zone 2);

- important local green spaces – e.g. Barton's playing field, Mortimer's Motte and Bailey, and the Monk's Walk drive up to Hellens Manor;
- UK Biodiversity Action Plan (UKBAP) Priority Habitats – e.g. traditional standard orchards;
- land owned by the Pennington-Mellor-Munthe (Hellens) Charity Trust to the east of the settlement boundary
- land owned by Homme House estate (a listed parkland) to the west of the settlement boundary;
- land owned by the Countryside Restoration Trust to the south of the settlement boundary; and
- the plethora of listed buildings and a Conservation Area.

JM reminded the meeting that Herefordshire Council's 'Assessment of land with housing potential – Much Marcle' (2015) had screened out most of the land adjacent to the proposed Much Marcle settlement boundary as 'Land with No Suitability during the Plan Period'.

Only one site (south of Picketts Corner, between Audley Farm and Rhonville) was identified in Herefordshire Council's assessment as 'Land with Medium Suitability', but this land is owned by the Countryside Restoration Trust and is therefore highly unlikely to be brought forward for development because that would conflict with the Trust's charitable purpose and objects; and development of this site would obscure one of the key landscape views through to open countryside to the south of the village.

SB and KS advised that MMNDP Working Party should produce a composite constraints map of Much Marcle to illustrate the shortage of land suitable for development within the Plan Period.

KJ subsequently provided a link to a mapping tool, which Cusop Parish have used and may be useful when producing a constraints map.

<http://gis.getmapping.com/parish-online>

Action: JM to arrange for composite constraints map to be produced.

Rushall & Kynaston Settlement Boundaries

JM explained the concerns of Rushall residents - i.e. as expressed in response to the Regulation 14 consultation draft NDP version 4.3 and at the open public meeting held at the Rushall Club on Monday 23 January.

A sub-group of Rushall residents had agreed an action from the 23 January meeting to prepare a revised settlement boundary for Rushall and a design brief for the land behind the council houses (Orchard View) site, and to propose any other land suitable for allocation for new housing development within a revised settlement boundary.

4. NDP policies - sequential approach and policy wording

KS advised amendments to MMNDP policies, as follows:

- Policy MM3 should make specific reference to housing land allocations and rural exception sites within policy wording;
- Reference to BREEAM Home Quality Mark should be deleted from Policy MM3 (f) because all relevant housing standards are covered by building regulations;

- Policy MM4 – Housing Infill and Policy MM5 – Housing Extensions should be deleted and the content incorporated in Policy MM3;
- Policy MM3 should be broken down into separate clearly defined sections – e.g. development within settlement boundaries, rural exception sites, open countryside, housing infill and housing extensions;
- Policy MM6 – Employment & Economy should make specific reference to protection of existing employment land (e.g. Westons, Much Marcle Garage and Graham Baker Motors), which should be identified on the relevant land allocation maps;
- Policy MM13 – Local Green Spaces should be supported by a table showing how each parcel of allocated land meets the criteria in NPPF paragraphs 76-78. Additional guidance is provided in National Planning Practice Guidance (NPPG) - <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-green-space-and-rights-of-way-2/local-green-space-designation/>

5. Proportionate housing land allocation

Overall approach taken within the Regulation 14 consultation draft NDP version 4.3 and priority given to affordable housing were discussed.

Redundant buildings

It was advised that redundant buildings proposed for re-development must be structurally sound. The assumption that 10/19 redundant buildings might be brought forward for re-development was deemed reasonable, and it was suggested that the Working Party should approach the owners to enquire about whether they would be prepared to bring forward their sites for re-development.

Affordable housing

Despite two of the potential sites (Old Pike and Hazerdine) being in social ownership, concerns were raised about the viability of delivering 1-2 units on each site.

6. What happens next?

The Independent Assessor will consider and (probably) make modifications to the Regulation 15 draft NDP. Any such modifications will not be legally binding, but the default position is usually to accept all modifications made by the Assessor.

Herefordshire Council will produce a modifications report.

MMPC will be able to consider the modifications and has the option to accept all of the modifications or withdraw the entire Plan.

If the Plan is withdrawn, it cannot be modified or a new draft Plan prepared for 2 years after withdrawal.

James Marsden
Chair, MMNDP Working Party
26 January 2017