

Much Marcle Neighbourhood Plan

Regulation 14 – Comments received November /December 2016

Please find attached additional comments from a number of Herefordshire Council service providers to the Draft Weston Beggard Neighbourhood Plan. If you have any queries regarding the comments or issues raised below, please contact the Neighbourhood Planning team in the first instance.

Herefordshire Council Internal Consultees

- **Planning Services**

Below are combined comments from the Planning teams, the comments related to the practicality of the policy in relation to development management usage and relation to general conformity with the Core Strategy and its requirements.

<u>Department</u>	<u>Comments</u>
Neighbourhood Planning 12/12/16	<p>Detailed comments have been already made prior to regulation 14 Much Marcle draft NDP in September 2016. In response to the comments made, the NDP group have accepted the majority of the comments and have amended their plan.</p> <p>Policy MM12-Could include how your Local green spaces comply with paragraph 77 of the NPPF. This will help strengthen your justification.</p> <p>I have noted you added the PSMA licence on p2. But on all of the maps you have submitted there is no PSMA licence on each maps submitted. This is required if you wish to use and publish maps for your consultation. An academic mapping licence agreement would not cover this and you may breach licence rules, so please amend these maps.</p> <p>For more information about Public Sector Mapping Agreement please follow the link below. https://www.ordnancesurvey.co.uk/business-and-government/public-sector/mapping-agreements/psma-licensing.html</p> <p>Please add the PSMA licence to all of the maps you intend to use in your consultations and publications.</p>

	Note on the presentation of the documents.																
Development Management 16/11/16	<p>DM have had an initial look at the above NDP and in particular the allocations and settlement boundaries proposed.</p> <p>With regards Much Marcle, the boundary seems sensible, but some of the allocations (next to single dwellings, or very modest groups) appear not to be so with regards connectivity etc. In particular the sites to the west of the A449 seemed to be at odds with all that the NPPF and CS promote. The reasons for their selection should be queried! I would not be happy supporting these if applications were made.</p> <p>The site to the east of Glebe Orchard is considered to have potential.</p> <p>Dobbins Pitch is an unsustainable location, in regards to highways and ecology. I am not familiar with any of the other allocated sites.</p> <p>With regards Rushall and Kynaston, I would re-iterate the view regarding the allocated sites to the west of A449 at Much Marcle. I accept that Rushall is a figure 4:15 settlement, but Kynaston is not. To allocate this number of allocated sites in such unsustainable locations would, to my mind, conflict with the NPPF and CS. I am not sure about all of the sites allocated in these 'hamlets', but in respect of Kynaston, they appear somewhat dubious. In particular the site adjacent to Bridge Cottage – a Grade II Listed Building, which was last in the ownership of the former Ward Member – Mr Sinclair-Knipe.</p>																
Planning Policy 11/11/16	<p>Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment From Herefordshire Council Strategic Planning Team Name of NDP: Much Marcle- Regulation 14 consultation draft</p> <table border="1" data-bbox="696 1082 1928 1331"> <thead> <tr> <th data-bbox="696 1082 1037 1177">Draft Neighbourhood plan policy</th> <th data-bbox="1037 1082 1263 1177">Equivalent CS policy(ies) (if appropriate)</th> <th data-bbox="1263 1082 1469 1177">In general conformity (Y/N)</th> <th data-bbox="1469 1082 1928 1177">Comments</th> </tr> </thead> <tbody> <tr> <td data-bbox="696 1177 1037 1241">MM1- Sustainable Development</td> <td data-bbox="1037 1177 1263 1241">SS1</td> <td data-bbox="1263 1177 1469 1241">Y</td> <td data-bbox="1469 1177 1928 1241"></td> </tr> <tr> <td data-bbox="696 1241 1037 1273">MM2- Renewable Energy</td> <td data-bbox="1037 1241 1263 1273">SD2</td> <td data-bbox="1263 1241 1469 1273">Y</td> <td data-bbox="1469 1241 1928 1273"></td> </tr> <tr> <td data-bbox="696 1273 1037 1331">MM3- Housing Sites</td> <td data-bbox="1037 1273 1263 1331">SS2</td> <td data-bbox="1263 1273 1469 1331">Y/N</td> <td data-bbox="1469 1273 1928 1331">Are there any assurances that the identified sites to be used for</td> </tr> </tbody> </table>	Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments	MM1- Sustainable Development	SS1	Y		MM2- Renewable Energy	SD2	Y		MM3- Housing Sites	SS2	Y/N	Are there any assurances that the identified sites to be used for
Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments														
MM1- Sustainable Development	SS1	Y															
MM2- Renewable Energy	SD2	Y															
MM3- Housing Sites	SS2	Y/N	Are there any assurances that the identified sites to be used for														

				housing are deliverable? Are they going to be available to come forward for development in the plan period?
	MM4- Housing Infill	SS2	Y	
	MM5- Housing Extensions	N/A	Y	
	MM6- Employment and Economy	SS5, E1, RA6	Y	See other comments.
	MM7- Business Premises	E2, SC1	Y	See other comments.
	MM8- Listed Buildings	LD4	Y	See other comments.
	MM9- Landscape	LD1	Y	
	MM10- Biodiversity	LD2	Y	
	MM11- Community Facilities	SC1	Y	Are there any facilities that there is an identified need or desire for in the Parish that are not currently provided, but could be sought with new development? See other comments.
	MM12- Loss of Community Facilities	SC1	Y	See other comments.
	MM13- Local Green Spaces	LD3, OS1	Y	No map found of these? May be missing from the end of the document. See other comments.
	MM14- Transport Infrastructure & Public Access	SS4, MT1	Y	See other comments.
	MM15- Broadband and Mobile Reception	N/A	Y	
	<p>Other comments: In a few cases, the wording in the policies of this plan is quite basic. The production of the plan affords the opportunity to form policies that act as a supplement to those of the Local Plan Core Strategy (LPCS) to suit the unique aspirations and needs of the Parish.</p>			

	In a few cases they appear to do little more than refer to other policies in the plan, or they repeat the criteria in the LPCS. In these cases, the issue in question is arguably covered more comprehensively by the equivalent LPCS policy. This would make these policies' inclusion in the plan seem superfluous.
Landscape / Archaeology/ conservation	No comments received
Strategic Housing 09/11/16	No detailed comments from Strategic Housing, they have stated that it all seems policy compliant.
Economic Development	No comments received
Environmental Health 10/11/16	<p>Our comments are with reference to the potential impact on the amenity – in terms of noise, dust, odours or general nuisance to residential occupants that might arise as a result of any new development and also the impact that existing activities might have on the amenity of any new residential occupiers</p> <p>In this context we recommend additional criterion to Policy MM3 on Housing Sites</p> <p>.....complement adjacent properties, would not result in loss of amenity for existing residents and where the amenity of future residential occupants is not impacted by existing development</p> <p>This is to ensure that future residential occupants are not nuisanced as a result of existing business activity. (agricultural/industrial/commercial). This is important as in the event of residents being nuisanced by business activity our department would have a duty to investigate and if a Statutory Nuisance was established, to potentially curtail or otherwise restrict the business activity.</p>
Environmental Health Air Water Waste 29/11/16	<p>I refer to the above and would make the following comments with regard to the 'Land Allocations' areas (Map 1- Rushall & Kynaston and Map 2 -Much Marcle) identified in the 'Much Marcle Parish Neighbourhood Development Plan- Regulation 14' - :</p> <p><u>Map 1: Rushall & Kynaston Land Allocations</u></p> <ul style="list-style-type: none"> • <u>'Land by the Steppes':</u> This allocated site appears from a review of Ordnance survey historical plans to have historically been used as orchards. By way of general advice I would mention that orchards can be subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination and any development should consider this.

- 'Land opposite Rushall Club':

This allocated site appears from a review of Ordnance survey historical plans to have historically been used as orchards. By way of general advice I would mention that orchards can be subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination and any development should consider this.

- 'Land and barns around Gatchapin':

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, by way of general advice 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.

Map 2: Much Marcle Land Allocations

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

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

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

The sites historic potentially contaminative use (former quarry) will require consideration prior to any development.

I would recommend any application that is submitted should include, as a minimum, a 'desk top study' considering risk from contamination in accordance with BS10175:2011 so that the proposal can be fully considered. 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.

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

This allocated site appears from a review of Ordnance survey historical plans to have historically been used as orchards. By way of general advice I would mention that orchards can be subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination and any development should consider this.

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

This allocated site appears from a review of Ordnance survey historical plans to have historically been used as orchards. By way of general advice I would mention that orchards can be subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination and any development should consider this.

- 'Land adjacent to Audley Farm':

This allocated site appears from a review of Ordnance survey historical plans to have historically been used as orchards. By way of general advice I would mention that orchards can be subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination and any development should consider this.

- 'Land beside Glebe Orchard':

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

used as orchards. By way of general advice I would mention that orchards can be subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination and any development should consider this.

- 'Dobbins Pitch':

This allocated site appears from a review of Ordnance survey historical plans to have historically been used as orchards. By way of general advice I would mention that orchards can be subject to agricultural spraying practices which may, in some circumstances, lead to a legacy of contamination and any development should consider this.

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

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

- 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.

Please note

I would recommend that any proposed sites in future NDPs are labelled in maps with clear IDs to help with referencing and identification. It would also be helpful if the maps were tilted and given a reference ID.

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

	<p>consideration as they may change the comments provided.</p> <p>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.</p> <p>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.</p> <p>These comments are provided on the basis that any other developments would be subject to application through the normal planning process.</p>
Parks and Countryside	No comments received
Education	No comments received
Transportation and Highways	No comments received
Waste	No comments received