

**Regulation 16 Consultation**  
**on the Submitted Martley, Knightwick & Doddenham**  
**Neighbourhood Plan**  
**RESPONSE FORM**

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, Martley Parish Council has submitted the draft Martley, Knightwick & Doddenham Neighbourhood Plan to Malvern Hills District Council. In accordance with Regulation 16, Malvern Hills District Council would like to invite comments from organisations and individuals on the Neighbourhood Plan.

This consultation runs for six weeks from Friday 12th May to Friday 23rd June 2017.

If you wish to comment on the draft Martley, Knightwick & Doddenham Neighbourhood Plan **please complete and return this form no later than 5:00 pm on Friday, 23rd June 2017** to:

**Email:** [developmentplans@malvern hills.gov.uk](mailto:developmentplans@malvern hills.gov.uk), or by

**Post:** Planning Policy, Malvern Hills District Council, Planning Services, The Council House, Avenue Road, Malvern, Worcestershire, WR14 3AF.

All comments will be made publicly available and identifiable by name and organisation (where applicable). Please note that any other personal information provided will be processed by Malvern Hills District Council in line with the Data Protection Act 1998.

Please fill in your details in the boxes below:

Susan Fellows Managing Director - David Fellows Consultant Director

Organisation (if applicable): LAND RESEARCH & PLANNING ASSOCIATES LTD

Address (including postcode):

██████████

██████████

██████████

Telephone number: ██████████

Email address: ██████████

Please state which part of the draft Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

The public consultation process – Paragraphs 1.1.4 and 6.12 and general observations in regard to the Neighbourhood Plan

Please use the space below to make comments on this part of the Neighbourhood Plan.

We have made our comments on separate documents sent by e-mail on Thursday 22 June 2017 at 12:08 hours. An acknowledgement was received at 12:13 hours from MHDC.

**MARTLEY NEIGHBOURHOOD DEVELOPMENT PLAN**

1. Objection document on behalf of Messrs Richard and Matthew Bray
2. Document A (an extract from the Localism Act 2011)
3. Document B (an exchange of e-mails between Mr Matt Bray [REDACTED] and Mrs Janet Dale - Clerk to Martley Parish Council)
4. A letter from Mr Dean Kinsella MHDC to Martley Parish Council dated 16 November 2016
5. A Poster referred to in the objection document and in Document B received from Janet Dale of 21 June 2017.

Please use a separate form for each representation.

**Future Notification**

Please state whether you would like to be notified of the decision on the Neighbourhood Plan proposal:

✓Yes please

**Signature:** *Susan M Fellows* - Managing Director – Land Research & Planning Associates Ltd.

**Date 22 June 2017**

# **OBJECTION TO MARTLEY NEIGHBOURHOOD DEVELOPMENT PLAN [MNDP]**

**22 June 2017**

## **1.0 INTRODUCTION**

1.1 Land Research & Planning Associates Ltd. (LRPA Ltd.) was instructed by Messrs Richard and Matthew (Matt) Bray in March 2014 to make a representation to the draft South Worcestershire Development Plan [SWDP] to include two parcels of their land for housing, including providing up to 50% affordable homes, homes for older people and land to facilitate a new Doctor's surgery amongst other similar facilities to benefit Martley. The one parcel of land was adjacent to the Taylor Wimpey site which was granted planning permission for 51 houses in 2013, and the other land was immediately adjacent to the "Chantry School".

1.2 Martley is classified as a Category 1 village in the SWDP, having excellent facilities including two schools, a shop and post office, garage, a thriving public house and a well supported Memorial Hall to name some. The MNDP refers to these at paragraphs 8.1 to 8.3.

1.3 This objection to the MNDP reflects the events that followed the representation to the SWDP in 2014.

## **2.0 EXPERIENCE & QUALIFICATIONS**

2.1 LRPA Ltd. was incorporated on 19 March 2007 as a private limited company specialising in planning consultancy and certain aspects of planning and land law. The two present Directors of the Company have in excess of 25 years experience each in planning matters. One Director (Executive & Consultant) has an Honours Degree in Law though while not a practicing Solicitor or Barrister nevertheless has extensive experience and success in planning matters. The Company has a high success rate of nearly 70% at Appeal going back to 1998. LRPA Ltd. has a large number of clients in seven English Counties and some in Wales. We have experience of many Local Plan Inquiries since 1990 and have acted on behalf of many clients in regard these matters before and since the NPPF came into force in March 2012. The Company specialises in Certificates of Existing Lawful Use – PROW issues – Planning Applications for Farm Development/Diversification and Housing for one to more than one hundred houses, either directly or assisting other planning consultants or architects.

### **3.0 REPRESENTATIONS MADE TO THE SWDP for and on behalf of Messrs Bray**

3.1 The representations made in 2014 and followed up during 2015 to the SWDP highlighted the important point that Malvern Hills District Council [MHDC] could not in its own right provide the requisite 5 years housing land supply (HLS) as required by the NPPF.

3.2 The following is an extract of the submission made in November 2015 to the SWDP on behalf of Messrs Bray.

#### **SWDP 59 – 60 – 61**

##### **MM15 / 59A**

*We object to this Policy as it sets out defined settlement boundaries for the WDC and MHDC areas (Worcester City clearly cannot be considered as it has no rural settlements within its area) that we submit are unbalanced and inconsistent with the NPPF and/or the Planning Practice Guidance at 001 (March 2014). Moreover; but as importantly, restraint upon the settlement boundaries of the 9 Cat 1 settlements set out in the MHDC area prevents land being promoted at any time now and in the future for housing development. This is when the figures clearly confirm that at the least MHDC needs land for 600 more houses. This is even though some of the land that MHDC as a single entity local planning authority needs to accommodate 2950 extra houses in its area alone, has been shifted to outside the Worcester City boundary which in itself clearly cannot accommodate its own need.*

3.3 This deficit of land for nearly 3000 houses is reflected and set out in the SWDP Adopted in February 2016 despite the representations made. These representations were in essence disregarded by the SWDP process. However:

### **4.0 OBJECTIONS TO THESE REPRESENTATIONS**

4.1 Following the representations made in 2014 for Messrs Bray to the SWDP, objections were raised by Martley Parish Council and Mr Martin O'Brien. Martley Parish Council was represented by Dr Stuart Cumella at one of the Hearings conducted by Inspector Roger Clews (SWDP Inspector) on 25 February 2015 (SWDP Ref 620429) and Mr O'Brien represented himself on 25 February 2015 (SWDP Ref. 738002)

4.2 We understand that both these named persons made substantive objections to the inclusion of land in the SWDP for housing belonging to Messrs Bray.

4.3 It should be noted that both these named persons have been involved in the drafting of MNDP.

## **5.0 IS THERE A CONFLICT OF INTEREST AS A RESULT - WHEN EXAMINING the MDNP?**

5.1 We respectfully suggest that some of the representatives named on the attached Poster and named above have a conflict of interest as they have been heavily involved in drafting the MDNP for the reasons set out above and below. In any event if the Examiner were to conclude that there may not be a conflict of interest (which we would contest for the reasons set out in this document) we respectfully submit that several parts of the MDNP are not accurate and as importantly where it relies upon evidence of proper public consultation - when the Clerk of Martley Parish Council was asked for copies of some of these documents they have not been forthcoming. Document B as attached confirms.

5.2 We respectfully submit that many of the basic requirements set out in the Localism Act 2011 have not been met. These basic requirements are highlighted in grey in Document A as attached.

## **6.0 OBJECTIONS to MNDP by LRPA LTD**

6.1 The Poster attached and Policy MKD6 refers to the areas being scattered development. This observation in respect of Martley is surely not accurate. This wording conflicts with paragraphs 6.5 and 6.6 of the MNDP. Martley is made up of at least two substantive housing estates.

6.2 We attach a letter from Dean Kinsella of MHDC to Martley Parish Council dated 16 11 2016. For ease of reference we have highlighted parts in green. It will be noted that on page 51 of the MNDP there is a plan all shaded red where this area is proposed to be included in a Conservation Area. It is worthy of considerable note that Mr Colin Bray (Messrs Bray's father) has not been asked for his views as this is privately owned land. Furthermore it is of great interest that when comparing the letter of 16 11 2016 from MHDC which highlights the "Scar" as being the area of geological interest this area appears to be excluded from the red area on page 51. We understand that this area is owned by Mr Ian Pennel who is a contributor to the MNDP. This land was sold to him by our clients. The question must be therefore raised why the only important feature highlighted by MHDC of the Nubbins' land is excluded from this attempt to have privately owned land by our clients' father included.

6.3 Document B attached shows the exchanges of e-mail between Janet Dale and Matt Bray from 19 June to 21 June 2017 inclusively.

6.4 The MNDP at paragraph 6.12 relies upon public consultation documents to set out its case in regard housing need or in this case the purported lack of need. Paragraph 2 of Document B confirms that Martley Parish Council has no copy record of the petition it relies upon and as a consequence no one knows what it contains or upon what public survey procedure was carried out for it to be obtained. Furthermore Janet Dale has confirmed that it is a private document not for public scrutiny. Accordingly we respectfully submit the MNDP is fatally flawed in this respect as the whole purpose of a NDP is proper public consultation combined with openness and transparency. This appears to be gravely lacking in the public consultation process.

6.5 Matt Bray has asked for copies of the surveys referred to in paragraph 1.1.4 of the MNDP. The request is very clearly set out succinctly and with absolute clarity. Yet at 2.13 pm on 21 June Janet Dale has replied which we set out at paragraph 7 in Document B. The answer raises many doubts as to the agenda of those involved in drafting MNDP. Janet Dale has been requested information that should be immediately available and forthcoming yet in the knowledge that representations need to be lodged by 5.00pm 23 June has stated she is now away until next week so it appears has declined to make the surveys available referred to in paragraphs 1.1.4 and 6.12 in regard public consultations. The Parish Clerk (Janet Dale) has been involved in her own capacity in objecting to a planning application lodged by Messrs Bray in September 2015 with MHDC for twenty houses. (MHDC Ref. 15/01188) Indeed so have Dr Cumella and Mr O'Brien.

6.6 The MNDP seeks to restrict the number of houses to six at any one time. This is in the knowledge that a planning application has been running since September 2015 when validated by MHDC. Interestingly it appears that the Martley NDP process seems to have commenced after Messrs Bray instructed LRPA Ltd. to make representations to the SWDP in April 2014 to include more land for housing. It is seemingly becoming apparent that a substantive argument could be put forward that the MNDP has been carefully constructed by persons who have publicly objected to land owned by Messrs Bray being included in the SWDP so as to restrict housing development around the settlement of Martley so as to prevent Messrs Bray's planning application for housing (including 50% affordable homes) being approved because of a NDP. Two of the objectors named above and involved in the drafting of the NDP made bitter objections to this planning application [MHDC Ref. 15/011/88/OUT] on 14 June 2017 at the planning committee meeting held in Malvern.

## **7.0 CONCLUSION**

7.1 It is submitted that the MNDP 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 is a Cat 1 village with more than sufficient facilities to accommodate and serve many more houses.

7.2 It is respectfully submitted that the MNDP is not in accordance with the basic requirements set out in Document A (an extract from the Localism Act 2011) as it has been demonstrated herewith that there are several very serious concerns in regard to the public consultation process and how the results have been assessed when the Clerk of Martley Parish Council cannot produce and /or is unwilling to produce these surveys for public scrutiny, despite polite requests to do so.

7.3 We therefore respectfully ask the Examiner to either:

Reject the MNDP, and return it so that a properly conducted public consultation can take place and/or instigate 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 restrictive case as presently exists.

LAND RESEARCH AND PLANNING ASSOCIATES LTD.

22 JUNE 2017

# DOCUMENT A

## “SCHEDULE 4B PROCESS FOR MAKING OF NEIGHBOURHOOD DEVELOPMENT ORDERS

### *Proposals for neighbourhood development orders*

1(1)A qualifying body is entitled to submit a proposal to a local planning authority for the making of a neighbourhood development order by the authority in relation to a neighbourhood area within the area of the authority.

(2)The proposal must be accompanied by—

(a)a draft of the order, and

(b)a statement which contains a summary of the proposals and sets out the reasons why an order should be made in the proposed terms.

(3)The proposal must—

(a)be made in the prescribed form, and

(b)be accompanied by other documents and information of a prescribed description.

(4)The qualifying body must send to prescribed persons a copy of—

(a)the proposal,

(b)the draft neighbourhood development order, and

(c)such of the other documents and information accompanying the proposal as may be prescribed.

(5)The Secretary of State may publish a document setting standards for—

(a)the preparation of a draft neighbourhood development order and other documents accompanying the proposal,

(b)the coverage in any document accompanying the proposal of a matter falling to be dealt with in it, and

(c)all or any of the collection, sources, verification, processing and presentation of information accompanying the proposal.

(6)The documents and information accompanying the proposal (including the draft neighbourhood development order) must comply with those standards.

2(1)A qualifying body may withdraw a proposal at any time before the local planning authority make a decision under paragraph 12.

(2)If—

(a)a proposal by a qualifying body is made by an organisation or body designated as a neighbourhood forum, and

(b)the designation is withdrawn at any time before the proposal is submitted for independent examination under paragraph 7,



the proposal is to be treated as withdrawn by the qualifying body at that time.

(3) If the withdrawal of the designation occurs after the proposal is submitted for independent examination under that paragraph, the withdrawal is not to affect the validity of the proposal.

*Advice and assistance in connection with proposals*

3(1) A local planning authority must give such advice or assistance to qualifying bodies as, in all the circumstances, they consider appropriate for the purpose of, or in connection with, facilitating the making of proposals for neighbourhood development orders in relation to neighbourhood areas within their area.

(2) Nothing in this paragraph is to be read as requiring the giving of financial assistance.

*Requirements to be complied with before proposals made or considered*

4(1) Regulations may make provision as to requirements that must be complied with before proposals for a neighbourhood development order may be submitted to a local planning authority or fall to be considered by a local planning authority.

(2) The regulations may in particular make provision—

(a) as to the giving of notice and publicity,

(b) as to the information and documents that are to be made available to the public,

(c) as to the making of reasonable charges for anything provided as a result of the regulations,

(d) as to consultation with and participation by the public,

(e) as to the making and consideration of representations (including the time by which they must be made),

(f) requiring prescribed steps to be taken before a proposal of a prescribed description falls to be considered by a local planning authority, and

(g) conferring powers or imposing duties on local planning authorities, the Secretary of State or other public authorities.

(3) The power to make regulations under this paragraph must be exercised to secure that—

(a) prescribed requirements as to consultation with and participation by the public must be complied with before a proposal for a neighbourhood development order may be submitted to a local planning authority, and

(b) a statement containing the following information in relation to that consultation and participation must accompany the proposal submitted to the authority—

(i) details of those consulted,

(ii) a summary of the main issues raised, and

(iii) any other information of a prescribed description.

*Consideration of proposals by authority*

5(1) A local planning authority may decline to consider a proposal submitted to them if they consider that it is a repeat proposal.

(2) A proposal (“the proposal in question”) is a “repeat” proposal for the purposes of this paragraph if it meets conditions A and B.

(3) Condition A is that in the period of two years ending with the date on which the proposal in question is received—

(a) the authority have refused a proposal under paragraph 12 or section 61E(8) that is the same as or similar to the proposal in question, or

(b) a referendum on an order relating to a proposal under this Schedule that is the same as or similar to the proposal in question has been held under this Schedule and half or less than half of those voting voted in favour of the order.

(4) Condition B is that the local planning authority consider that there has been no significant change in relevant considerations since the refusal of the proposal or the holding of the referendum.

(5) For the purposes of this paragraph “relevant considerations” means—

(a) national policies and advice contained in guidance issued by the Secretary of State that are relevant to the draft neighbourhood development order to which the proposal in question relates, and

(b) the strategic policies contained in the development plan for the area of the authority (or any part of that area).

(6) If the authority decline to consider the proposal, they must notify the qualifying body of that fact and of their reasons for declining to consider it.

6(1) This paragraph applies if—

(a) a proposal has been made to a local planning authority, and

(b) the authority have not exercised their powers under paragraph 5 to decline to consider it.

(2) The authority must consider—

(a) whether the qualifying body is authorised for the purposes of a neighbourhood development order to act in relation to the neighbourhood area concerned as a result of section 61F,

(b) whether the proposal by the body complies with provision made by or under that section,

(c) whether the proposal and the documents and information accompanying it (including the draft neighbourhood development order) comply with provision made by or under paragraph 1, and

(d) whether the body has complied with the requirements of regulations made under paragraph 4 imposed on it in relation to the proposal.

(3)The authority must also consider whether the draft neighbourhood development order complies with the provision made by or under sections 61E(2), 61J and 61L.

(4)The authority must—

(a)notify the qualifying body as to whether or not they are satisfied that the matters mentioned in sub-paragraphs (2) and (3) have been met or complied with, and

(b)in any case where they are not so satisfied, refuse the proposal and notify the body of their reasons for refusing it.

*Independent examination*

7(1)This paragraph applies if—

(a)a local planning authority have considered the matters mentioned in paragraph 6(2) and (3), and

(b)they are satisfied that the matters mentioned there have been met or complied with.

(2)The authority must submit for independent examination—

(a)the draft neighbourhood development order, and

(b)such other documents as may be prescribed.

(3)The authority must make such arrangements as they consider appropriate in connection with the holding of the examination.

(4)The authority may appoint a person to carry out the examination, but only if the qualifying body consents to the appointment.

(5)If—

(a) it appears to the Secretary of State that no person may be appointed under sub-paragraph (4), and

(b) the Secretary of State considers that it is expedient for an appointment to be made under this sub-paragraph, the Secretary of State may appoint a person to carry out the examination.

(6)The person appointed must be someone who, in the opinion of the person making the appointment—

(a) is independent of the qualifying body and the authority,

(b) does not have an interest in any land that may be affected by the draft order, and

(c)has appropriate qualifications and experience.

(7)The Secretary of State or another local planning authority may enter into arrangements with the authority for the provision of the services of any of their employees as examiners.

(8)Those arrangements may include—

(a)provision requiring payments to be made by the authority to the Secretary of State or other local planning authority, and

(b) other provision in relation to those payments and other financial matters.

8(1) The examiner must consider the following—

(a) whether the draft neighbourhood development order meets the basic conditions (see sub-paragraph (2)),

(b) whether the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,

(c) whether any period specified under section 61L(2)(b) or (5) is appropriate,

(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft order relates, and

(e) such other matters as may be prescribed.

**(2) A draft order meets the basic conditions if —**

(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,

(b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,

(c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,

(d) the making of the order contributes to the achievement of sustainable development,

(e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),

(f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and

(g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

(3) Sub-paragraph (2)(b) applies in relation to a listed building only in so far as the order grants planning permission for development that affects the building or its setting.

(4) Sub-paragraph (2)(c) applies in relation to a conservation area only in so far as the order grants planning permission for development in relation to buildings or other land in the area.

(5) In this paragraph “listed building” has the same meaning as in the Planning (Listed Buildings and Conservation Areas) Act 1990.

(6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft order is compatible with the Convention rights).

9(1) The general rule is that the examination of the issues by the examiner is to take the form of the consideration of written representations.

(2) But the examiner must cause a hearing to be held for the purpose of receiving oral representations about a particular issue at the hearing—

(a) 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, or

(b) in such other cases as may be prescribed.

(3) The following persons are entitled to make oral representations about the issue at the hearing—

(a) the qualifying body,

(b) the local planning authority,

(c) where the hearing is held to give a person a fair chance to put a case, that person, and

(d) such other persons as may be prescribed.

(4) The hearing must be in public.

(5) It is for the examiner to decide how the hearing is to be conducted, including—

(a) whether a person making oral representations may be questioned by another person and, if so, the matters to which the questioning may relate, and

(b) the amount of time for the making of a person's oral representations or for any questioning by another person.

(6) In making decisions about the questioning of a person's oral representations by another, the examiner must apply the principle that the questioning should be done by the examiner except where the examiner considers that questioning by another is necessary to ensure—

(a) adequate examination of a particular issue, or

(b) a person has a fair chance to put a case.

(7) Sub-paragraph (5) is subject to regulations under paragraph 11.

10(1) The examiner must make a report on the draft order containing recommendations in accordance with this paragraph (and no other recommendations)

**SUBJECT MATTER - MARTLEY NEIGHBOURHOOD DEVELOPMENT PLAN [MNDP]**

**EXCHANGES OF E-MAILS IN JUNE 2017 BETWEEN:**

Mr Matthew Bray - [REDACTED] and

Mrs Janet Dale - Clerk to Martley Parish Council

***Description***

1. Request by email from Matt Bray on 19 June 2017 timed 08:47 hours for paper copies of petition and the survey results referred to in paragraph 6.12 of the MNDP

-----Original Message-----

From: Matt Bray [REDACTED]

Sent: 19 June 2017 08:47

To: [REDACTED]

Subject: Printed information

Good morning Janet

Further to our phone conversation on Saturday please may I request a paper copy of the following documents.

The petition of 600 signatures concerning development in Martley

All the survey results as conducted by MPC since July 2014 in regard to the NDP

Of course I will gladly pay any printing costs

Many thanks

Matthew Bray

Sent from my iPhone

2. The response from Janet Dale on 19 June timed at 17:35 hours

On 19 Jun 2017, at 17:25, Janet Dale <[REDACTED]> wrote:

Matt

The petition was not instigated by the Parish Council it was organised privately in the village. It was given to Cllr Barbara Williams who handed it to the District Council. No copy was kept as far as I am aware and as it is not a public document it will not be subject to Freedom of Information Act. Permission would need to be obtained from all who signed it before it could be passed on.

Regards

Janet

3. Request by email from Matt Bray on 19 June 2017 timed 22:19 hours for a printed copy of the survey results referred to in paragraph 6.12 of the MNDP

-----Original Message-----

From: Matt Bray [REDACTED]  
Sent: 19 June 2017 22:19  
To: [REDACTED]  
Subject: Re: Printed information

Is it possible to have a printed copy of the survey results

Sent from my friends iPhone

4. The response from Janet Dale on 20 June timed at 08:25 hours. The Martley Parish Survey completed in July 2014 was attached.

**From:** "Janet Dale" [REDACTED] >  
**Date:** 20 June 2017 at 8:25:15 am BST  
**To:** "Matt Bray" <[REDACTED]>  
**Subject:** RE: Printed information

The survey results are on our web site under Neighbourhood Plan however I am attaching them to this email for you.

Regards

Janet

5. Request by email from Matt Bray on 20 June 2017 timed at 11:41 hours for hard copies of the survey results referred to in paragraph 1.1.4 of the MNDP

Sent from my iPhone  
Begin forwarded message:

**From:** [REDACTED]  
**Date:** 20 June 2017 at 11:41:18 [REDACTED]  
**Subject:** Information request

Dear Janet  
**RE: Martley NDP**

I refer to paragraph 1.1.4 of the NDP Document

Please can you urgently provide me hard copies of the documents highlighted in green below (extract from 1.1.4).

As confirmed I will pay reasonable copying charges

"A drop-in event and exhibition was held [on Wednesday 7th September](#) in Martley Memorial Hall [from 6.00pm to 8.00pm](#). The comments and representations submitted in response to the publication of the Draft Plan have been carefully considered and used to inform this Submission version of the NDP".

Kind regards  
Matt  
MATT BRAY

6. A reminder by email from Matt Bray on 21 June 2017 timed at 13:31 hours for hard copies of the survey results referred to in paragraph 1.1.4 of the MNDP

-----Original Message-----

From: Matt Bray [REDACTED]  
Sent: 21 June 2017 13:31  
To: [REDACTED]  
Subject:

Sent from my iPad  
Dear Janet

Just contacting you to see how you were getting on with my request, also could you send a note that you have received my emails.

Many thanks  
Matthew Bray

7. A response was received from Janet Dale on 21 June 2017 timed at 14.13 hours. One poster was attached.

**From:** "Janet Dale" [REDACTED]  
**To:** "Matt Bray" [REDACTED]  
**Subject: RE:**

Matthew - I have your emails however due to the very limited hours I work I am unable to respond by return. In fact I will be away from tomorrow until Tuesday of next week.

We are not entirely certain of what you are trying to obtain. I have referred your email to Stuart Cumella who is the lead councillor dealing with the Neighbourhood Plan and he has attached copies of the posters advertising the consultation. You need to be aware that the current Regulation 16 draft of the Neighbourhood Plan differs in important respects from the Regulation 14 version which was subject to consultation back in September last year.

Stuart would welcome an opportunity to discuss the Neighbourhood Plan with him should you wish.

Regards  
Janet



## Planning and Housing Services

The Council House, Avenue Road, Malvern, Worcs. WR14 3AF

Ref: 15/01188/OUT

Please ask for : Dean Kinsella

Janet Dale

Telephone : [REDACTED]

Date: 16/11/2016

e-mail : [REDACTED]

Dear Mrs Dale

### Town and Country Planning Act 1990

**Proposal:** Outline application with all matters reserved, except for access, for 20 dwellings of which 10 (50%) would be affordable

**Location:** Land at Sandyfields, Off the 4197, Martley, Worcestershire, WR6 6PG

Thank you for your letter received on the 11<sup>th</sup> July regarding the above application. Please accept my sincere apologies for the delay in responding to your letter.

Your queries relate to the material considerations which are taken into consideration and specific technical considerations of the scheme. I will respond to your queries in the order set out in your letter.

The Nubbins is a designated Geological feature within the Martley Landscape. The plan below illustrates the extent of the designated local Geological site (Identified in orange).



The District Council agree that the impact development has on landscape features and

Chief Executive: **Jack Hegarty**

[www.malvernhills.gov.uk](http://www.malvernhills.gov.uk) DX: 17608 Malvern

landscape character as a whole are important material considerations and weigh in the balance when considering whether a development represents sustainable development. However, The Nubbins has not been designated as an important Landscape feature but the visual impact of the development will be considered against other relevant policies within the South Worcestershire Development Plan.

Policy SWDP25 does set out the need for Visual Impact Assessment and clearly the absence of this from the application will weigh against the proposal when considering whether the development represent sustainable development. The application has been discussed with the Landscape Officer but it is for the case officer to consider all of the comments received and to come to a balanced recommendation.

With regards to the Historic Assets surrounding the site, the Conservation Team has been consulted but their comments are outstanding. Clearly these will need to be received and taken into consideration before the application is determined and I have discussed the need for a response with the Conservation Team. The fact that the application was not submitted with a Heritage Statement would not in principle invalidate the scheme or result in the application being refused.

The Geological interest of the Nubbins has been identified by the Herefordshire and Worcestershire Earth Heritage Trust. Part of the site has been designated as being of local geological importance but to my knowledge the Council does not have a list of sites of Geological interest. Policy SWDP22 does require applications to demonstrate how a development would not compromise the favourable conditions of a local Geological site. As you can see from the plan above the Local Geological Site (LGS) is confined some distance from the site and therefore, while this is a material consideration it is officers view that the development will not have a detrimental impact of the conditions of the LGS.

In relation to the quality of the agricultural land officers agree that there is need for a more robust response to the quality of the agricultural land. Officers will go back to the applicant and request further information on this matter.

The District Council is required to assess applications against the relevant policies within the Local Plan and other material considerations. Careful consideration is given to the impact a development has on a village or landscape and is assessed against all other material considerations.

I trust that this response addresses the concerns. Please again accept my apologies for the delay in responding to you.

Yours sincerely

**Dean Kinsella**  
**Area Planning Officer**

# Welcome

This aim of this exhibition is to present the latest draft of the neighbourhood plan for the parishes of Martley, Knightwick and Doddenham. This is the formal consultation ('Regulation 14') draft, and includes many changes from the version circulated in January. Copies are available for you to look at, and we can email an electronic copy to you on request.

## What is a neighbourhood plan?

A neighbourhood plan sets out how a town or rural area should develop in the future - between now and 2030. The key questions a neighbourhood plan should answer are:

- ▶ How will the area develop in the future?
- ▶ How much land should be set aside for new houses, shops and places of employment?
- ▶ Where is the best place for development to take place?
- ▶ What should new buildings look like?
- ▶ What else is needed to provide a good quality of life?

The most important parts of a neighbourhood plan are its objectives and its policies. Policies are the detailed legal rules which control development. There are 14 policies in our neighbourhood plan.

## Why do we need a neighbourhood plan?

A neighbourhood plan will help prevent the wrong kind of development in our parishes, and promote a higher quality of building design. Planning inspectors must refer to the neighbourhood plan in cases where developers appeal against a refusal of planning permission. The neighbourhood plan, when approved will have a greater local impact than the South Worcestershire Development Plan.

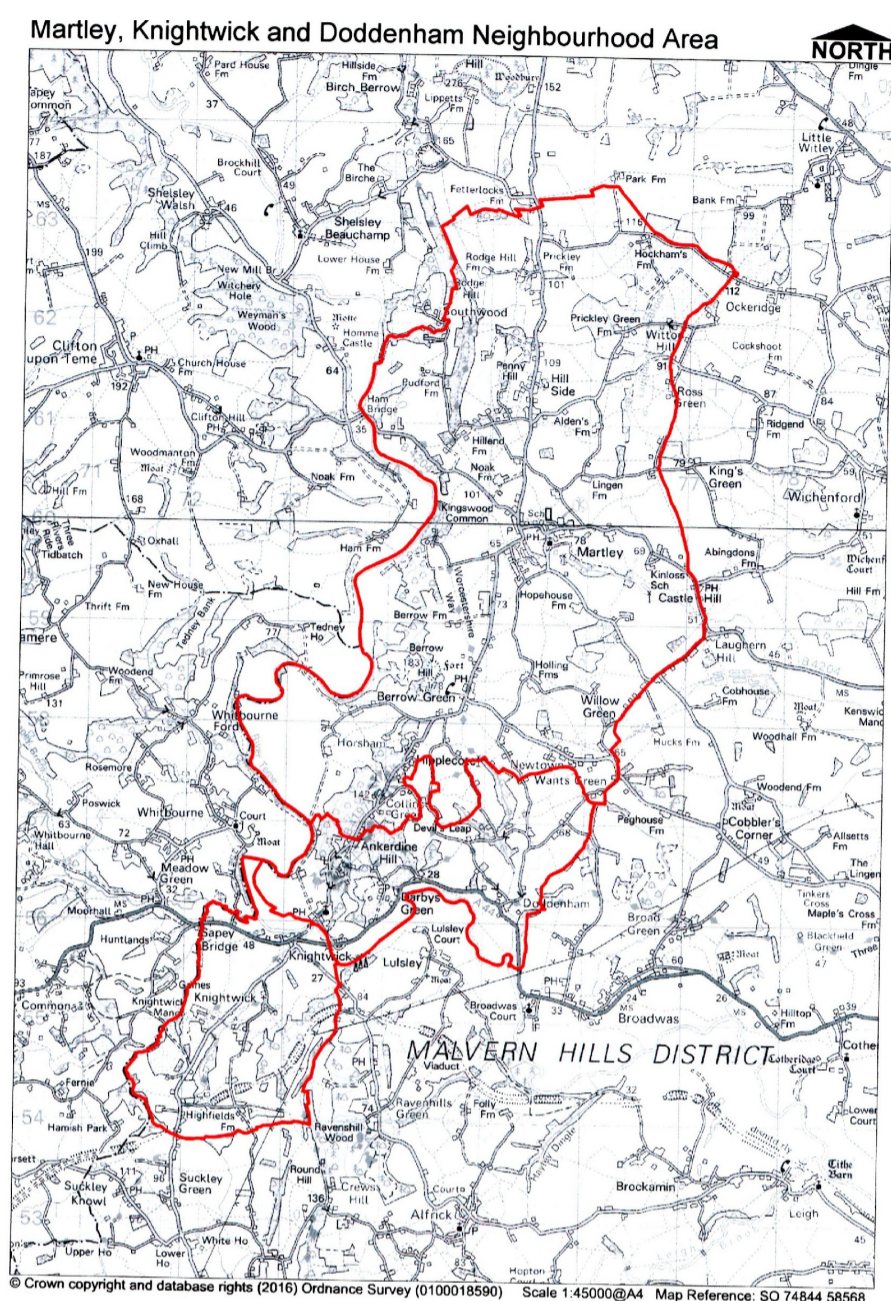
# Policies

The Plan's policies are designed to protect the unique character of our three parishes. They are:

- ▶ MKD1. Landscape design principles.
- ▶ MKD2. Building design principles in Martley Conservation Area and its immediate setting.
- ▶ MKD3. Building design principles outside Martley Conservation Area.
- ▶ MKD4. Protecting local heritage assets and archaeology.
- ▶ MKD5. Maintaining the settlement pattern in Martley, Knightwick and Doddenham.
- ▶ MKD6. New housing development in Martley village.
- ▶ MKD7. New housing development outside the Martley settlement boundary .
- ▶ MKD8. Housing mix.
- ▶ MKD9. Local green spaces.
- ▶ MKD10. Providing green infrastructure.
- ▶ MKD11. Providing, enhancing and protecting recreational open space.
- ▶ MKD12. Providing and protecting local community facilities.
- ▶ MKD13. Supporting local employment.
- ▶ MKD14 Transport management.



# Land and people



Martley Doddenham and Knightwick parishes cover 2501 hectares. At the 2011 Census, the population was 1565, of whom 21% were under the age of 18, and 21% aged 65 and above. The age-structure is similar to that of Malvern Hills District as a whole. There were 677 dwellings, of which 74% were owner-occupied, 15% rented from housing associations and 11% were rented from private landlords.

Official projections show that the population of Malvern Hills District is expected to rise 15% by 2030. But the number of people over the age of 65 is expected to rise by 53% and the number over the age of 80 by 139%.

A rising number of very elderly people will increase the need for domiciliary and day care, as well as place major demands on health services. It may also increase the number of people dependent on public transport.

# Vision and objectives

## Vision

Our Vision for Martley, Knightwick and Doddenham is for our three Parishes to continue to be a beautiful rural landscape which has at its heart, a viable and sustainable agricultural sector and efficient local businesses, set amongst scattered small villages, riverside meadows and wooded hills. Our community will provide a safe and stimulating life for people of all ages and occupations, having within its boundaries primary healthcare clinics, primary and secondary schools, places to shop, eat and drink, and a range of places to work.

## Objectives

1. To protect the rural character of our parishes, with their characteristic landscape of fields, woodlands, riverside meadows and dispersed communities.
2. To maintain a range of employment opportunities for local residents, including workplaces in industrial and office estates and home-based work.
3. To respond to the housing needs of people living in the neighbourhood area, by supporting the provision of appropriate types of dwellings built to high standards of design in locations which respect the character of our communities and countryside.
4. To provide an active and stimulating community life for all the people in the area, being a pleasant and safe place to be young and a pleasant place to grow old.
5. To hand to future generations of the three parishes as good as or even better quality of life than the one we have inherited.



# Our environment

Our three parishes are an area of great geological diversity comprising mainly timbered farmlands, wooded hills and riverside meadows. Things that make our area distinctive include:

- ▶ Considerable biodiversity, unusual for the English Midlands. Semi-natural woodland cloaks the sides of the limestone ridges and beneath its canopy, there shelters a rich shrub sub-layer and ground flora, with abundant birdlife. There is a mosaic of ancient fields and meadows set amongst woodland and woodland clearings, inset with many half-timbered farmsteads and cottages



- ▶ The three parishes are intersected by several steep and winding lanes, which can be dark in summer because of vegetation. These lead to hills and crests with some of the finest views in England.




- ▶ A landscape divided by many distinctive boundaries. These include boundaries of mature hedges and trees, and red sandstone walls within and between settlements

- ▶ Riverside meadows and wooded banks. The River Teme forms the Western edge of Martley Parish, where its banks are hilly meadows followed by steeply-wooded hills succeeded in turn by the meadows of Horsham and Knightwick.



# The built environment

Things that make our villages and hamlets distinctive include:

- ▶ A scattered and irregular settlement pattern. Buildings are scattered across the three parishes, in small settlements and farmsteads. Within the villages of Martley and Knightwick, there is a scattering of buildings, with many open spaces and piecemeal development in varied styles and with irregular layouts. As a result, there are views out from all settlements (including Martley Village) into open countryside (including many views of wooded hills). This is particularly striking in Knightwick Village, which is dominated by the wooded slope of Ankerdine Hill.
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- ▶ Characteristic styles of local building. The three parishes have a diverse range of landmark architecture, including Martley Parish Church, Knightwick Mortuary Chapel, the Talbot Hotel, the Admiral Rodney and Crown public houses, several fine farmhouses, and domestic conversions of former schools and chapels. There is a fine row of almshouses in Knightwick, with timber-arched verandas. Although there are now two estates of pattern-book housing in Martley, there are many local houses with characteristic building styles. These are shown on the next poster.



# Traditional local building features



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Chimneys



Doorways and porches



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# Protecting the environment

The three parishes include part of the Malvern Hills Area of Outstanding Natural Beauty (AONB) and several sites of special scientific interest (SSSIs). The Plan (Policy MKD1) proposes to protect the following landscape assets:

- ▶ Ankerdine Common on the summit of Ankerdine Hill (a designated Local Nature Reserve).
- ▶ the Millennium Green next to Martley Parish Church.
- ▶ the Iron Age camp on the Berrow Hill.
- ▶ the Nubbins ridge above Martley village.
- ▶ Martley Rock geological site.
- ▶ Penny Hill quarry
- ▶ Kingswood weir.
- ▶ the ridgeway along Rodge Hill.
- ▶ Knightwick limestone quarries.

The same policy also requires that development proposals must ensure that key features of any significant views can continue to be enjoyed including distant buildings and natural features or features of importance, areas of landscape and the juxtaposition of settlement edges and open countryside. A list of significant views are included in the Appendix to the Plan.

Policy MKD9 also lists important areas of open public land (called 'green spaces') that should be protected. These include: Chantry Academy Conservation Area; Martley Millennium Green; Badger Green; Hollins Lane banks; Martley Playing Field; Crown Orchard; the Hopyards Green; the Crown Meadow and Ankerdine Common. Locations are shown in the Appendix to the Plan.

# Housing demand

There has been a substantial increase in the number of dwellings (completed or under construction) in the neighbourhood area in the last five years, all in Martley Village. These include 51 houses in the Hopyard Estate, 15 in the Cherry Orchard Estate, and four in Mistletoe Orchard. This is a significant amount of growth for a village of Martley's size, facilities, infrastructure, character and natural and built heritage.

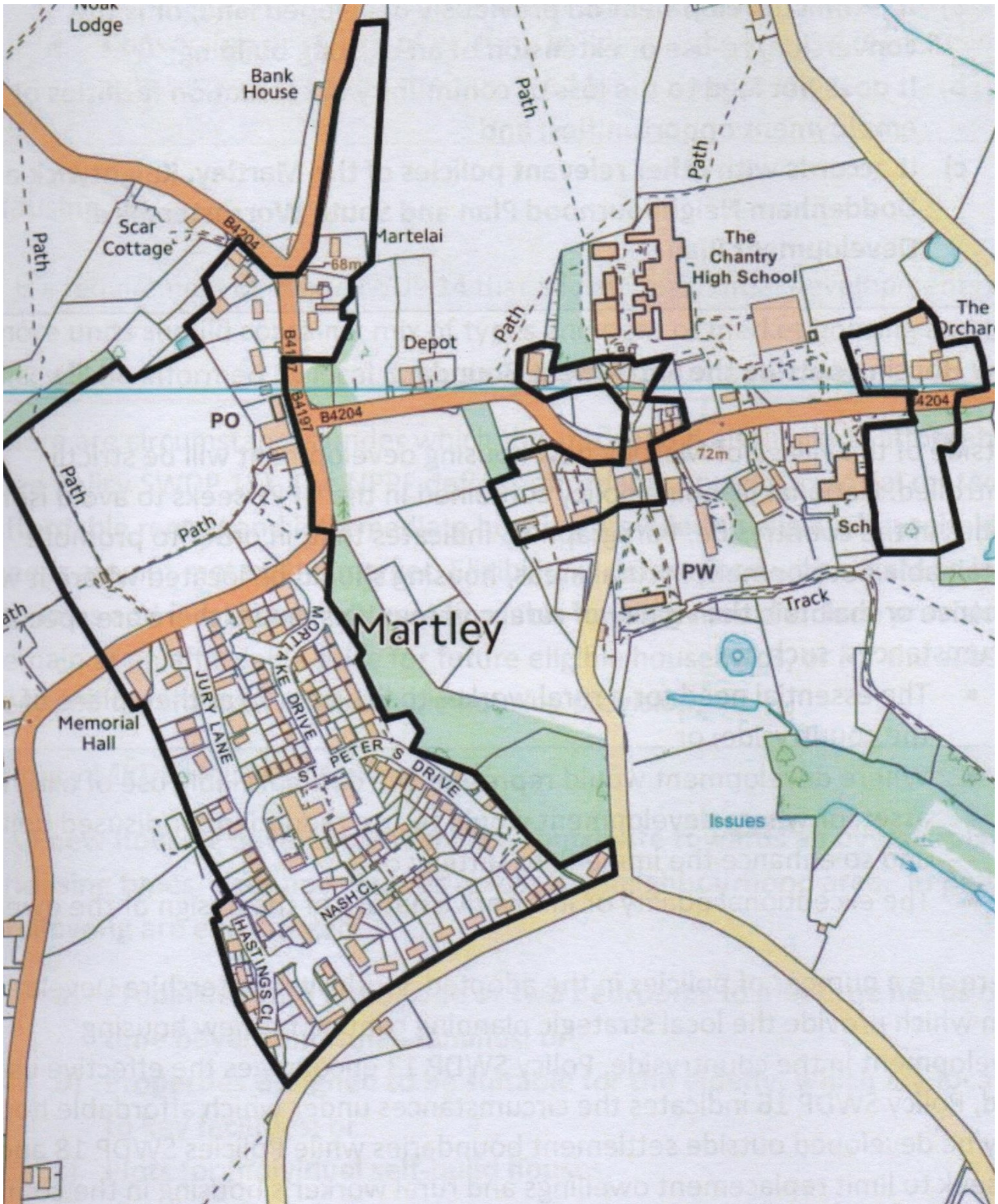
The plan therefore proposes (Policy MKD6) that new housing within the Martley village settlement boundary will only be permitted if: a) It is infill development on previously developed land, or is the conversion, re-use or extension of an existing building; b) It does not lead to the loss of community or recreation facilities or local employment opportunities; and c) It accords with other relevant policies of the Neighbourhood Plan and the South Worcestershire Development Plan.

Policy MKD7 proposes that new housing outside the settlement boundary will be only permitted when it is: a) A dwelling clearly necessary for use by rural workers including persons employed in agriculture, horticulture, forestry or a rural enterprise; b) Affordable housing on an exception site to meet identified local need; c) A replacement of an existing dwelling with established use rights and where the replacement dwelling does not exceed the original footprint by 30%; d) An extension to an existing dwelling that is subordinate to, and does not dominate the character and appearance of the original dwelling; or e) Conversion or re-use of existing buildings where there is no need for substantial reconstruction or need for large extensions.



# Settlement boundary

The map below shows the proposals in the Plan for Martley village. The 'settlement boundary' is the area within which development is permitted. There are no settlement boundaries defined for other parts of the three parishes.





## What sort of houses?

Policy MKD5 specifies that all new developments must meet the following design principles:

1. New developments must be small in scale (less than six houses) and retain the open spaces surrounding settlements.
2. New developments must be fully integrated into the existing settlement through layouts which promote permeability and accessibility to neighbouring residential areas, open spaces and facilities.
3. Infill developments should be in keeping with the scale of the immediate surrounding area and not adversely affect the amenity of neighbouring properties by way of privacy and outlook. Proposals will be required to demonstrate that proposed buildings on infill plots will not result in the unacceptable loss of open spaces which are characteristic of the dispersed and scattered settlement pattern.

Policy MKD8 specifies that all new housing development should contribute towards an overall mix of housing types, sizes and tenures across the neighbourhood area. In particular, the following are encouraged:

- a) Properties with either one or two bedrooms to meet the needs of first time buyers and small families; or
- b) Properties designed to be suitable for the elderly, which are located close to key facilities; or
- c) Plots for individual self-build houses.

# Community life.

The three parishes are active communities, with many people taking part in a wide range of activities, clubs and meetings. There are good recreational facilities, local shops and three public houses. There is also an excellent range of accessible public services, including a primary school and a secondary school, and the services of two medical practices. There is an extensive network of footpaths, maintained by a team of local volunteers.

The expected increase in the number of old people in the neighbourhood area over the next 20 years makes it essential to facilitate activities that involve moderate exercise and/or sociability. The most common leisure activity in the three parishes is country walking (including walking with dogs). This can be encouraged by providing clearly-marked and well-maintained rights of way, and attractive places to walk to.

The Plan therefore proposes that existing recreational space should be protected (Policies MKD11 and 12).

## The local economy

There are several employers in the neighbourhood area, including firms based at two large industrial estates in Martley Parish and in barn conversions near local farms. The largest single employer is the Chantry School with over 100 staff. This attracts considerable retail trade to Martley, provides business for the bus garage, and generates local traffic in the mornings and early evenings. It is therefore essential for the local community that the School continues to be successful, and the neighbourhood plan should therefore include provision for the expansion of the School and the protection of its distinctive rural environment. Martley Primary School may also expand in response to a growing local population and the possible closure of smaller nearby schools. Sites must therefore be designated to enable this expansion and to maintain space for play areas.

The Plan proposes (Policy MKD13) to support developments at the existing trading estates and extensions to existing rural premises where these do not conflict with other policies in this plan and the SWDP. Rural diversification at existing agricultural businesses will be supported providing the proposed new use does not detract from, or prejudice, the existing agricultural undertaking or its future operation, the scale of activities associated with the proposed development is appropriate to the rural character of the area and, wherever possible, existing buildings are used to reduce the need for additional built development. Extensions to existing dwellings to support home-based working will be supported where this would not lead to an adverse impact on the amenity of adjacent users and uses.

All new employment development should seek to include measures to facilitate access to the latest information technologies.

# Transport

For most people in the three parishes, transport means using a car. The Malvern Hills District has one of the highest rates of car-ownership in England, with high rates of multiple ownership. Although there are schools in Martley village, many children are still driven to school because of the lack of safe roadside footpaths from some outlying areas.

Bus services are infrequent and do not run in the evenings. They are therefore inadequate for people who wish to use public transport to work in Worcester or any other neighbouring town. Nevertheless, the bus service is essential for the 10% of the population in the neighbourhood area who do not own a car. This group includes a small number of disabled people who live in isolated settlements and are unable to get to the local GP surgery, public houses or local events. Some nearby parishes have volunteer-staffed community transport schemes, and this may become necessary here as well.

There is a growing problem of speeding along some roads, especially the A44 through Knightwick. There is also a problem with HGVs using the narrow road along Ankerdine Hill. Both of these problems are the responsibility of the County Council and are not covered by a neighbourhood plan.



# What happens next?

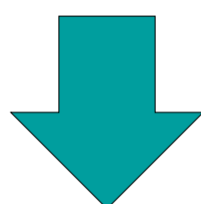
**Formal consultation.** Martley Parish Council has written to a list of local organisations and authorities. Local residents can comment by email or in writing. Consultation ends on 17<sup>th</sup> October. The Plan will be amended in response to these comments.



**District Council consultation.** The revised plan with a statement of the results of the consultations will be sent to the District Council, who will then consult on the plan for another six weeks. This may lead to further amendments.



**Independent assessment.** The Plan will be assessed by an independent evaluator, who may recommend changes. These must be incorporated in the final version of the Plan.



**Referendum.** Voters in Martley, Knightwick and Doddenham will vote on whether to accept the Plan. A simple majority will be sufficient to give the Plan legal force.

## Acknowledgements

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## How to comment

To comment on this document, please email: [REDACTED].  
You can also write to the Parish Clerk for Martley, Mrs Janet Dale, [REDACTED]. It is important that you include your name and address.