

# **MARDEN PARISH COUNCIL NEIGHBOURHOOD DEVELOPMENT PLAN REVIEW**

## **Modification Statement**

### **BACKGROUND TO THE REVIEW**

The Marden Neighbourhood Development Plan (NDP) was adopted (made) by Herefordshire Council to be part of planning policy in Marden Parish in October 2016. Since then the NDP has been used by Herefordshire Council Planning Department to determine planning applications in the parish. It has been generally successful in ensuring that any new development is where parishioners want it to be in conformity with the NDP.

When the NDP was adopted, the proportional growth required by Herefordshire was allocation for 60 dwellings (the proportional target was 104, with 44 already achieved either built or approved). In fact, allocation for 95 dwellings was made in the NDP, 35 more than the minimum required. Of the 95, the New House Farm site of 90 houses is waiting for Reserved Matters approval and the Rose Villa site of 5 houses was given Prior Approval to convert the farm buildings to 3 dwellings, however it appears to date no work has commenced on site. Since the NDP was made, approval has been granted for another 19 windfall dwellings – conversions or new sites within the settlement boundaries or in open countryside. Therefore, currently the parish is 54 dwellings above the proportional growth required in Herefordshire's 2015 Core Strategy

However, the NDP only gave 2 years legal protection in relation to the two main policies relating to where development should be allowed, M1 and M2, and in addition Herefordshire does not currently have a 5-year supply of housing land. Therefore, the parish is at risk of housing being permitted where the community does not want development.

As a result, in 2020 the parish council decided to undertake an interim review of the NDP with a view to: allocating a small number of new houses to regain the 2 year legal protection once the reviewed NDP is adopted; and amending or adding some new policies in line with suggestions from the Planning Department. A Review Group was set up to undertake the work, made up of Councillors and Parishioners.

Herefordshire Council has also started a review of its planning policy, the Core Strategy, though this is unlikely to be completed until 2023 at the very earliest. Therefore, the parish council recognises that a further review of the NDP is likely to be required once the Core Strategy is adopted, particularly if the parish is required to allocate land for more large scale development to meet government guidelines. Some new policies suggested by the Planning Department will need extensive consideration and consultation and will also be considered at the later review.

### **MODIFICATION REQUIRED**

Following work by the Review Group, an extensive Informal Consultation was undertaken with the community through a survey on proposed amendments and additions to the Vision, Objectives and Policies and proposed allocation of sites for development. Following the Informal Consultation, some further amendments were made in response to the comments made during the survey and the survey results. The comments and responses from the parish council are shown in the Consultation Statement prepared for submission, as are responses made to the Regulation 14 Consultation.

As there are new policies, amended policies and new site allocations, the qualifying body Marden Parish Council believes that the modifications are so significant or substantial as to change the nature of the plan. The reasons for this are given below.

#### **Amended and new Vision, Objectives and Policies**

The text for the amended and new items is given below. Additions and amendments to the Made Plan are shown in **RED**. For simplicity text that has been removed from the Made Plan is not shown, however the current NDP can be found for comparison at <https://www.mardenherefordshire-pc.gov.uk/parish-council/marden-neighbourhood-development-plan/>

Text of Vision, Objective or Policy	Reason for amendment
<p><u>Vision</u></p> <p>By 2031 Marden will have grown proportionally and will remain a rural parish and village. It will continue to have a strong sense of identity and have a vibrant village centre. The smaller surrounding hamlets and the countryside will have been protected from over-development.</p> <p>Marden will have a mix of open market and affordable housing, of high quality, sustainable homes satisfying all needs and age ranges. The nature and scale of housing and commercial development will have enhanced our rural appearance, feel and identity and protected the countryside. Necessary services – retail, service, school, community, sport &amp; leisure, a dedicated multi-use community centre, public transport etc. – will be provided and supported locally. There will be opportunities for working from home as well as locally, in activities that positively <b>promote</b> our natural environment. Continuing agricultural and other business activities in the parish will also enhance our natural and built environment. Access to the countryside will be improved and <b>encouraged</b> to support exercise, health and wider wellbeing.</p>	<p>Active promotion and encouragement of natural environment, exercise and health to improve wider wellbeing of parishioners</p>
<p><u>OBJECTIVE 1</u> – To deliver a vibrant village centre through a level of housing growth that is proportionate to the size and scale of Marden village and the surrounding countryside so that it retains its rural <b>and historic</b> character.</p> <p><b>Policy M1 (Marden 1) – Scale and Type of New Housing Development in Marden village</b></p> <p>In order to retain the rural character of Marden village over the plan period, proposals for new housing development will only be permitted within the Settlement Boundary or on allocated sites, as shown on the Marden Village Policies Map, in accordance with the Herefordshire Core Strategy and where it meets all the following criteria:</p> <ul style="list-style-type: none"> <li>(a) Designed to be an integrated addition to the village, well connected to the existing village settlement and community facilities;</li> <li>(b) Does not lead to the loss of protected open space, shops or other local facilities;</li> <li>(c) The density of any scheme should be consistent and compatible with the existing and prevailing density and reflect the locally distinctive character of the locality in which the new development is proposed so that the village feel is retained;</li> <li>(d) Ensures appropriate and safe access can be achieved;</li> <li>(e) Provides appropriate residential amenity for future occupiers including consideration of any adjacent noise generating agricultural, industrial or commercial activities;</li> <li>(f) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape;</li> <li>(g) Demonstrates a contribution to the delivery of an appropriate mix of dwelling types and sizes including affordable housing, to meet the needs of all sectors of the community;</li> <li>(h) Reflects the scale and function of the village of Marden;</li> <li>(i) Ensures that any likely significant effect on the River Wye Special Area of Conservation (SAC), <b>including the River Lugg sub-catchment area</b>, is avoided or adequately mitigated; and</li> </ul>	<p>Historic character of Marden village recognised and supported by the review to protect it.</p> <p>River Lugg runs through the parish and is currently adversely affected by high phosphate levels. Therefore NDP specifies any significant effect must be avoided or adequately mitigated.</p> <p>Recognised that current Plan does not adequately cover likely affect on road network, therefore added.</p>

<p>(j) Where a Transport Assessment is submitted in support of a planning application, this quantifies in detail the likely impact on the <b>strategic highway network of the parish and the railway</b>.</p> <p>In addition, the use of a brownfield site within the Settlement Boundary or conversion/replacement of an existing building or the use of an infill site will be strongly encouraged.</p>	
<p><b>OBJECTIVE 2</b> – To ensure that housing development in the surrounding hamlets of Litmarsh, Burmarsh, The Vault and other hamlets is <b>proportionate to their size</b>.</p> <p><b>Policy M2 – Scale and Type of New Housing Development in designated hamlets</b></p> <p>In order to retain the rural character of the three settlements, proposals for new housing within Litmarsh, Burmarsh and The Vault, will be considered in accordance with the Herefordshire Core Strategy subject to the following criteria:</p> <ul style="list-style-type: none"> <li>(a) Within the settlement boundary as shown on the Policies Maps for each settlement;</li> <li>(b) Maintains an appropriate density in context with the immediate surrounding area;</li> <li>(c) Ensures appropriate and safe access can be achieved;</li> <li>(d) Provides appropriate residential amenity for future occupiers including consideration of any adjacent noise generating agricultural, industrial or commercial activities;</li> <li>(e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape;</li> <li>(f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling types and sizes including affordable housing, to meet the needs of all sectors of the community;</li> <li>(g) Reflects the scale and function of the settlement; and</li> <li>(h) Ensures that any likely significant effect on the River Wye SAC, <b>including the River Lugg sub-catchment area</b>, is avoided or adequately mitigated.</li> </ul> <p><b>In addition, the use of a brownfield site within the Settlement Boundary or conversion/replacement of an existing building or the use of an infill site will be strongly encouraged.</b></p>	<p>Surrounding hamlets served by narrow roads, lack of mains sewage and reduced utilities.</p> <p>Review seeks to ensure any development is proportionate to the small size of the hamlets.</p> <p>Addition of River Lugg as before.</p> <p>Recognised that use of brownfield sites or conversion/replacement may be acceptable within hamlets as well as Marden village (M1).</p>
<p><b>OBJECTIVE 3</b> – To ensure all new development is <b>governed</b> by best practices <b>and by national and local environmental and climate change policies</b> current at the time of development and is designed to be in keeping with the surrounding character of the parish while promoting <b>an appearance diverse in character and content, without impacting on highway safety</b>.</p>	<p>Importance of climate change and environmental issues recognised and objective strengthened as a result.</p>

### Policy M3 – General Design Principles

As described in the Vision, Marden Parish is a rural area with a special character. Development will be considered which would make a positive contribution to that character and be of good design and quality. In seeking to protect and enhance the identity of the parish, all development proposals are expected to comply with all of the following criteria:

- (a) Maintain the historic pattern of development by respecting the layout associated with historic plots in the immediate area;
- (b) Ensure the suitability of the overall design and appearance of the proposal (including size, scale, density, layout, access considerations) in relation to surrounding buildings, spaces and other key features in the street scene. Originality and innovation in design is encouraged;
- (c) The arrangement of front gardens, walls, or hedges should maintain and enhance the existing rural character of the immediate locality;
- (d) Use, and where appropriate re-use, local and traditional materials;
- (e) Respect the pattern and use of spaces and use landscape design principles and landscaping where appropriate;
- (f) Ensure movement to, within, around, and through the development is satisfactory;
- (g) New residential development must include provision for adequate parking spaces including garages and for cycle storage and storage for waste and recycling bins. In new developments, provision of parking should be appropriate to the proposed development and in accordance with Herefordshire Council's Highway Design Guide and Specification;
- (h) Where practical, development proposals affecting existing buildings should also comply with (g) above; and
- (i) Use Sustainable Drainage Systems.

### Policy M4 – Extensions and development within residential curtilages, including ancillary accommodation and annexes

Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Herefordshire Council's Core Strategy Policy SD1. The Parish Council will support extensions and modifications to existing residential properties where:

- (a) The extension is subordinate to the existing building, to allow the form of the original building to be clearly understood;
- (b) The design respects the architectural characteristics, scale and detailing of the host building and its setting. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. This would not preclude proposals that are innovative or contemporary where these are of an exceptional design quality;
- (c) The proposal will not have a detrimental impact on the amenity reasonably expected to be enjoyed by the occupants of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight;
- (d) The proposal does not lead to an unacceptable loss of parking, both in curtilage or on street and does not create a danger to pedestrians, cyclists or vehicles; and
- (e) The proposal does not lead to an unacceptable loss of useable private amenity space.

Change in wording from 'heterogeneous' to plain English.

Issues of highway safety raised during lifetime of Plan, therefore added to objective.

Paragraphs in Plan removed at suggestion of Herefordshire Council Development Management. New paragraph to strengthen existing character.

Updated paragraph to ensure adequate parking in new development sites, due to narrow roads throughout parish.

New policy on extensions and development within curtilage, on advice of Development Management.

<p><b>OBJECTIVE 4</b> – To ensure that new housing is provided in a suitable range of tenures, types, sizes, affordability ranges and is flexible in usage so that local people of all ages can continue to live in the parish in a suitable home, whilst families are attracted to the area and local housing needs are met.</p> <p><b>Policy M5 – Ensuring an appropriate range of tenures, types and sizes of houses</b></p> <ul style="list-style-type: none"> <li>(a) All proposals for new housing development shall demonstrate, following consultation with the parish council, how they contribute to maintaining a mix of tenures, types and size of dwelling in the parish in accordance with the housing needs of the parish.</li> <li>(b) Sites including affordable housing and low cost home ownership should integrate with open market housing across a site. Development that leads to concentrations of different types and tenures of homes in separate groups on a site will be discouraged.</li> </ul>	<p>Tabulated for easier reading and use.</p> <p>Strengthened to ensure consultation with parish council.</p> <p>Strengthened to reduce ghettoisation of affordable housing.</p> <p>Correct terminology used.</p>
<p><b>OBJECTIVE 5</b> – To ensure that Marden has the appropriate local and community facilities to support present demand, future projected growth and demographic change. Developments must make a positive and tangible impact on the range and availability of community facilities and infrastructure by creating a focal point for the village and wider parish.</p> <p><b>Policy M6 – Protection/extension of Local Community Facilities</b></p> <p>Large housing developments (defined as 10 or more houses or area of 0.5 hectares or more) are expected to make a proportionate contribution to the provision of community facilities subject to viability testing. Any new or expanded facilities should be, wherever possible, located in or adjacent to the settlement boundary or close to existing facilities or in an otherwise convenient and suitable location.</p> <p>There will be a presumption in favour of the re-use of local community facilities for community and health type uses. The change of use of existing facilities to other uses will not be permitted unless the following can be demonstrated:</p> <ul style="list-style-type: none"> <li>(a) The proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking; or</li> <li>(b) Satisfactory evidence is produced that there is no longer a need for the facility or that it is no longer viable or fit for purpose and where appropriate has been vacant and marketed for community use without success in line with Core Strategy Policy SC1.</li> </ul> <p>The current local community facilities within the parish include but are not limited to: primary school; community centre; playing fields, recreation ground including children’s play equipment, multi-use games area (MUGA) and a tennis court; and two public houses.</p>	<p>Recognition that facilities are for whole parish not just Marden village.</p> <p>Definition of development size for contribution to community facilities in line with current legislation.</p> <p>Addition of list of current community facilities added following Regulation 14 representation to strengthen policy. Proposals Map amended to include facilities.</p>
<p><b>OBJECTIVE 6</b> – To support the retention and development of local businesses and services including homeworking that contribute to the quality of life for residents and visitors of all ages, including support for suitable diversification and use of new technology. This includes support for sensitively sited and designed improved broadband and mobile phone services and renewable energy technologies.</p>	<p>Recognition that current businesses must be supported and new businesses encouraged.</p>

**Policy M7 – New local employment opportunities**

The development of new local employment opportunities will be considered providing that they:

- (a) Do not have a detrimental impact on surrounding residential amenity;
- (b) Do not lead to the loss of open space or green infrastructure;
- (c) Are located close to existing highways and do not have an unacceptable impact on traffic; **and**
- (d) Ensure that any likely significant effect on the River Wye SAC, **including the River Lugg sub-catchment area**, is avoided or adequately mitigated.

**Development proposals that would result in the creation of small scale employment opportunities in residential properties or other non-commercial premises will be supported where they have no unacceptable impacts on the amenity of neighbours and the wider community such as noise, fumes, vibration and odours, transport system, traffic flows, parking or infrastructure.**

**Policy M8 – Supporting enhancing and protecting existing local employment**

Insofar as planning permission is required, existing sources of local employment will be protected from change from business to residential use.

Redevelopment or change of use of existing employment premises will only be permitted when:

- (a) The employment premises have been empty for **twelve** months or more and during that time actively marketed without securing a viable alternative employment use;
- (b) Equivalent, or better, provision is made, elsewhere within the settlement boundary, to replace the proposed loss of local employment space.

Development that would lead to the expansion or improvement of existing business premises will be permitted when it:

- (c) Is suitable in terms of size, layout, access, parking, design and landscaping;
- (d) Does not harm the amenity of nearby occupiers;
- (e) Does not harm the character, appearance or environment of the site and its surroundings;
- (f) Has adequate access, or potential access, by a choice of transport modes;
- (g) Retains and enhances any built and natural features/areas that contribute to the amenity or biodiversity of the area;
- (h) Includes mechanisms to improve environmental performance to that of current best practice standards **and national and local policies**; and
- (i) Ensures that any likely significant effect on the River Wye SAC, **including the River Lugg sub-catchment area**, is avoided or adequately mitigated.

**Policy M9 – Supporting Development of Communications Infrastructure**

Grammatical change.  
Addition of River Lugg as before.

New paragraph to support small scale businesses and home working.

Change in line with Core Strategy.

As before strengthened to address climate change.

Strengthened for River Lugg as before.

<p>Improvement and development of new mobile telecommunication infrastructure will be supported provided that:</p> <p>(a) The design and placement seeks to minimise impact on the visual amenity, character or appearance of the surrounding area.</p> <p>Improvements to broadband infrastructure will be supported. Any new development within the Parish should be served by a superfast broadband (fibre optic) connection unless it can be demonstrated through consultation with the NGA Network providers that this would not be possible, practical or economically viable. In such circumstances, suitable ducting should be provided within the site and to all properties to facilitate future installation.</p>	<p>Rewritten to address changes in telecommunication infrastructure and the need to provide for all dwellings.</p>
<p><b>OBJECTIVE 7</b> – To ensure that the natural and built environment of the parish is protected and enhanced for future generations through sustainable development by protecting key environmental and heritage assets (e.g. green spaces and landscapes, natural environment designations) and taking account of constraints <b>and ensuring the dark skies of the parish are maintained.</b></p> <p><b>Policy M10 – Protection of Local Green Spaces</b></p> <p>The local green spaces listed below and shown on the Marden Village Policies Map and the enlarged map on Page 31, are protected from development in accordance with the National Planning Policy Framework (NPPF):</p> <ol style="list-style-type: none"> <li>1) Land round war memorial;</li> <li>2) Pond;</li> <li>3) Area at top of Rudge Grove;</li> <li>4) <b>All areas around the front of the school building;</b></li> <li>5) <b>Area of grass in front of hedge opposite Post Office and along length of hedge;</b></li> <li>6) <b>Recreation Ground.</b></li> </ol> <p><b>Any</b> new development which impacts adversely on the openness, biodiversity or geodiversity of these sites will not be <b>supported.</b></p> <p><b>Policy M11 – Landscape Character</b></p> <p>All development proposals will have to show regard to the distinctive landscape character of the Herefordshire Lowlands Character Area by:</p> <ol style="list-style-type: none"> <li>(a) <b>Ensuring all development that is defined as being of exceptional quality in accordance with paragraph 79 of NPPF</b>, retains the development form of scattered hamlets and farmsteads within the wide setting of the area;</li> <li>(b) Using appropriate local building materials;</li> <li>(c) Retaining existing field patterns and boundaries, including low hedgerows and tree cover;</li> <li>(d) Protecting and enhancing areas of woodland;</li> <li>(e) Encouraging country stewardship and similar schemes to enhance the biodiversity and natural and historic environments.</li> </ol>	<p>Recognition that dark skies must be maintained and protected.</p> <p>2 areas of green space added.</p> <p>Strengthened to include all development.</p> <p>Recognition that exceptional development, as defined in NPPF, may be permitted in open countryside outside the settlement boundaries within the parish.</p> <p>Grammatical correction.</p>



**Policy M12 – Flood Risk and Surface Water Run-off**

- (a) All development should be preferentially located within Flood Zone 1. Where this is not possible, proposals **are expected** to demonstrate that they are safe and will not increase flood risk to third parties. This is in accordance with the sequential and exception tests set out in national policy. Proposals must have regard to Herefordshire’s Strategic Flood Risk Assessment. Flood risk betterment should be provided whenever possible.
- (b) New development should be designed to maximise the retention of surface water on the development site and to minimise runoff. Sustainable drainage systems (SuDS) should be implemented wherever possible.
- (c) **Development should reflect the specific local circumstances and relevant current evidence in relation to the likely impacts on and potential benefits for water quality, sewerage infrastructure and sustainable drainage.**
- (d) The design of new buildings and infrastructure should take account of existing topography to manage the flow of water along specific flow routes away from property and into appropriate storage facilities **and/or ‘slow the flow’ systems.**
- (e) Water attenuation facilities such as lagoons, ponds and swales should be provided within development sites.
- (f) **New development should avoid overloading existing septic tank infrastructure. Any development that proposes to make use of already overloaded, leaking or out-of-date septic tank infrastructure will be required to make provision for appropriate upgrading of the infrastructure.**
- (g) **Initiatives that rationalise or improve the provision of wastewater treatment in areas not connected to mains drainage will be supported, including installing new treatment works.**
- (h) **For new development in locations where there are vulnerable aquifers or private water sources nearby, applicants will need to provide an assessment that demonstrates how surface and foul water will be kept out of aquifers and nearby private water sources.**
- (i) Opportunities, where appropriate, should help to conserve and enhance watercourses and riverside habitats. Where necessary, this should be through management and mitigation measures for the improvement and/or enhancement of water quality and habitat of any aquatic environment in or adjoining the development site. New development must ensure that any likely significant effect on the River Wye SAC, **including the River Lugg sub-catchment area** is avoided or adequately mitigated.
- (j) Sustainable design of buildings which support rain water harvesting **is** supported. Storage of rain water for non-drinking water purposes such as watering gardens and flushing toilets is encouraged.
- (k) **Areas of hard standing such as driveways and parking areas should use porous materials where possible in line with current planning requirements and with associated soakaway facilities.**
- (l) The protection, management, and planning for the preservation of existing, and delivery of new green infrastructure is supported in accordance with Herefordshire Core Strategy Policy LD3, to maximise the retention of surface water on sites.

Change in grammar.

Tabulated for easier reading and use.

New paragraphs to strengthen policy and manage risk of flooding and harm to environment.

River Lugg as before.

Change in grammar.

Recognition of drainage systems in use in the parish.

**Policy M13 – Public Rights of Way/Connectivity**

Proposals for the enhancement and improvement of the Public Rights of Way within the parish will be supported.

Proposals for improved linkages and accessibility within Marden and to the areas beyond will be supported.



<p>All new proposals for additional dwellings should take every available opportunity to include the following enhancements to maximise accessibility to residents and to support local biodiversity:</p> <ul style="list-style-type: none"> <li>(a) Enhanced public access and appropriate signage from residential areas;</li> <li>(b) New footpaths, cycle routes and bridleways linking to existing and new networks.</li> </ul> <p>In the event that a Public Right of Way crosses a proposed development site, the proposal will not be supported unless it can be demonstrated that either the current course of the Right of Way can be retained or that any diversion would not result in any adverse impact on this public amenity or safety of the general public and is approved by the Rights of Way Officer for Herefordshire Council.</p> <p><b>Policy M14 – Dark Skies</b></p> <p>To minimise light pollution and to maintain the views of night time skies in the parish, unless it is a requirement of a statutory body all new roads built as part of a development must not feature street lighting.</p> <p>All planning proposals that include external lighting and significant openings that would allow internal lighting to be seen externally will have to demonstrate the following:</p> <ul style="list-style-type: none"> <li>(a) An assessment of the need for lighting has been undertaken. Applicants will be required to assess the need for lighting, whether the benefits of the lighting outweigh any harm caused and any alternative measures available;</li> <li>(b) The nature of the proposed lighting is appropriate for its use and location.</li> </ul>	<p>New paragraph to protect Public Rights of Way on development sites.</p> <p>New policy to protect dark skies, an important asset to rural area.</p>
<p><u>ALLOCATION OF SITES FOR DEVELOPMENT</u></p> <p>Following a Call for Sites Process, Allocation of:</p> <p>Site 2 for 3 houses – northern part of site only;</p> <p>Site 3 for 4 houses;</p> <p>Site 9 for 1 house.</p>	<p>Comments to previous consultations noted desire for small sites to be allocated and no further large developments as allocated in the current Plan. Therefore Call for Sites specified only small sites would be allocated.</p>