

**Martley Parish Council,
Knightwick and Doddenham Parish Council**

Martley, Knightwick and Doddenham Neighbourhood Development Plan

A report to Malvern Hills District Council of the Independent
Examination of the Martley, Knightwick and Doddenham
Neighbourhood Development Plan

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Overall Finding

This is the report of the Independent Examination of the Martley, Knightwick and Doddenham Neighbourhood Development Plan. The plan area is the entire parishes of Martley, Knightwick and Doddenham. The plan period is 2016-2030. The Neighbourhood Plan includes policies relating to the development and use of land.

This report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements to be submitted to a referendum. It is recommended the Plan should proceed to a local referendum based on the Neighbourhood Area designated on 24 September 2013.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Martley, Knightwick and Doddenham (MKD) Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by the MKD Neighbourhood Development Plan Steering Group (the Steering Group) which is a joint committee of the Martley, and Knightwick and Doddenham, Parish Councils with lay members. The Neighbourhood Plan has been submitted by Martley Parish Council, as the lead parish council, to the Local Planning Authority, Malvern Hills District Council (the District Council) in respect of the Martley, Knightwick and Doddenham Neighbourhood Area which was formally designated by the District Council on 24 September 2013. The plan area is the entire three parishes of Martley, Knightwick and Doddenham. Martley Parish Council is a qualifying body authorised to act in relation to the neighbourhood area and able to prepare a neighbourhood plan.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Councils for submission of the plan and accompanying documents to the District Council. The District Council has submitted the Neighbourhood Plan to me for independent examination.

¹ Paragraph 183 National Planning Policy Framework 2012

Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.² The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.
6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the District Council. If 'made' the Neighbourhood Plan will come into force as part of the Development Plan for the neighbourhood area, and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area. The Housing and Planning Act requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. The Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted³.
8. I have been appointed by the District Council with the consent of the Parish Councils, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Councils and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a

² Paragraph 10 Schedule 4B Town and Country Planning Act 1990

³ Paragraph 198 National Planning Policy Framework 2012

Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

9. As independent examiner, I am required to produce this report and must recommend either:

- that the Neighbourhood Plan is submitted to a referendum, or
- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

10. I make my recommendation in this respect and in respect to any extension to the referendum area,⁴ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁵

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁶ The National Planning Practice Guidance (the Guidance) states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*”

12. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

13. One representation stated that it would be preferable that I travel along one route by bicycle. I have not found this to be necessary and have restricted my visit to the plan area to travel by car and on foot.

⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

Basic Conditions and other statutory requirements

14. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁷ A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan 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);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁸

15. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁹ All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan policies’.

16. In addition to the Basic Conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹⁰ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 (the Regulations) which are made pursuant to the powers given in those sections.

⁷ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

⁸ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁹ The Convention rights has the same meaning as in the Human Rights Act 1998

¹⁰ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

17. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 24 September 2013. A map of the Designated Neighbourhood Area (the Plan boundary) is included as Map 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹¹ and no other neighbourhood development plan has been made for the neighbourhood area.¹² All requirements relating to the plan area have been met.
18. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹³ and the Neighbourhood Plan does not include provision about excluded development.¹⁴ I am able to confirm that I am satisfied that each of these requirements has been met.
19. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁵ The front cover of the Submission Version Plan clearly states the plan period to be 2016-2030.
20. The role of an independent examiner of a neighbourhood plan is defined. One representation requested “*an oral examination where all persons involved can put forward their arguments as to why or why not the MNDP is sound where it should be putting a positive case and not a negative case as presently exists.*” I have earlier in my report stated the reason that I am not calling a hearing. I am in any case not examining the test of soundness provided for in respect of examination of Local Plans.¹⁶ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
21. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include

¹¹ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

¹² Section 38B (2) Planning and Compulsory Purchase Act 2004

¹³ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁴ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁵ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

¹⁶ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.

22. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
23. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.¹⁷

Documents

24. I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the Basic Conditions and other requirements:
- Martley, Knightwick and Doddenham Neighbourhood Development Plan Submission Plan Spring 2017
 - Martley, Knightwick and Doddenham Neighbourhood Development Plan Basic Conditions Statement
 - Martley, Knightwick and Doddenham Neighbourhood Development Plan Consultation Statement (including the accompanying Table 1, Table 2, and Table 3.
 - Martley, Knightwick and Doddenham Draft Neighbourhood Plan Strategic Environmental Assessment Screening Opinion May 2016
 - Representations received during the Regulation 16 publicity period
 - South Worcestershire Development Plan (Adopted February 2016)
 - South Worcestershire Councils Strategic Policies for the Purposes of Neighbourhood Planning document (*available on the District Council website*)
 - National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]

¹⁷ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Permitted development for householders' technical guidance DCLG (June 2016) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource DCLG (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning Act 2017
- The Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations*].
- The Neighbourhood Planning (General) (Amendment) Regulations 2015
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016

Consultation

25. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

26. A significant feature of the consultation process has been two household surveys delivered to every house in the Martley Parish in 2011 and to every house in the three parishes in 2014.

27. Open days were held in 2011, 2012 and 2014 with each attracting more than 150 attendees. Communication methods have also included use of The Villager magazine and Briefing Notes.

28. Volunteers from the local community have participated in area surveys of landscape features, views, and architectural characteristics in 2015. A period of consultation which included an exhibition staffed by authors of the emerging plan was held between 30 January and 27

February 2016. The draft plan was available on the Martley Parish Council website and hard copies were made available at the Martley Memorial Hall and Knightwick surgery and available on request from the Martley Parish Council clerk.

29. Pre-submission consultation in accordance with Regulation 14 was undertaken in the period between 5 September and 17 October 2016 and included a drop-in event and exhibition, and written consultation with bodies and organisations. Plan documents were made available on-line and in hard copy form. Responses are presented within the Consultation Statement and accompanying Consultation Tables which are provided as separate documents where responses, and amendments to the Neighbourhood Plan, are set out. The suggestions have been reflected in a number of changes to the Plan that was approved by the Parish Councils for submission to the District Council.

30. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period between 12 May and 23 June 2017. Representations from 16 different parties were submitted during the publicity period as follows:

- Malvern Hills and Wychavon District Council Officers
- Worcestershire County Council
- Historic England
- Environment Agency
- Natural England
- Highways England
- Severn Trent Water
- Coal Authority
- Tufnell Planning on behalf of Bray Family
- Land Research & Planning Associates Ltd on behalf of Bray Family
- Mr M O'Brien
- Mr C Dolphin
- Mr P Kirby
- Ms AM Gillespie
- Mr J Hyslop
- Mr R Banks

31. Responses of the Coal Authority; Highways England; Severn Trent Water; Historic England; Natural England; and the Environment Agency have not raised any issues that require consideration of modification of the Neighbourhood Plan to meet the basic conditions and other statutory requirements.

32. Malvern Hills District Council has joint working arrangements with Wychavon District Council where these are beneficial. A regulation 16 representation has been submitted with the title “Malvern Hills and Wychavon District Council Officer Comments”. As there are no other comments from the District Council I have, in my report, referred to the comments submitted as those of the District Council. The District Council representation includes a number of general points regarding the focus of some background information, and the fact that some policies, in particular MKD1, could be more concise. The representation also suggests the Policies Map should be renamed Proposals Map; that the description in paragraph 3.3.2 of the development boundary should be revised; and it is noted that significant views shown on Maps 12-14 are not included on the Policies Map. The renaming of the Policies Map is not necessary to meet the Basic Conditions. I have dealt with the other matters as appropriate when considering individual policies or in the Annex to my report.
33. In a representation Worcestershire County Council enquires whether reference should be made to Broadwas CE Primary which although not in the neighbourhood area does serve families resident in the parishes of Doddenham and Knightwick. The County Council also suggest a number of areas of policy that could be included in the Neighbourhood Plan including provision relating to compost bins, water butts, electric vehicle chargepoints, renewable energy generation including community energy schemes. The County Council also recommend reference is made to the Waste Core Strategy Local Plan (2012); the County of Hereford and Worcestershire Minerals Local Plan, and the emerging Worcestershire Minerals Local Plan. The County Council also consider references to quarries should be replaced with the term “former quarries”. None of these matters require a modification of the Neighbourhood Plan so that it meets the basic conditions and other requirements.
34. In a representation M O’Brian expresses support and approval for the Neighbourhood Plan and suggests more use could be made of the Worcestershire County Council Landscape Character Assessment Supplementary Guidance together with its Technical Manual to support the plan. The representation states “*It is to be hoped that the NDP will be adopted and ensure for the local communities involved that their opinions on the landscape features of their parishes will be respected*”. The representation also applauds the intention of the Neighbourhood Plan of ensuring protection of the Martley

Conservation Area and stresses the importance of maintaining sight of the Nubbins Quarries to the significance of the Conservation Area. The representation questions the extent of reliance on Category 1 villages to absorb housing development particularly where this will “*spoil a site of high landscape value*” and states development should not take place on best and most versatile agricultural land.

35. In a representation C Dolphin states the Neighbourhood Plan “*is deficient in providing housing for the future both for the young, the elderly and those looking for affordable homes*”. The representation also states “*it appears young and needy people have not been properly included in the decision-making process.*” A representation by Ms A-M Gillespie highlights the issue of insufficient childcare places locally and suggests preschool and primary school provision should be expanded.
36. A representation by J Hyslop states the Neighbourhood Plan focusses almost entirely on Martley; that recent development is not illustrated; that mention of a new village hall offering a wide range of services and facilities had been hoped for; that vacant office buildings need to be addressed; that the issue of depression of residents is not addressed; and that the Millennium Green is not fully utilised. There is no requirement that the Neighbourhood Plan should address these issues and it is beyond my remit to recommend modifications of the Neighbourhood Plan to include additional areas of policy.
37. In a representation P Kirby states the Neighbourhood Plan makes no practical attempt in satisfying the proven demand for housing in Martley Village and proposes land for development in order to meet Neighbourhood Plan objective 3. There is no requirement for the Neighbourhood Plan to identify development sites. I have considered the points made in respect of Policies MKD 1 (and Map 12), MKD 6, MKD 7, and MKD 9 when examining those policies later in my report.
38. A representation submitted by A-M Gillespie states support for aspects of the Neighbourhood Plan but expresses disappointment that the Neighbourhood Plan does not address the issue of poor mobile phone signal strength; considers the absence of a footway between the St Peter’s Church car park and the junction with Hollins Lane to be hazardous; and skims over the issue of a lack of childcare places for the 0-2s. There is no requirement for the Neighbourhood Plan to address these issues. The representation also includes objection to an aspect of Policy MKD3 which I consider later in my report.

39. A representation by R Banks states point 1 of Policy MKD7 contradicts point 2 of Policy MKD6 and that further contradiction is found with point 3 of MKD7. I consider the first two mentioned points are compatible and I have recommended a modification of point 3 of Policy MKD7. The representation also refers to Policy MKD8 which I refer to later in my report.
40. A representation by Tufnell Town and Country Planning on behalf of the Bray family states the Neighbourhood Plan should deal with settlement pattern in the built heritage section and housing should be included as a distinct section. The representation considers the plan should be more positively framed; is lacking in justification; should consider interrelationships with neighbouring settlements; and that there is a case for the allocation of one or more housing sites in addition to greater encouragement to windfall.
41. In preparing this report I have taken into consideration all of the representations submitted during the Regulation 16 period even though they may not be referred to in whole, or in part. Where appropriate I refer to those representations that relate to policies of the Neighbourhood Plan in the later section of my report relating to the Plan policies. It is not within my role to recommend modifications of the Neighbourhood Plan to include additional planning policies relating to matters not already covered.
42. A representation by Land Research and Planning Associates on behalf of R and M Bray has raised an issue of alleged conflict of interests of parties involved in drafting the Neighbourhood Plan. This is not a matter for my consideration. The District Council and Parish Councils should have in place complaints procedures for consideration of any matters of this nature. The issues should be raised through those procedures in the first instance. The representation also states that parts of the Neighbourhood Plan are not accurate and as importantly where it relies on evidence of proper public consultation copies of some documents have not been provided by the Parish Council when requested. I have noted the Consultation Statement dated Spring 2017 includes a great deal of detail regarding consultation undertaken in plan preparation and that details of the Regulation 14 consultation are separately available.
43. In a consultation, Government, had put forward a question as follows
“Do you agree with the introduction of a new statutory requirement (basic condition) to test the nature and adequacy of the consultation undertaken during the preparation of a neighbourhood plan or order? If

you do not agree is there an alternative approach that you suggest that can achieve our objective?" The published Government response to the consultation states *"We do not intend to take forward the proposals to introduce a new basic condition..."*¹⁸ The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:

- a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- b) Explains how they were consulted;
- c) Summarises the main issues and concerns raised by the persons consulted; and
- d) Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.¹⁹

44. The Consultation Statement and accompanying Consultation Tables include information in respect of each of the requirements set out in the Regulations. On this basis, I am satisfied the requirements have been met. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

45. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the background and supporting documents and copies of the representations provided to me.

¹⁸ Department for Communities and Local Government Neighbourhood Planning Government response to consultation December 2014 ISBN 978-1-4098-4416-7

¹⁹ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

46. I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).²⁰ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. Whilst an Equality Impact Assessment Report has not been prepared, from my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.

47. The objective of EU Directive 2001/42²¹ is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’²² as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²³

48. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council to submit to the District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required. The District Council issued a Screening Opinion in May 2016 concluding that a full Strategic Environmental Assessment (SEA) will not be required. The Screening Opinion included a statement of reasons why a full SEA report is not required. The Screening Opinion confirms that all the Statutory Consultees were consulted. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.

²⁰ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

²¹ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²² Defined in Article 2(a) of Directive 2001/42

²³ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

49. The Screening Opinion prepared by the District Council in May 2016 also considered whether or not a Habitats Regulations Assessment is required and concluded the Neighbourhood Plan does not require a Habitats Regulations Assessment to be undertaken. The assessment includes reasons for the conclusion. I have noted statutory consultation has been undertaken. On this basis, it is not necessary to undertake a full Habitats Regulations Assessment ‘appropriate assessment’ to accompany the Neighbourhood Plan.

50. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

51. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

52. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The District Council as local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).²⁴

²⁴ National Planning Practice Guidance paragraph 080 Reference ID: 41-080-20150209

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

53. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans²⁵ which requires plans to be “*consistent with national policy*”.
54. Lord Goldsmith has provided guidance²⁶ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
55. The Basic Conditions Statement includes Table 1 which I am satisfied demonstrates how the Neighbourhood Plan has regard to the 12 core principles set out in paragraph 17 of the Framework.
56. The Neighbourhood Plan includes a positive vision for Martley, Knightwick and Doddenham. This includes the statement that Martley, Knightwick and Doddenham will have “*a viable and sustainable agricultural sector and efficient local businesses*” Reference is also made to continuation of the beautiful rural landscape; provision of community facilities and services; and places to work. These statements are consistent with the underlying principles of the Framework, specifically, the need to jointly and simultaneously seek economic, social and environmental gains through the planning system. A representation by Tufnell Town and Country Planning on behalf of the Bray family states the vision includes nothing about provision of homes. There is no requirement that a Neighbourhood Plan vision should include any particular element.

²⁵ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

²⁶ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

57. The vision is supported by five objectives of the Neighbourhood Plan. These objectives refer to rural character, landscape, and settlement pattern; suitable employment opportunities; meeting housing needs; community wellbeing; and quality of life. The objectives of the Neighbourhood Plan are consistent with the core planning principles of the Framework.
58. The planning policies of the Neighbourhood Plan are grouped under topics that support the objectives of the plan namely: landscape; built heritage; settlement pattern and housing; open spaces; community life; local economy; and transport and travel. The Neighbourhood Plan includes a statement that states that implementation of the plan will be monitored and that when new issues are identified or policies are found to be out of date or in need of change then the Parish Councils will in consultation with the District Council, decide to update all or part of the plan. This approach represents good practice. The Neighbourhood Plan taken as a whole seeks to shape and direct development. This is precisely the role national policy envisages for a neighbourhood plan.
59. The Neighbourhood Plan includes six Parish Councils' Actions relating to extension of the Martley Conservation Area; extension of the Area of Outstanding Natural Beauty; preparation of a Local List of Heritage Assets; Community Assets; Promoting Rural Walking; and Transport Sustainability.
60. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on matters considered important in the local community. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The Guidance states, *"Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements."* The acknowledgement of aspiration policies, and projects in the Neighbourhood Plan, is consistent with this guidance and represents good practice. The Guidance states, *"Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex."* I recommend a modification so that the six Parish

Councils' Actions and associated supporting text are transferred to an Appendix so that the approach is consistent with the Guidance.

Recommended modification 1

Transfer the six Parish Councils' Actions and associated supporting text, to an Annex of the Neighbourhood Plan

61. A representation by Tufnell Town and Country Planning on behalf of the Bray family objects to Parish Council Action 1 that relates to a recommendation that the District Council should extend the boundaries of the Martley Conservation Area in that it is not clear what the action seeks to achieve and states Parish Council Actions 2 and 3 are not within the powers of the Plan. A representation by Land Research and Planning Associates on behalf of R and M Bray raises issues with respect to Parish Council Action 1. A designation of this nature is subject to statutory procedures whereby interested parties including landowners have opportunity to make representations before any decision is taken. It is not within my role to test the soundness of the proposed Parish Council Action.
62. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that need to *'have regard to'* national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition *"having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan."*
63. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.²⁷ The Guidance states, *"This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In*

²⁷ Paragraph 14 National Planning Policy Framework 2012

*order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions*²⁸.

64. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
65. The Framework states there are three dimensions to sustainable development: economic, social and environmental. Section 2.5 of the Basic Conditions Statement including Table 2 confirms, for each dimension of sustainability, the Neighbourhood Plan's contribution.
66. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate quality; will enhance social and economic facilities; and will protect important environmental features. In particular, I consider the Neighbourhood Plan seeks to:
- Ensure new development is in keeping with the existing settlement pattern and character, and does not harm significant views;
 - Specify circumstances for new housing development in Martley village and outside the Martley settlement boundary to be supported;
 - Ensure appropriate housing mix in new development schemes;
 - Ensure the design of new development is appropriate both within and in the setting of the Martley Conservation Area, and elsewhere;
 - Protect nine Local Green Spaces;
 - Ensure development proposals have a positive ecological effect;
 - Support development proposals that contribute to the health and wellbeing of the community;
 - Ensure key existing open space facilities are retained;

²⁸ National Planning Practice Guidance (Ref ID:41-072-20140306)

- Support proposals for new or enhanced community and leisure facilities and establish control over their loss;
- Support local employment including re-use of redundant or disused buildings for economic purposes; and
- Support provision for new communication technology.

67. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan 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)

68. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local Plans*”.²⁹ “*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies*”.³⁰

69. The Guidance states, “*A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.*”³¹

70. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan 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). The District Council has informed me that the Development Plan applying in the Martley, Knightwick and Doddenham neighbourhood area and relevant to the Neighbourhood

²⁹ Paragraph 16 National Planning Policy Framework 2012

³⁰ Paragraph 184 National Planning Policy Framework 2012

³¹ National Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20140306

Plan is the South Worcestershire Development Plan 2016 (SWDP). The District Council has provided me with a 'Strategic policies for the purposes of neighbourhood planning' document and has confirmed this is available on the District Council website. The District Council has confirmed the Allocation Policies SWDP 43 to SWDP 58 inclusive do not apply specifically to the MKD neighbourhood area. The District Council has also confirmed "*Martley is categorised as a Category 1 settlement and Knightwick as a Category 3 settlement (see Annex D of the SWDP). The only SWDP allocations in the MKD area are in Policy SWDP 59*".

71. I agree that the policies identified by the District Council as strategic are indeed strategic but I regard Policy SWDP25 Landscape Character to also be strategic as this requires all development proposals to be appropriate and integrate with the character of their landscape setting. I have proceeded with my independent examination of the Neighbourhood Plan on the basis that the Development Plan strategic policies relevant to the Neighbourhood Plan are:

- SWDP1 Overarching Sustainable Development Principles
- SWDP2 Development Strategy and Settlement Hierarchy
- SWDP3 Employment, Housing and Retail Provision Requirement and Delivery
- SWDP4 Moving Around South Worcestershire
- SWDP5 Green Infrastructure
- SWDP6 Historic Environment
- SWDP7 Infrastructure
- SWDP8 Providing the Right Land and Buildings for Jobs
- SWDP9 Creating and Sustaining Vibrant Centres
- SWDP10 Protection and Promotion of Centres and Local Shops
- SWDP12 Employment in Rural Areas
- SWDP13 Effective Use of Land
- SWDP14 Market Housing Mix
- SWDP15 Meeting Affordable Housing Needs
- SWDP17 Travellers and Travelling Showpeople
- SWDP21 Design
- SWDP22 Biodiversity and Geodiversity
- SWDP23 The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)
- SWDP25 Landscape Character
- SWDP27 Renewable and Low Carbon Energy
- SWDP28 Management of Flood Risk
- SWDP59 New Housing for Villages

72. In considering a now repealed provision that “*a local plan shall be in general conformity with the structure plan*” the Court of Appeal stated “*the adjective ‘general’ is there to introduce a degree of flexibility.*”³² The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The extent of the limit of that flexibility or elasticity is part of the planning judgement I must make.³³ The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

73. The Guidance states, “*When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.*”³⁴

My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance.

74. Consideration as to whether the making of the Neighbourhood Plan 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) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

³² Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31

³³ Judgement of J Lang High Court [18 July 2017] “R(Bewley Homes plc) v Waverley Borough Council - three property companies re Farnham Town Council NDP

³⁴ National Planning Practice Guidance Paragraph 074 Reference ID: 41-074-20140306

The Neighbourhood Plan policies

75. The Neighbourhood Plan includes 18 policies as follows:

- Policy MKD1 – Landscape Design Principles
- Policy MKD2 – Building Design Principles in Martley Conservation Area and its Immediate Setting
- Policy MKD3 – Building Design Principles outside Martley Conservation Area
- Policy MKD4 – Protecting Local Heritage Assets
- Policy MKD5 – Archaeology
- Policy MKD6 – Maintaining the Settlement Pattern in Martley, Knightwick and Doddenham
- Policy MKD7 – New Housing Development in Martley Village
- Policy MKD8 – New Housing Development Outside the Martley Settlement Boundary
- Policy MKD9 – Housing Mix
- Policy MKD10 – Local Green Spaces
- Policy MKD11 – Providing Green Infrastructure to support Local Biodiversity
- Policy MKD12 – Promoting Health and Wellbeing
- Policy MKD13 – Providing, Enhancing and Protecting Recreation Open Space
- Policy MKD14 - Providing and Protecting Local Community Facilities
- Policy MKD 15 – Re-use of Redundant or Disused Buildings for Economic Uses
- Policy MKD16 – Supporting Local Employment
- Policy MKD17 – Supporting New Communication Technologies
- Policy MKD18 – Transport Management

76. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.”* *“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*³⁵

³⁵ Paragraphs 184 and 185 National Planning Policy Framework 2012

77. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”³⁶

78. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.³⁷

79. “A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”³⁸

80. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered whether there are any inter-relationships between policies that are relevant to my remit. I have concluded that it is appropriate for me to consider each of these policies individually.

Policy MKD1 – Landscape Design Principles

81. This policy seeks to establish design principles so that new build development does not have a detrimental impact on the landscape

³⁶ National Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306

³⁷ National Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

³⁸ National Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20140306

82. A representation by P Kirby states the views from points 2 and 3 identified on Map 12 do not justify the extra protection afforded by the policy and suggests these should be compared with other views. A representation by Tufnell Town and Country Planning on behalf of the Bray family questions the descriptions of “*significant local landscape features*” and “*significant views*” and states the policy is too prescriptive and complex. The representation also raises a number of questions regarding Maps 12 and 13 showing significant views and states justification is absent.
83. The District Council states “*MKD1 tries to address too many different issues. The policy is seeking to protect 25 Significant Views, address design and layout, boundary treatments, protect undefined biodiversity assets, protect trees, address the possible development of polytunnels, glasshouses and solar farms, encourage sustainable drainage systems and protect a range of geological and landscape features. As currently drafted, it is considered that MKD1 does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency, as required by paragraphs 17 and 154 of the Framework. There is also a lack of robust, proportionate, evidence to support the approach proposed in relation to many issues covered in MKD1. Policy MKD1 says that “all new development proposals must demonstrate the following:”. Is the intention of the policy to apply to all development proposals, irrespective of size and location? The policy does not say how applicants should demonstrate that their proposals have regard to MKD1 (1) to (8).*”
84. Policy MKD1(1) seeks to minimise the adverse impact of new development on 25 Significant Views identified in Appendix 1 and on Maps 8, 12 and 13. Whilst national and local planning policy protects local character, it does not provide or protect a “right to a view.” Consequently, land use planning policies relating to key vistas, intrinsic to local character, need to be carefully and appropriately worded. Planning policies can seek to protect specific views where this is justified in the wider public interest (for example from a public footpath, right of way, roadside, or other publically accessible land). A clear justification needs to be provided for the protection of each view. It is important that the views and vistas to which policies and proposals apply are clearly identified in order to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraphs

17 and 154 of the Framework. The inclusion of Maps 8, 12 and 13³⁹ and photographs taken from viewpoints is a helpful feature of the Draft MKD Plan providing additional clarity to assist decision making. The policy proposes that development within these views could be supported subject to careful siting, design and development being of an appropriate scale.

85. MKD1(2) seeks to ensure that the design and layout of new development is in keeping with the scattered settlement character of the villages and hamlets. The supporting evidence for MKD1(2) appears to be paragraph 4.17 but the justification for what is proposed appears to be weak. It is considered that MKD1(2) lacks sufficient clarity for a decision maker to apply it consistently and with confidence when determining planning applications.
86. MKD1(3) encourages boundary treatments across the MKD neighbourhood area involving, where appropriate, hedges of native species, reclaimed brick or sandstone walls. The rationale for the MKD1(3) appears to be based on Martley Conservation Area Appraisal and Worcestershire Landscape Character Assessment (paragraph 4.14C). Without more specific references, the policy could be considered aspirational and not supported by evidence.
87. The purpose of MKD1(4) appears to be to enhance local landscape character. MKD1(4) seeks to ensure that new development takes local landscape character into account in order to protect and enhance the 3 landscape character areas covering the MKD area. Concerns about MKD1(4) include:
- Planning Practice Guidance says that policies should be concise and precise.
 - The landscaping proposals are considered to be aspirations rather than policy and unlikely to be delivered as a result of development proposals.
 - It is not clear how the policy will be applied.
- In brief, clear justification is required and the policy needs sufficient clarity for a decision maker to apply it consistently and with confidence when determining planning applications.
88. It is considered that the rationale for SuDS is to minimise flood risk, rather than it being a landscape design issue.
89. MKD1(8) seeks to protect 8 local landscape features and their settings and views towards these features. It is unclear how applicants should

³⁹ I have noted and taken into consideration the identification of significant views around Knightwick Village also (presented on Map 14 of the Neighbourhood Plan)

demonstrate that their proposals have regard to MKD1 (8), making it difficult for a decision maker to apply it consistently and with confidence when determining planning applications.”

90. Part 2 of the Policy seeks to establish design principles in respect of settlement character. Policy MKD6 relates to maintaining the settlement pattern in Martley, Knightwick and Doddenham; Policy MKD7 relates to new housing development in Martley; and Policy MKD8 relates to new housing development outside the Martley settlement boundary. It is unnecessary and confusing for Policy MKD1 to also seek to establish design principles relating to settlement character. I recommend deletion of this aspect of the Policy so that the Neighbourhood Plan as a whole provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
91. It is unnecessary for the policy to specify “*where planning permission is required*” as all the Neighbourhood Plan policies only apply in those circumstances. Parts of the policy do not provide a basis for decision making for example, “*particular attention should be given*”. The policy does not have sufficient regard for national policy in that it seeks to influence matters, for example field patterns, that are beyond planning control. National policy does not recognise the concept of a setting of a geological or landscape feature. Significant views are in any case identified in the policy. The policy duplicates the approach of national policy to the conservation and enhancement of the historic environment. It is unnecessary and confusing for part 4 of the policy to refer to other documents and strategic policies, and use of the term “*where appropriate*” does not provide a basis for decision making. The policy includes a number of components that are insufficiently concise; include unnecessary prescription; are not adequately justified, for example use of “*reclaimed brick*”; or are not adequately defined, for example “*favour, where appropriate*”, “*natural features*”, “*features of importance*” and “*seek to minimise*”. The policy does not provide the clarity necessary to achieve a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended modification in these respects.
92. It is clear from the text of paragraph 4.15 and the contents of Map 6 of the Neighbourhood Plan that Knightwick Limestone Quarries should have been included in the policy as a significant local geological and landscape feature. It is also clear Map 7 should not be referred to in the policy. I recommend a modification in these respects. The

selection of significant views is a matter that is appropriate for local determination. The use of photographs to supplement descriptive text is helpful in achieving clarity and justifying the choices made. Policy MKD1 does not refer to significant views around Knightwick identified on Map 14. It is clear to me from the contents of Appendix 1 that the intention is that the policy should refer to those views also. I recommend a modification in this respect. Although limited in nature the evidence to support requirements regarding boundary treatment; loss of trees and hedgerows; control over poly-tunnels, glasshouses and solar farms; and protection of local geological and landscape features is adequate. My visit to the plan area has reinforced this conclusion.

93. I agree with the District Council that that the rationale for sustainable drainage systems is to minimise flood risk, rather than it being a landscape design issue. Part 7 of the policy includes the imprecise term “*the most recently adopted national and local standards*”. Policy SWDP29 of the South Worcestershire Development Plan, although not regarded by the South Worcestershire Councils as strategic for the purposes of neighbourhood planning, is very clear in stating “*Given the wide range of SuDS techniques available (which are set out in Table 9 of the SWDP) there is a sustainable drainage solution to suit all sites*”. Part 7 of Policy MKD1 does not provide an additional level of detail and/or a distinct local approach to that set out in Policy SWDP29. Inclusion of the term “*where possible*” sets Policy MKD1 in conflict with Policy SWDP29. Conflict between parts of the Development Plan is counter to the achievement of a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I recommend Part 7 of the policy is deleted.

94. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016 and in particular strategic policies SWDP22 and SWDP25. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 2:

Replace Policy MKD1 with “To be supported development proposals must:

- 1. demonstrate they are sited, designed, and of a scale so as not to substantially harm the Significant Views when seen from locations that are freely accessible to members of the general public, listed in Appendix 1 and identified on Maps 12, 13 and 14;**
- 2. include boundary treatment of hedges, sandstone walls, or bricks that match those used in the locality;**
- 3. demonstrate landscaping proposals are suitable for the setting, and any loss of ancient woodland, aged or veteran trees, or established hedgerows, is necessary and that the benefits of development in that location clearly outweigh the loss;**
- 4. demonstrate any poly-tunnels, glasshouses and solar farms cannot viably utilise brownfield sites or lower value agricultural land, and are sited and screened to avoid significant harm to residential or visual amenity;**
- 5. protect from development the local geological and landscape features identified on Map 6 at Ankerdine Common; Berrow Hill; The Nubbins; The Millennium Green; Martley Rock; Penny Hill Quarry; Kingswood Weir; Rodge Hill; and Knightwick Limestone Quarries.”**

Appendix 1 should be revised to only include the Significant Views to which Policy MKD1 applies namely:

- Martley Conservation Area views 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 14, 15,16, and the unnumbered view south from the Parish Church across Millennium Meadow and across to the ridge line and Hopehouse Farm;**
- outside Martley Conservation Area views 1, 2, 3, and 4; and**
- around Knightwick Village views 1,2 and 3.**

All of these views should be identified on Maps 12, 13 and 14 only and all should be shown to be seen from locations that are freely accessible to members of the general public.

Policy MKD2 – Building Design Principles in Martley Conservation Area and its Immediate Setting

95. This policy seeks to establish design principles for all new development within the Martley Conservation Area and its immediate setting.
96. A representation objects to the specification of building materials outside the Conservation Area stating cases should be judged on their merits. A representation by Tufnell Town and Country Planning on behalf of the Bray family objects to parts 1, 3 and 4 of the policy, stating the policy is over prescriptive; without due justification; contrary to positive planning; and not sound.
97. The District Council suggests in relation to building design “*the Parish Council could prepare a Village Design Statement to inform the implementation of the policies and provide additional guidance for applicants and the decision maker*”. I have not proposed a modification in this respect as it is not necessary to meet the basic conditions. The District Council has also queried the applicability of part 5 of the policy as often boundary treatments are permitted development. The policy will only apply where planning permission is required. There may be instances where landscaping conditions of planning permissions may be applied and in those cases the requirement to utilise native species would apply.
98. The policy refers to “*local materials*” and “*suitable local materials*”. These terms do not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. Whilst use of the term “*the locally prevailing building pattern*” is appropriate in part 3 of the policy that relates to siting, it is not appropriate to refer to “*pattern*” in part 2 of the policy where a wider range of design issues are referred to. Policy MKD1 deals with significant views. Reference to significant views in a second policy is counter to the achievement of a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification in these respects.
99. The policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016 and in particular strategic policies SWDP1; SWDP6; and SWDP21.

100. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. A Conservation Area is a designated heritage asset. The Framework sets out at paragraphs 131 to 134 the approach to be adopted in respect of designated heritage assets and at paragraph 137 states “*Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance and better reveal their significance*”. The first, fourth and sixth parts of the policy do not have sufficient regard for the balanced approach to proposals leading to substantial harm or less than substantial harm to designated heritage assets set out in the Framework. I recommend those parts of the policy are deleted. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy MKD2

- **delete part 1**
- **in part 2:**
 - **delete “pattern” and insert “character”**
 - **after “proportion” insert “, materials,” and delete “Use of local materials is encouraged”**
- **in part 3 delete “village” and insert “conservation area and immediate surroundings”**
- **delete part 4**
- **in part 5 delete “suitable local materials” and insert “materials that match those used in the locality”**
- **delete part 6**

Policy MKD3 – Building Design Principles outside Martley Conservation Area

101. This policy seeks to establish design principles for all new development outside the Martley Conservation Area.

102. A representation by A-M Gillespie objects to the specification of building materials outside the Conservation Area stating cases should be judged on their merits and that new suitable materials may become available during the plan period. I have recommended a modification in this respect so that the policy avoids unnecessary prescription as

required by paragraph 59 of the Framework, whilst reinforcing local distinctiveness in accordance with paragraph 60 of the Framework. A representation by Tufnell Town and Country Planning on behalf of the Bray family generally supports the policy but considers it to be over prescriptive.

103. The District Council suggests in relation to building design “*the Parish Council could prepare a Village Design Statement to inform the implementation of the policies and provide additional guidance for applicants and the decision maker*”. I have not proposed a modification in this respect as it is not necessary to meet the basic conditions. The District Council has also queried the applicability of parts 5 and 6 of the policy as street lighting and driveways and gates are often permitted development. The policy will only apply where planning permission is required. There may be instances where conditions of planning permissions may apply to these elements of a scheme and in these cases the requirements would apply. The District Council make a separate point that specification that gates should be “*of traditional wooden or metal field design*” is very prescriptive and without supporting evidence to justify such an approach. I agree that this element of the policy is over prescriptive in terms of paragraph 59 of the Framework and lacking in sufficient evidence to demonstrate promotion of local distinctiveness referred to in paragraph 60 of the Framework. This element of the policy does not have sufficient regard for that aspect of the Guidance that states “*Proportionate, robust evidence should support the choices made and the approach taken*”. I have therefore recommended a modification in this respect.

104. Policy MKD1 deals with significant views. Reference to significant views in another policy is counter to the achievement of a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. Part 2 of the policy requires new buildings to follow a consistent design approach however this may be inappropriate where schemes are to be designed to fit in with “*the grain of the surrounding area.*” Whilst specification of boundary treatments in Policy MKD1 is justified in the context of local distinctiveness the specification of very precise building materials is not justified and is unnecessarily prescriptive and does not have sufficient regard for paragraph 59 of the Framework. Part 3 of the policy includes the imprecise terms “*environmentally responsible sources*”, “*energy saving materials*” and “*materials of high quality*” and use of the term “*encouraged*” does not provide a basis for decision making. It is inappropriate to refer to an entire document as occurs in

part 4 of the policy. In part 5 of the policy the requirement that lighting should be “*limited so that it does not lead to light pollution*” is imprecise and it is unclear what form of lighting will “*ensure*” public safety. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

105. The policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016 and in particular strategic policies SWDP1 and SWDP21. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with requiring good design and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 4:
In Policy MKD3**

- **in part 1 delete “and impact on any significant wider landscape views”**
- **delete part 2**
- **delete part 3**
- **in part 4 delete the final sentence**
- **delete part 5**
- **in part 6 delete “and be of traditional wooden or metal field design”**

Policy MKD4 – Protecting Local Heritage Assets

106. This policy seeks to ensure non-designated heritage assets on the proposed local list are protected or enhanced. A non-designated asset is one identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest.

107. The District Council has stated the policy should only seek to protect heritage assets on the Local List not proposed assets and “*it is considered appropriate for the Parish Council to nominate non-designated heritage assets for consideration in the MHDC Local List SPD through the Neighbourhood Plan process.*” The District Council suggests proposed non-designated heritage assets could be identified in an Appendix to the Neighbourhood Plan with a short explanation of the significance of each asset based on the adopted Local List SPD

criteria. Whilst this course of action would have been appropriate as part of the plan preparation process it would not be appropriate to identify assets at this stage when all opportunities for interested parties to make representations have passed. Without identification of specific assets, the policy does not add anything to strategic policy and the approach of the Framework. Duplication of policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I propose the policy should be deleted. I have earlier in my report recommended the Parish Council Action 3 Preparation of a Local List of Heritage Assets, along with the other proposed Parish Council actions, should be transferred to an annex of the Neighbourhood Plan.

**Recommended modification 5:
Delete Policy MKD4. The supporting text should be transferred to an annex containing Parish Council Actions**

Policy MKD5 – Archaeology

108. This policy seeks to establish that development proposals in areas shown on the Worcestershire Archive and Archaeological Service Historic Environment Record Maps should take account of known surface and subsurface archaeology and ensure unknown and potentially significant deposits are identified and appropriately considered during development.
109. The District Council has stated *“it is suggested that it might be possible to take account of potentially significant deposits, based on evidence of the potential, but it is not possible to take account of unknown deposits”*. The District Council also suggest that a map showing sites of known archaeological interest be included in the Neighbourhood Plan to assist applicants and decision makers. Whilst this course of action would have been appropriate as part of the plan preparation process it would not be appropriate at this stage to identify assets when all opportunities for interested parties to make representations have passed. Without any identification of specific assets, the policy does not add anything to strategic policy and the approach of the Framework. I propose the policy should be deleted but that the matter should be retained within the Neighbourhood Plan through inclusion as a Parish Council Action.

Recommended modification 6:

Delete Policy MKD5. The policy and supporting text should be reworded as a Parish Council action, to identify sites of archaeological interest, and transferred to an annex containing Parish Council Actions

Policy MKD6 – Maintaining the Settlement Pattern in Martley, Knightwick and Doddenham

110. This policy seeks to ensure that the existing settlement pattern of scattered dwellings with open spaces, varied styles and irregular layouts is maintained. The policy also seeks to limit developments to less than six houses and establish other design principles.
111. The District Council states “*the intention to maintain existing patterns (or lack of them) is laudable in principle, but in practice it does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency in accordance with paragraphs 17 and 154 of the Framework*”. The District Council also states that maintaining the existing settlement pattern may have merit in landscape terms, but other dimensions of sustainable development (economic and social) may also be relevant and it is not clear whether the policy relates to development within or outside the development boundary. The District Council also question whether there is evidence to support the 5-dwelling threshold and identify the implication for affordable housing provision.
112. In a representation R Banks objects to the policy on the basis it will stop any future “*sensible sized expansion of Martley*” and that scattering new small development away from the Category 1 settlement of Martley must surely be against national planning policy. The representation also considers larger sites of “*say 15 to 30 units will fulfil housing need and enable a better housing mix*”. The representation states there is a very definite demand for both market and affordable housing in the village and also states the requirement for new development to not adversely affect amenity is too restrictive. A representation by Tufnell Town and Country Planning on behalf of the Bray family states the policy is over prescriptive and unacceptably prohibits development. The representation also describes recent developments in Martley as a “*catch up*”.
113. A representation by Land Research and Planning Associates on behalf of R and M Bray states the Neighbourhood Plan “*is seriously*

defective in several parts especially the provision of sufficient housing in the future taking into account the deficit in the MHDC area of nearly 3000 houses and that Martley as a Category 1 village with more than sufficient facilities to accommodate and serve many more houses.” In a representation P Dolphin has stated the Neighbourhood Plan “*is deficient in providing housing for the future both for the young, the elderly and those looking for affordable homes.*” In proposing development of a site adjacent to the south-west boundary of Martley south of the recreation field and to the west of Hastings Close, P Kirby states this site could provide a phased mix of housing that can fulfil the criteria of Policy MKD9 with the removal of the site size limitation of Policy MKD 6. The representation states the development boundary is so tightly drawn there is little or no prospect of new housing development and that new development mostly in the form of the Crown Meadow do not meet identified need.

114. A representation by Land Research and Planning Associates on behalf of R and M Bray states the description “*scattered development*” is not accurate as “*Martley is made up of at least two substantive housing estates*”. The representation also states the restriction of the “*number of houses to six at any one time*” is made “*in the knowledge that a planning application has been running since September 2016 when validated by MHDC.*” I have earlier in my report stated that any complaint with respect to any alleged conflict of interest of parties involved in plan preparation is not a matter for my consideration but should in the first instance be raised through the complaints procedures of the District or Parish Council.

115. Whilst a representation states a case, including identification in SHLAA reports, for development of specific land it is not within my role to recommend modification of the Neighbourhood Plan to propose development of sites. The South Worcestershire Development Plan makes provision for approximately 28,400 dwellings and specifically made provision for Category 1 Village allocations of 65 dwellings on two sites (adjacent to The Crown and adjacent to the Primary School) in Martley. The Neighbourhood Plan states that “*in addition there have been further planning approvals for 39 dwellings in Martley since 2013/14*” and that “*in light of this, it is considered that there is no immediate need to identify sites for further development in Martley, Knightwick and Doddenham within the Neighbourhood Plan.*” The policies of the Neighbourhood Plan do not prevent all new housing development but seek to shape and direct development within the context of the provision made by the South Worcestershire Development Plan.

116. The Policy seeks to limit development to be small in scale, and specifically less than six houses. I have noted strategic policy makes provision for affordable housing at all sizes of site in that SWDP15 requires sites of 5 to 9 dwellings to provide 30% affordable units on site, and on sites of less than 5 dwellings a financial contribution to local affordable provision is required. The Guidance states *“Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”*.⁴⁰ The Neighbourhood Plan does not adequately justify the limit of less than six houses on the size of developments. I recommend a modification in this respect.
117. The imprecise terms *“retain the open spaces surrounding settlements”* and *“unacceptable loss of open spaces which are characteristic of the dispersed and scattered settlement pattern”* do not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification in this respect. I have also recommended the term *“to continue the existing settlement pattern of scattered dwellings”* is not utilised as I consider this to be not in general conformity with strategic policy SWDP2 which requires development in the open countryside to be strictly controlled. The term *“scattered dwellings”* also does not have sufficient regard for the approach of the Framework which seeks to avoid isolated home in the countryside unless there are special circumstances. I have also recommended a modification so that the policy refers to significant adverse effect on residential amenity as the term adverse effect on *“privacy and outlook”* is imprecise and in the use of the word *“outlook”* appears to assign a status to a private view that is not recognised in planning law.
118. I recommended a modification to Policy MKD6 to refer to new build development that will avoid a conflict with Policy MKD15 with respect to a proposal for re-use of a redundant or disused building for six or more homes so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
119. The policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016 and in particular strategic policy SWDP21.

⁴⁰ National Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; requiring good design; and conserving and enhancing the natural environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 7:

In Policy MKD6

- **delete the text before the bullet points and insert “To be supported development proposals must meet the following settlement design principles:”**
- **replace point 1 with “Proposals for new build residential development must demonstrate their scale (in terms of number of dwellings) responds to local character and development history; and reinforces local distinctiveness in particular including open spaces between buildings, and irregular layouts.”**
- **In point 3:**
 - **delete “adversely affect the amenity of neighbouring properties by way of privacy and outlook” and insert “significantly adversely affect the residential amenity of neighbouring properties”**
 - **delete “will not result in the unacceptable loss of open spaces” and insert “will reinforce local distinctiveness through incorporation of open spaces”**

Policy MKD7 – New Housing Development in Martley Village

120. This policy seeks to establish support for new development within the Martley village development boundary, providing it is infill or the conversion, re-use or extension of an existing building, and does not lead to loss of community or recreation facilities or local employment opportunities.

121. The District Council states *“As background to MKD7, the SWDP makes provision for around 28,400 dwellings to meet this need, including 65 in Martley (51 on land adjacent to The Crown and 14 on land adjacent to the Primary School). In addition, there have been further planning approvals for 39 dwellings in Martley since 2013/14. In light of this, it is considered that there is no immediate need to identify*

sites for further development in Martley, Knightwick and Doddenham within the Neighbourhood Plan. The Framework stipulates that Plans should be positively framed it does not require new or additional policies where local needs can be shown to be already met. Notwithstanding the above, Policy MKD7(1) and MKD7(3) provide flexibility and support development within the development boundary, providing it accords with other policies in the Plan and SWDP. Policy MKD7(1) and MKD7(3) are considered to be in general conformity with the strategic policy SWDP 2 (Development Strategy and Settlement Hierarchy). SWDP 2 focuses most development on the urban areas where both housing needs and accessibility to lower-cost public services are greatest. SWDP 2B says windfall development proposals will be assessed in accordance with the settlement hierarchy. Martley village is identified as a Category 1 settlement in the hierarchy. The role of Category 1 settlements in the SWDP is predominately aimed at meeting locally identified housing and employment needs. The SWDP identifies a development boundary for Martley. The development boundary includes sites allocated for development outside and adjoining an existing settlement boundary (including SWDP 59/12 and SWDP59k). Where a housing allocation is not coterminous with the development boundary, it has not been included in the boundary. The Neighbourhood Plan proposes to update the development boundary, generally applying the principle adopted in the SWDP. Map 3 shows the proposed revised development boundary for Martley including SWDP allocations coterminous with the development boundary and subsequent planning approvals coterminous with the development boundary. It is noted that the Neighbourhood Plan also proposes a new development boundary to include The Orchards and the SWDP 59k allocation.”

122. A representation by P Kirby states the policy when combined with a tightly drawn settlement boundary leaves little or no prospect of new housing development during the plan period. A representation by Tufnell Town and Country Planning on behalf of the Bray family refers to the Martley village development boundary and states the Neighbourhood Plan should “*not prohibit otherwise sustainable development which is at a scale commensurate with this Category 1 settlements needs and status*”. The representation makes reference to a Supreme Court ruling [2017] UKSC37 as a material change in the law since the time of adoption of the SWDP. The representation goes on to state “*development boundaries must not be too tightly drawn.*” The representation also states the policy is negative and over prescriptive; that there is no justification to limit development to infilling

or conversion; and that the plan should consider the costs and benefits of a group village approach.

123. The Supreme Court judgement given on 10 May 2017 is most helpful in understanding the proper interpretation of paragraph 49 of the Framework, and that the Framework cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. I have noted the representation of the District Council that taking into account strategic allocations, and other planning permissions, that there is no immediate need to identify sites for further development in Martley, Knightwick and Doddenham within the Neighbourhood Plan. Local housing need can be shown to be met. I also note Policies MKD7 and MKD8 do not place any cap on the amount of new housing provision that can be made respectively, within and outside, the Martley settlement boundary during the plan period.
124. Part 2 of Policy MKD7 refers to loss of community or recreation facilities. Policies MKD10, MKD13, and MKD14 relate to these matters. Strategic Policy SWDP12 includes provision relating to the protection of existing employment sites. It is confusing and unnecessary for Policy MKD7 to include provision relating to the same matters. I recommend part 2 of the policy is deleted.
125. It is also unnecessary and confusing for a policy to refer to other relevant policies of the Neighbourhood Plan and of the South Worcestershire Development Plan as the Development Plan should be read as a whole. I have recommended a modification in this respect.
126. The policy refers to the “*Martley village development boundary*” however Map 3, which is referred to in the policy, uses the term “*settlement boundary*”. I recommend a modification to the key to Map 3 so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
127. The policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016 and in particular strategic policy SWDP2. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; requiring good design; and conserving and enhancing the natural environment.

Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 8:

Replace Policy MKD7 with “New infill housing development, and conversion, re-use or extension of an existing building for residential use, will be supported within the Martley village development boundary defined on Map 3.”

In the key to Map 3 delete “settlement boundary” and insert “Martley village development boundary”

Policy MKD8 – New Housing Development Outside the Martley Settlement Boundary

128. This policy seeks to establish that new housing development in the open countryside will only be supported under specified circumstances. The policy provides flexibility for new development for use by rural workers, rural exception sites, replacement dwellings, house extensions and conversions.
129. The District Council states *“Policy MKD8 seeks to strictly control housing development in the open countryside. The policy provides flexibility for new development for use by rural workers, rural exception sites, replacement dwellings, house extensions and conversions. Paragraph 55 of the Framework says that local planning authorities (and this applies to neighbourhood plans) should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work. Policy MKD7 provides a clear local interpretation of SWDP 2C as it relates to housing development in the open countryside. Reference is made in the supporting text to SWDP 16 (Rural Exception Sites), SWDP 18 (Replacement Dwellings in the Open Countryside), SWDP 19 (Dwellings for Rural Workers).”*
130. A representation states point 1 of the Policy is not workable and should be removed on the basis that *“there is little to no room to develop within the settlement boundary of Martley so effectively this is saying that no proposed housing will ever be supported unless for a rural worker”*. A representation by Tufnell Town and Country Planning on behalf of the Bray family raises an objection to the policy and states the requirement for onsite affordable housing provision (small sites) exceeds the national policy position which would require special justification. Other representations referred to in my consideration of

Policy MKD7 are relevant to Policy MKD8 and I have taken them into consideration when examining this policy.

131. The policy refers to the Martley village development boundary. The term “*development boundary*” is utilised in the South Worcestershire Development Plan however the policy title, and the key to Map 3 which is referred to, uses the term “*settlement boundary*”. I have, when considering Policy MKD7, recommended a modification the key to Map 3. I recommend a modification to policy title MKD8 so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have, in the annex to my report, also recommended all references to ‘settlement boundary’ in general text should be adjusted to refer to ‘development boundary’ for the same reason.
132. Paragraph 54 of the Framework recognises rural exception sites may be an appropriate mechanism in planning for housing development that meets local needs.
133. It is unnecessary and confusing for a policy to refer to other relevant policies of the Neighbourhood Plan and of the South Worcestershire Development Plan as the Development Plan should be read as a whole. I have recommended a modification in this respect.
134. Paragraph 55 of the Framework sets out special circumstances where new isolated homes in the countryside may be acceptable. I have recommended a modification so that Policy MKD8 more clearly has regard for national policy in respect of proposals that may secure the future of a heritage asset, or which are of exceptional quality or a truly innovative design.
135. The policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016 and in particular strategic policies SWDP2, SWDP16, SWDP18, and SWDP19. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; and conserving and enhancing the natural environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 9:

In Policy MKD8 replace part 4 with “Securing the future of a heritage asset, or is of a design that is of exceptional quality or truly innovative.”

In the Policy title delete “Settlement Boundary” and insert “Development Boundary”

Policy MKD9 – Housing Mix

136. This policy seeks to encourage housing proposals of five or more dwellings to provide a mix of housing sizes, types and tenures. The policy identifies types of development that will be encouraged.
137. The District Council states *“Policy MKD9 encourages housing proposals of 5+ dwelling to provide a mix of housing sizes, types and tenures without setting out what specific mix would be required. It should be noted that SWDP 14 (Market Housing Mix) only relates to developments of 5+ dwellings (and Policy MKD6 proposes that new developments be a maximum of 5 dwellings). There appears to be a conflict between Policy MKD6 which only supports new development with a maximum 5 new dwellings and MKD9 which relates to residential development of 5+ dwellings. As currently worded, it is considered that the policy is insufficiently precise to provide clarity for prospective developers and decision makers. Paragraphs 6.18 – 6.19 indicate an unmet need for smaller dwellings for elderly people and land for self-build houses. The neighbourhood plan does not, however, clearly indicate where this need is likely to be met in the three parishes”.*
138. A representation made by P Kirby identifies a site where housing to the mix specified in the policy could be provided. A representation by Tufnell Town and Country Planning on behalf of the Bray family states that due to lack of land within the development boundaries there will be a conflict with other emerging policies including MKD7 and MKD8.
139. The Neighbourhood Plan does not allocate sites for housing development, however, there is no requirement that it should. Strategic policy SWDP14 establishes a requirement for residential development of five or more dwellings to contain a mix of types and sizes of market housing having regard to location, site size, and scheme viability. The reasoned justification for that policy does not explain the threshold of five or more dwellings. I have earlier in my report concluded that the intention of Neighbourhood Plan Policy MKD6 to limit developments to

less than six dwellings is not adequately justified and should be deleted. Nevertheless, the interplay of the characteristics of the Neighbourhood Area and the other Neighbourhood Plan policies seeking to shape development are such that any planning permissions granted are likely to be small in scale. Adequate evidence of local housing need has been presented to justify the requirement that all proposals should demonstrate how they will contribute to meeting local housing need. I consider such an approach would be in general conformity with the strategic policy. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016 and in particular strategic policy SWDP14.

140. Encouragement does not provide a basis for determination of planning proposals. I have recommended a modification in this respect so that the policy will provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

141. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes and supporting sustainable transport. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 10:

In Policy MKD9 replace the text before the bullet points with “To be supported development proposals for new homes must demonstrate how they meet local housing need, in particular for:”

Policy MKD10 – Local Green Spaces

142. This policy seeks to establish 9 Local Green Spaces to be protected from development except in very special circumstances. The identified Local Green Spaces are:

1. Chantry Academy Conservation Area;
2. Millennium Green;
3. Badger Green;
4. Hollins Lane banks;
5. Martley Playing Field;
6. Crown Orchard;

7. Hopyards Green;
8. Crown Meadow;
9. Ankerdine Common.

143. The District Council states *“In relation to Ankerdine Common, it should be noted that paragraph 77 of the Framework says that the Local Green Space designation should be reasonably close proximity to the community that it serves. It should also be noted that the law restricts the kind of activities that can be carried out on commons. It is noted that proposed Local Green Spaces 6, 7 and 8 are either within or adjacent to the new Crown Meadow development. Paragraph 77 of the Framework says that Local Green Space designation should only be used where the green area is demonstrably special and holds a particular local significance, for example because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife.”*
144. A representation by Tufnell Town and Country Planning on behalf of the Bray family questions what benefit would accrue as a result of some designations for example of Ankerdine Common and the Recreation Ground where other controls and protections exist.
145. The wording of the policy reflects the terms of the designation set out in paragraph 76 of the Framework where it is stated communities will be able to rule out development other than in very special circumstances.
146. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.”*
147. In respect of the areas intended for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended designations have regard to the local planning of sustainable development contributing to

the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

148. The proposed Local Green Spaces are presented on Map 3 and Map 10 of the Neighbourhood Plan. I find it is possible to identify with accuracy the precise boundaries of the areas for designation but in some instances, this is only possible once confirmed through a visit to the site. For a designation with important implications relating to development potential it is essential that precise definition is achieved. I recommend maps are included in the Neighbourhood Plan at sufficient scale to identify the precise boundaries of each Local Green Space proposed for designation.

149. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.”⁴¹*

I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.

150. I now consider whether there is sufficient evidence for me to conclude that the nine areas proposed for designation as Local Green Space are demonstrably special to a local community and hold a particular local significance. The Neighbourhood Plan sets out in Table 2 the justification for the designations. These descriptions of special qualities and local significance are extremely brief.

151. I have visited each of the areas proposed for designation. I have given particular consideration to the area listed as Hollins Lane banks which gives the impression of being highway verge. This area because of its relationship to residential properties may well be used by local children as a safe play area although my visit during the summer school holidays did nothing to confirm this. With respect to those areas

⁴¹ Paragraph 77 National Planning Policy Framework 2012

either within or adjacent to the new Crown Meadow development referred to in the District Council representation I note the reference in the Framework is to ‘a’ community rather than ‘the’ community. I take the view that a community can be limited in number or limited in spatial distribution. Whilst the Framework sets out examples of reasons why an area may be demonstrably special and hold a particular significance those are not requirements. I can accept the green space areas within or adjacent to the Crown Meadow estate are demonstrably special to a local community and hold a particular local significance at least to some residents of that area. Taking into account the justifications presented in Table 2 of the Neighbourhood Plan I conclude each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.

152. I find all the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 76 and 77 of the Framework concerned with the identification and designation of Local Green Space. The policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016. Subject to the recommended modification the policy has regard to the components of the Framework relating to Local Green Space designation. I consider that subject to the modification recommended this policy meets the basic conditions.

Recommended modification 11:

In support of Policy MKD10, maps should be included in the Neighbourhood Plan at sufficient scale so that it is possible, with certainty, to identify the precise boundaries of the areas of land proposed for designation as Local Green Space

Policy MKD11 – Providing Green Infrastructure to support Local Biodiversity

153. This policy seeks to encourage all new development to include ecological enhancements as part of landscaping and building design. Enhancements that could be included in schemes are listed.
154. The District Council states “*The intention behind MKD11 is laudable. However, the policy seems to relate more to biodiversity rather than the wider aspects of green infrastructure. It is also unclear*

whether Policy MKD 11 could be applied consistently and with confidence when determining planning applications.”

155. Encouragement does not provide a basis for decision making in respect of development proposals. The policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification in these respects.
156. The policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016 and in particular strategic policy SWDP22. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 12:

In Policy MKD11 replace the first sentence with “The inclusion of ecological enhancements in the landscaping and building design of development proposals will be supported.”

Policy MKD12 – Promoting Health and Wellbeing

157. This policy seeks to support health and wellbeing in new development by encouraging healthy lifestyles, opportunities for community cohesion, public transport provision, seating areas and clear signage. The policy also encourages developers to submit a Health Impact Assessment on “larger schemes”.
158. A representation by Tufnell Town and Country Planning on behalf of the Bray family supports this policy in principle.
159. The District Council states *“It is considered that the policy does not really provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraphs 17 and 154 of the Framework. MKD12 encourages the submission of a HIA on “larger schemes”. The Glossary defines Major Development as 10+ dwellings &/or 1,000sq m non-residential use. As context, MKD6(1) proposes*

that new developments be a maximum of 5 dwellings. It is considered that the submission of a Health Impact Assessment is likely to be overly onerous for small developments.”

160. The policy refers to “*public transport provision*” and “*simple and clear signage*” that are not matters that will be the subject of a development proposal, and includes a number of terms including “*where possible*” and “*considering*” that do not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The elements of the policy relating to particular needs of the elderly are not adequately evidenced. I have recommended a modification in these respects

161. The final part of the policy includes the term “*encouraged*” without implication, and the imprecise terms “*where possible*” and “*larger schemes*”. I note the Neighbourhood Plan does not envisage implementation of schemes that could be described as larger. I recommend the reference to Health Impact Assessment should be deleted.

162. The policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 13:

Replace Policy MKD12 with “Development proposals will be supported where they contribute to the health and wellbeing of local communities, for example through:

- 1. Provision of facilities that support public transport use or opportunities for active travel, enabling convenient, safe and attractive access to employment, homes, schools, and other facilities;**
- 2. Provision of opportunities for fresh food growing;**
- 3. Provision of opportunities for outdoor social interaction including seating and shaded areas.”**

Policy MKD13 – Providing, Enhancing and Protecting Recreation Open Space

163. This policy seeks to ensure the retention of the Sport Martley facilities at the Chantry School, and the playing field and play area next to Martley Memorial Hall. The policy unnecessarily states “*within the Parishes*” as the entire Neighbourhood Plan applies throughout the plan area. I have recommended a modification in this respect. The policy also requires new development to make a contribution towards the provision of open space in accordance with SWDP 39 (Provision for Green Space and Outdoor Community Uses in New Development).
164. A representation by the District Council states “*In relation to playing field next to Martley Memorial Hall it should be noted that Policy MKD9 (Local Green Space) already seeks to protect the land from development except in very special circumstances. The supporting text in paragraphs 8.7 to 8.12 provide an interesting commentary on local community facilities in MKD and community aspirations. However, some of the commentary is not related to land-use planning nor directly relevant for the justification of policies MKD13 and MKD14*”.
165. Whilst Policy MKD10 provides protection from development, except in very exceptional circumstances, of the Martley playing field and of the open space at the Sport Martley facility, I am satisfied Policy MKD13 seeks to perform a different function of ensuring future provision of local recreation open space facilities. Development in very exceptional circumstances in accordance with Policy MKD10, for example to provide essential infrastructure that could not be provided elsewhere, would through the provisions of Policy MKD13 result in replacement of lost recreation open space, unless an assessment demonstrates replacement is not required.
166. The Framework states recreation open space should not be built on unless an assessment clearly shows the facility is surplus to requirements; or will be replaced by equivalent or better provision; or the development is for alternative sports and recreation provision, the need for which clearly outweighs the loss.
167. The second part of the policy does not add any level of detail to strategic policy SWDP39. The Development Plan should be read as a whole and it is not necessary or appropriate for a Neighbourhood Plan policy to refer to, or duplicate, other policies, in the interests of achieving a practical framework within which decisions on planning applications can be made with a high degree of predictability and

efficiency as required by paragraph 17 of the Framework. I recommend the second part of the policy should be deleted.

168. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 14:
In Policy MKD13**

- **Replace the first paragraph with “Proposals in very special circumstances, for example for essential infrastructure that cannot be provided elsewhere, that will result in any loss of recreation open space at the Sport Martley facilities, or at the playing field and play area next to the Martley Memorial Hall, will not be supported unless an assessment has clearly shown the recreation open space that would be lost is surplus to requirements, or the loss will be replaced by equivalent or better provision in a no less accessible location for users.”**
- **Delete the second paragraph**

Policy MKD14 - Providing and Protecting Local Community Facilities

169. This policy seeks to establish support for the provision of new community and leisure facilities and the enhancement of existing facilities subject to the facilities respecting the character of the area, the local road network being able to accommodate additional traffic, and there being adequate car parking. The policy also seeks to resist the change of use of Martley playing field and Sport Martley, unless it can be demonstrated that the facilities are no longer economically viable or equivalent or better provision is made in an equally or more accessible location.

170. A representation by Tufnell Town and Country Planning on behalf of the Bray family offers support in principle for this policy but considers the reference to re-provision within 800 metres to be impracticable and the requirement for enhancement is excessive.

171. The District Council states “*The relationship between MKD14 and SWDP 37 (Built Community Facilities) is unclear and potentially detracts from the clarity in policy approach that is required by the Framework. SWDP 37A relates to the provision of new community facilities, whereas SWDP 37B relates to proposals that would result in the loss of existing community facilities.*”
172. Policy MKD10 provides protection from development, except in very exceptional circumstances, of the Martley playing field. Policy MKD13 seeks to establish that loss of recreation open space will not be supported at the Martley playing field and at Sport Martley. The overlap of Policy MKD14 with those other policies does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I recommended Policy MKD14 should be modified to only relate to built community facilities including the Martley Village Hall and those at Sport Martley.
173. The policy is imprecise in that it does not identify the community and leisure facilities where enhancement will be supported. I recommend a modification so that the policy refers to the existing community and leisure facilities identified on Map 11 with clarification that at Sport Martley reference is made to built facilities, and clarification that reference is made to Martley Village Hall but not the adjoining recreation ground. There is no basis for the second paragraph of the policy to be restricted to changes of use. The third paragraph of the policy does not provide a basis for decision making in respect of identification of a “*community served*” and a “*safe walking distance*” so the policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
174. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016 and in particular strategic policies SWDP37 and SWDP38.
175. I have noted Parish Council Action 4 Community Assets which relates to the proposed nomination of assets to be registered on the Community Asset register. I have earlier in my report recommended that Parish Council Action 4 along with the other proposed Parish Council actions should be transferred to an annex of the Neighbourhood Plan.

176. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 15:

In Policy MKD14

- after “existing facilities” insert “(identified on Map 11)”
- delete “changes of use to Martley Playing Field and Sport Martley” and insert “Development proposals, including changes of use, that will result in loss of all or part of the community and leisure facilities identified on Map 11”
- delete the final paragraph

In the policy title after “community” insert “and Leisure”

In the key to Map 11 adjust 2 to read “built facilities at Sport Martley”, and adjust 9 to delete “and Recreation Ground”

Policy MKD 15 – Re-use of Redundant or Disused Buildings for Economic Uses

177. This policy seeks to establish support for the reuse of redundant or disused buildings for business, leisure or residential purposes, provided that the development enhances the immediate setting, respects the character of the building, is compatible with neighbouring uses, the original building is a permanent and substantial construction without the need for major reconstruction, and is without the need for substantial alteration, extension, or ancillary buildings.

178. A representation made by the District Council states “*To promote a strong rural economy, paragraph 28 of the Framework says that neighbourhood plans should support the sustainable growth and expansion of businesses and enterprise in rural areas, including through the conversion of existing buildings. Paragraph 55 of the Framework says that isolated homes in the countryside should be avoided unless there are special circumstances, such as where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. The intention of Policy MKD15 appears to be consistent with paragraph 28 of the Framework. MKD 15 is considered to be consistent with SWDP 8 (Providing the Right Land and Buildings for Jobs). Policy MKD 15 adds value to the SWDP in its more detailed approach to the re-use of redundant or disused buildings. It is unclear how Policy MKD15 would relate to*

proposals for a conversion/ change of use for more than 5 dwellings. Would Policy MKD6 (which proposes that new development be no more than 5 dwellings) override MKD15?

179. I have earlier in my report recommended a modification to Policy MKD6 that will avoid a conflict with Policy MKD15 so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

180. The policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016 and in particular strategic policy SWDP8. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with supporting a prosperous rural economy; delivering a wide choice of high quality homes; promoting healthy communities; requiring good design; and conserving and enhancing the historic environment. This policy meets the Basic Conditions. I recommend that the policy title should be adjusted in order to more adequately reflect the policy content so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

Recommended modification 16:

In the title of Policy MKD15 delete “for economic uses”

Policy MKD16 – Supporting Local Employment

181. This policy seeks to establish either conditional or unconditional support for the following forms of employment development:

- Intensification of Business (B1), general industrial (B2) and warehousing (B8) uses at the Maylite trading estate and Edgar estate,
- Extensions to existing B1, B2 and B8 premises and new tourism and leisure-related development,
- Rural diversification at existing agricultural businesses, and
- Extensions to existing dwellings to support home-based working.

182. The District Council states “*Paragraph 9.1 says that there is a need to make provision for the expansion of Chantry School. It also says that Martley Primary School may expand and sites must be designated to enable this. No evidence appears to be provided on the need for expansion. Whilst Policy MKD14 potentially supports the expansion of these schools, Policy MKD16 does not make specific provision for the expansion of the schools. MKD13(2) is broadly consistent with SWDP 12 (Employment in Rural Areas). SWDP 12C says that the expansion of existing employment sites in rural areas will be supported where it has been demonstrated that intensification of the existing site is not viable or practical. MKD13(3) is consistent with SWDP 12D. MKD13(4) supports extensions to existing dwellings to support home-based working providing that it does not lead to an adverse impact on the amenity of adjacent users and uses. It should be noted that some home-based businesses do not need planning permission, and extensions would be considered on their general design merits rather than in relation to a business use. It is considered that MKD16(4) could be quite permissive and could lead to extension applications under the justification of being for ‘home based working’ space.*”

183. I have noted Strategic Policy SWDP12 seeks to protect existing employment sites in rural areas. The Neighbourhood Plan, and indeed the Development Plan in total should be read as a whole. It is unnecessary and confusing for an individual policy to refer to other policies of the Neighbourhood Plan and the South Worcestershire Development Plan. The term “*wherever possible*” is imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

184. The Framework states neighbourhood plans should promote the development and diversification of other land based rural businesses as well as agricultural businesses. I have recommended a modification in this respect. This policy when combined with the provisions of Policy MKD15 relating to the re-use of redundant or disused buildings for economic uses, and the provisions of Policy MKD14 relating to the provision and protection of local community facilities has sufficient regard for the component of the Framework with respect to supporting a prosperous rural economy.

185. Strategic Policy SWDP12C states that “*the expansion of existing employment sites in rural areas will be supported where it has been demonstrated that intensification of the existing site is not viable or*

practical". I recommend part 1 of Policy MKD16 should be modified to be in general conformity with this strategic policy. Subject to the recommended modification the policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016 and in particular strategic policies SWDP3 and SWDP12.

186. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with supporting a prosperous rural economy. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 17:

In Policy MKD16

- **in part 1 after "intensification" insert "(or expansion where intensification is not viable or practical)**
- **in part 2 delete "where they do not conflict with other policies in this plan and the SWDP"**
- **in part 3**
 - **before "businesses providing" insert "and other land-based rural"**
 - **in the first bullet point delete "agricultural"**
 - **delete the third bullet point and insert "It is demonstrated that additional floorspace is necessary to accommodate employment activity that cannot be accommodated in existing buildings within the undertaking"**
- **in part 4 after "impact on" insert "visual amenity or" and delete "and subject to other policies in the Martley, Knightwick and Doddenham NDP and SWDP."**

Policy MKD17 – Supporting New Communication Technologies

187. This policy seeks to establish support for improvements to broadband infrastructure and ensure new development makes suitable provision in this respect.

188. The District Council states "*Policy MKD 17 is consistent with SWDP 26 and adds value in its more detailed approach. Given that new communication technologies are required in all new development,*

it is suggested that it may be more appropriate to include the policy requirement in the design principles rather than the Local Economy chapter”.

189. I have earlier in my report referred to a representation by A-M Gillespie that expresses disappointment that the policy does not include mobile signal. There is no requirement that the policy should address this issue and it is beyond my remit to recommend modifications of the Neighbourhood Plan to include additional areas of policy. Martley Parish Council have, however, advised that a new mobile phone mast has been installed in Martley Playing Field which will strengthen the signal for some networks.
190. The policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016 and in particular Policy SWDP7. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with supporting high quality communications infrastructure. This policy meets the Basic Conditions.

Policy MKD18 – Transport Management

191. This policy seeks to establish that developer contributions will be sought to improve accessibility, transport, and traffic management measures. Specific measures are identified. The policy also seeks to establish that new development should be designed to encourage slower speeds and that car parking should meet standards.
192. The District Council states *“In relation to traffic management measures, Planning Practice Guidance says that neighbourhood plans can consider what infrastructure is needed to support development. Policies should, however, relate to additional infrastructure needed to enable development proposals to be delivered in a sustainable way. The concerns and proposals outlined in paragraphs 10.1 – 10.5 largely relate to existing transport issues in the parishes. They do not specifically relate to dealing with the effect of additional traffic generated by development proposals. In relation to measures to slow vehicular speed, it is understood that traffic calming is not something that the County Council encourages within new developments as they should be designed in a way to encourage slower speeds without the need for physical measures. In relation to car parking, it is noted that*

the Policy MKD18 supports standards recommended by Worcestershire County Council”.

193. Whilst public transport expenditure is likely to be infrastructure rather than revenue related I consider it to be unnecessary to make the distinction given the nature of the policy. The reference to standards recommended by Worcestershire County Council is imprecise and unnecessary. The element of the policy that relates to car parking provision does not provide an additional level of detail and/or a distinct local approach to that set out in the strategic policy. To merely repeat strategic policy is unnecessary and counter to the achievement of a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

194. I have earlier in my report referred to a representation by A-M Gillespie that expresses disappointment that the policy does not include mention of the stretch of road between the St Peter’s Church car park and the junction with Hollins Lane which the representor considers to be hazardous. There is no requirement that the policy should address this issue and it is beyond my remit to recommend modifications of the Neighbourhood Plan to include additional areas of policy.

195. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on matters considered important in the local community. The proposed utilisation of any development related funds that become available for locally determined expenditure is an appropriate matter to be set out in a neighbourhood plan policy. The policy is in general conformity with the strategic policies included in the Development Plan, the South Worcestershire Development Plan 2016. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting sustainable transport. Subject to the recommended modification the policy meets the Basic Conditions.

Recommended modification 18:

In Policy MKD18:

- **replace the text before the bullet points with “Locally determined expenditure arising from developer contributions and other development related sources will be utilised to support:”**

- delete “in accordance with standards recommended by **Worcestershire County Council**”
- delete the final sentence.

Summary and Referendum

196. I have considered all of the written material submitted to me which has provided me with sufficient information to enable me to reach my conclusions. I have recommended 18 modifications to the Submission Version Plan highlighted in bold type in my report. I have also made a recommendation of modification in the Annex below.

197. I am satisfied that the Neighbourhood Plan⁴²:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990 and meets the Basic Conditions:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan 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);
 - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore

⁴² The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

marine site, either alone or in combination with other plans or projects.⁴³

I recommend to Malvern Hills District Council that the Martley, Knightwick and Doddenham Neighbourhood Development Plan for the plan period up to 2030 should, subject to the modifications I have put forward, be submitted to referendum.

198. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.⁴⁴ I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the District Council as a Neighbourhood Area on 24 September 2013.

Annex: Minor Corrections to the Neighbourhood Plan

A number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies:

- all references to 'settlement boundary' in general text should be adjusted to refer to 'development boundary';
- paragraph 5.13 should be adjusted to not refer to precise building materials; and
- when supporting text paragraphs 5.14 to 5.17 is transferred to an annex containing Parish Council Actions the final sentence of paragraph 5.17 should be adjusted to refer to Parish Council Action 3 and not Policy MKD4.
- when supporting text paragraph 5.18 is transferred to an annex containing Parish Council Actions the final sentence of paragraph 5.18 should be adjusted to refer to the relevant Parish Council Action and not Policy MKD5. The Parish Council

⁴³ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁴⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

Action could be re-worded as “The Parish Councils will liaise with the Worcestershire County Council and Malvern Hills District Council to identify known surface and subsurface archaeology in areas shown on Worcestershire Archive and Archaeological Service Historic Environment Record (HER) Maps in order to ensure potentially significant deposits are identified and appropriately considered in any proposals for development”.

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁴⁵ I agree the following minor changes only in so far as they are to correct errors, which in some cases arise from an updated situation, or where they are necessary so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework:

A representation by Tufnell Town and Country Planning on behalf of the Bray family states Map 3 is out of date showing some sites as commitments when they have been developed. Martley Parish Council have advised that the Crown Meadow development has been completed and paragraph 10.2 will need to be amended to reflect this. The District Council state paragraph 3.3.2 should read “*The proposed development boundary is in three sections, and differs from that proposed in the South Worcestershire Development Plan because it includes development which has been allocated in the SWDP, together with other extent planning consents coterminous with the existing development boundary.*” The District Council also advise the proposed development boundary includes The Orchards and the SWDP59k allocation. I agree that these clarifications should be made. The key to Map 3 should include a date to which the information relates.

I have earlier in my report recommended the Parish Council Action 4 along with the other proposed Parish Council actions should be transferred to an annex of the Neighbourhood Plan. The statement “*and any others which come forward through the consultation process*” should be updated.

The District Council state “*paragraph 9.1 says that there is a need to make provision for the expansion of Chantry School. It also says that Martley Primary School may expand and sites must be designated to enable this. No evidence appears to be provided on the need for*

⁴⁵ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

expansion.” Whilst the factual accuracy of these supporting statements is not a factor that will determine whether or not the Neighbourhood Plan meets the Basic Conditions I recommend the Parish Councils should liaise with the Education Authority in order to agree appropriate wording of paragraph 9.1.

**Recommended modification 19:
Modification of general text will be necessary to achieve consistency with the modified policies, and to correct identified errors including those arising from updates**

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21 August 2017
REPORT ENDS