

# **LEDBURY NEIGHBOURHOOD PLAN**

Ledbury Neighbourhood Plan Examination,  
A Report to Herefordshire Council

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## **1. Summary**

- 1 Subject to the modifications recommended within this Report, made in respect of enabling the Neighbourhood Plan to meet the basic conditions, I confirm that:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood 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, European Union (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.
  
- 2 Taking the above into account, I find that the Ledbury Neighbourhood Plan meets the basic conditions<sup>1</sup> and I recommend to Herefordshire Council that, subject to modifications, it should proceed to Referendum.

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<sup>1</sup> It is confirmed in Chapter 3 of this Report that the Ledbury Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

## 2. Introduction

### The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Ledbury Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by a working group on behalf of Ledbury Town Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. Were a Referendum to be held and were more than 50% of votes to be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Herefordshire Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Ledbury Neighbourhood Area.
- 5 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.  
  
*“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan.”*  
(Paragraph 29, National Planning Policy Framework)
- 6 Ledbury Town Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan, as confirmed in Paragraph 1.2 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan.
- 7 The Neighbourhood Plan relates only to the designated Ledbury Neighbourhood Area and there is no other neighbourhood plan in place in the Ledbury Neighbourhood Area.
- 8 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 9 I was appointed by Herefordshire Council, with the consent of the Qualifying Body, to conduct the examination of the Ledbury Neighbourhood Plan and to provide this Report.
- 10 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 11 I am a chartered town planner and have more than five years' direct experience as an Independent Examiner of Neighbourhood Plans. I also have more than twenty five years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 12 As the Independent Examiner, I must make one of the following recommendations:
  - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
  - that the Neighbourhood Plan, as modified, should proceed to Referendum;
  - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 13 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Ledbury Neighbourhood Area to which the Plan relates.
- 14 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 15 A neighbourhood plan must specify the period during which it is to have effect.
- 16 The front cover of the Neighbourhood Plan clearly identifies the plan period as “2018-2031.” There is some conflict between the plan period stated by the Neighbourhood Plan and paragraph 1.3 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, which refers to a plan period commencing in 2017.
- 17 Notwithstanding this, I note that the Neighbourhood Plan does not promote less development than required by the Herefordshire Local Plan Core Strategy (2015), having regard to paragraph 29 of the National Planning Policy Framework, which states that:  
  
*“Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”*
- 18 For clarity, I recommend:
  - **Neighbourhood Plan front cover, delete “Pre-Submission Draft”**
- 19 Taking all of the above into account, the Neighbourhood Plan specifies the plan period during which it is to have effect.

Public Hearing

- 20 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 21 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 22 Further to consideration of the information submitted, I confirmed to Herefordshire Council that I would not be holding a public hearing as part of the examination of the Ledbury Neighbourhood Plan.

### **3. Basic Conditions and Development Plan Status**

#### **Basic Conditions**

- 23 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>2</sup> following the Localism Act 2011. Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. 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 neighbourhood 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, European Union (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.<sup>3</sup>
  - An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>4</sup>
- 24 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:
- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

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<sup>2</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

<sup>3</sup> 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.

<sup>4</sup> The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

- 25 Subject to the content of this Report, I am satisfied that these three points have been met.
- 26 In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

### European Convention on Human Rights (ECHR) Obligations

- 27 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 28 In the above regard, I note that Information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Representations have been made to the Plan, some of which have resulted in changes and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and shows the outcome of comments.

### European Union (EU) Obligations

- 29 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>5</sup>. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment (SEA).
- 30 In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*  
(Planning Practice Guidance<sup>6</sup>)
- 31 National advice then goes on to state<sup>7</sup> that the draft plan:
- “...must be assessed (screened) at an early stage of the plan’s preparation...”*
- 32 This process is often referred to as a screening report, opinion or determination. If the screening report identifies likely significant effects, then an environmental report must be prepared.

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<sup>5</sup> Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance.

<sup>6</sup> Paragraph 027, *ibid.*

<sup>7</sup> Planning Practice Guidance Reference ID: 11-028-20150209.

33 Screening identified that, due to proposed housing allocations, the Neighbourhood Plan required a Strategic Environmental Assessment (SEA). In line with requirements, the Neighbourhood Plan was the subject of a Scoping Report which itself underwent a five week consultation with the statutory bodies, Natural England, Historic England and the Environment Agency, during April and May 2017.

34 In respect of the Scoping Report, Natural England noted that:

35 *"...the methodology and baseline information used to inform the report appears to meet the requirements of the SEA Directive (2001/42/EC) and associated guidance."*

36 The SEA submitted alongside the Neighbourhood Plan was published in March 2018 and concluded that:

*"The Ledbury NDP objectives and policies comply with the Local Plan and the NPPF. They do not go over and above the Herefordshire Council Local Plan (Core Strategy) policies in terms of scale, and therefore do not need any further recommendations or changes in order to ensure no significant effect on protected sites."*

37 The statutory consultees were consulted on the SEA and none raised any objections to the above conclusion.

38 A Habitats Regulations Assessment is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.

39 A Habitats Regulations Assessment Screening Report was published in March 2017. This identified that:

*"...there are no European sites within the parish or in close proximity."*

40 The Report went on to conclude that:

*"...a full Habitats Regulations Assessment will not be required for the Ledbury Neighbourhood Plan."*

- 41 Further to all of the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

*“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations” (Planning Practice Guidance<sup>8</sup>).*

- 42 In undertaking all of the work that it has, Herefordshire Council has considered the compatibility of the Neighbourhood Plan with European obligations. Herefordshire Council has not raised any concerns in this regard.
- 43 Taking the above and the contents of this Report into account, I conclude that the Neighbourhood Plan meets the basic conditions in respect of European obligations.
- 44 I note that representations criticising the environmental assessment process were submitted during Regulation 16 consultation. The choice and process associated with the housing *“allocation,”* along with the proposed settlement boundary, are criticised.
- 45 Within this criticism, it is suggested that the SEA does not fairly and reasonably consider all of the likely significant effects associated with various housing option sites. In this regard, I note that elements of assessments can involve subjectivity and am mindful that none of the statutory bodies has raised any significant concerns in this regard, nor, most notably, has Herefordshire Council, which is ultimately responsible for determining whether or not the Neighbourhood Plan meets European obligations.

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<sup>8</sup> Planning Practice Guidance Reference ID: 11-031-20150209.

- 46 As an aside to the above, there is evidence to demonstrate that Ledbury can demonstrably and significantly exceed its minimum dwelling target through the delivery of a strategic urban extension in the adopted Core Strategy and planning permissions alone and it therefore has no need to allocate any land for development. This becomes a relevant factor later in this Report, when, in order for the Neighbourhood Plan to meet the basic conditions, both the proposed "*allocation*" and settlement boundary are, in any case, recommended for deletion.
- 47 The "*Stonegate*<sup>9</sup>" case is referred to in objection to the SEA process. However, rather than draw a direct parallel to this case, I note that, amongst other factors - including there being no attempt to exclude land with residential planning permission from a settlement boundary or any need to consider the findings of an Inspector determining a s78 appeal in respect of another site - Ledbury's housing land situation (such that it greatly exceeds its requirement) was fundamentally different to that of Henfield.

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<sup>9</sup> Ref: R.(Stonegate Homes Limited and another) v. Horsham District Council and Henfield Parish Council (2016).

#### **4. Background Documents and the Ledbury Neighbourhood Area**

##### Background Documents

- 48 In undertaking this examination, I have considered various information in addition to the Ledbury Neighbourhood Plan. I draw attention to the fact that a replacement version of the National Planning Policy Framework was published in July 2018, during the course of this examination. The previous National Planning Policy Framework was published in 2012 and the replacement version differs from it in a number of ways.
- 49 I confirm that, in line with the basic conditions, I have considered the Neighbourhood Plan against national policy, as set out in the National Planning Policy Framework (July 2018).
- 50 Taking this into account, information considered as part of this examination has included (but is not limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as “the Framework”) (2018)
  - Planning Practice Guidance (2014)
  - Town and Country Planning Act 1990 (as amended)
  - The Localism Act (2011)
  - The Neighbourhood Plan Regulations (2012) (as amended)
  - Herefordshire Local Plan Core Strategy (2015) (referred to in this Report as “the Local Plan”)
  - Basic Conditions Statement
  - Consultation Statement
  - Environmental Report March 2018
  - Habitats Regulations Assessment March 2017
- Also:
- Representations received
- 51 In addition, I spent an unaccompanied day visiting the Ledbury Neighbourhood Area.

Ledbury Neighbourhood Area

- 52 The boundary of the Ledbury Neighbourhood Area is shown on page2 of the Neighbourhood Plan.
- 53 Herefordshire Council formally designated the Ledbury Neighbourhood Area on 16<sup>th</sup> November 2012. This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## 5. Public Consultation

### Introduction

- 54 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 55 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

### Ledbury Neighbourhood Plan Consultation

- 56 A Consultation Statement was submitted to Herefordshire Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*<sup>10</sup>.
- 57 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Ledbury Neighbourhood Area, having regard to Paragraph 29 of the National Planning Policy Framework ("*the Framework*").
- 58 Further to the creation of a Neighbourhood Development Plan Group, to lead plan-making on behalf of Ledbury Town Council, four consultation events were held between June and August 2014, aimed at identifying relevant issues. Initial views were gathered, including through a questionnaire, and helped to inform consultation in respect of "*visions and objectives*," held during March and April 2016. This consultation was informed by two events held in St Katherine's Hall, a business breakfast, an event at the primary school and a retailers and traders consultation.

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<sup>10</sup>Neighbourhood Planning (General) Regulations 2012.

- 59 In July 2016, four consultation events and a business breakfast were held to ascertain the community's views on potential development sites. Further written representations were then sought at the end of 2016.
- 60 The draft plan underwent six weeks public consultation during August and September 2017. Responses were analysed and informed production of the Submission plan.
- 61 The Consultation Statement notes that plan-makers worked together with officers at Herefordshire Council and that public consultation was well-publicised. Information relating to the Neighbourhood Plan was provided via social media, the Town Council website and a dedicated Neighbourhood Plan website. Information was also provided via posters, notice boards and through the local press (Ledbury Focus and Ledbury Reporter), maintained and updated throughout the plan-making process. In addition to flyers, information was published via press releases and articles.
- 62 The Consultation Statement provides detailed evidence to demonstrate that public consultation formed an important part of the overall plan-making process, that matters raised were taken into account and that the reporting process was transparent.
- 63 Taking all of the above into account, I am satisfied that the consultation process was significant and robust.
- 64 A small number of representations criticising the consultation process have been received. However, I find that the Consultation Statement provides significant evidence to demonstrate that public consultation met statutory requirements. Notwithstanding proportionality to neighbourhood planning, consultation was clearly proactive and provided plenty of opportunities, over a period of years, for constructive engagement.

## 6. The Neighbourhood Plan – Introductory Section

65 As noted above, the Framework has been replaced during the examination period. Taking this into account, I recommend:

- **Page 10, second para, change to “*At the heart of the NPPF is the principle of sustainable development. The Framework identifies three dimensions of sustainable development: economic, social and environmental:*” (remove italics from the three bullet points that follow, as they no longer comprise direct quotes from the revised Framework)**
- **Delete next para (“According to...solutions”) and replace with (again, not in italics, as the following paraphrases the Framework) “*These three overarching objectives are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.*”**
- **Second column, page 10, first complete para, change to “...and affordability. *It seeks to preserve those areas...*”**
- **Second column, page 10, second complete para, delete sentence “Where the NDP...building regulations” which fails to properly reflect statutory planning policy requirements.**
- **Second column, page 10, final para, delete from “It must be noted...” to “...800 stipulated in the Core Strategy” on page 11 and replace with the factually correct “*Approvals for development of 625 homes at land to the north of the Viaduct and windfall developments (totaling 421 dwellings) south of the bypass and at the Cricket Club, mean that residential development in the Neighbourhood Area exceeds the minimum target of 800 homes set out in the Herefordshire Local Plan Core Strategy.*”**
- **Delete the following sentence (“The Core Strategy...approved”) and replace with “*The Core Strategy was adopted in 2015, further to rigorous examination. The Neighbourhood Plan does not seek to remove sites allocated in the Core Strategy and cannot delete sites that have received planning permission.*”**

## **7. The Neighbourhood Plan – Neighbourhood Plan Policies**

### Sustainable Development

#### **Policy SD1.1 – Ledbury as a Self-Sustaining Community**

- 66 The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving this means that the planning system has three overarching objectives – economic, social and environmental.
- 67 The National Planning Policy Framework (referred to in this Report as “*the Framework*”) requires sustainable development to be pursued in a positive way. In the light of this national planning policy therefore establishes that:
- “...at the heart of the Framework is a presumption in favour of sustainable development.”*
- 68 This presumption in favour of sustainable development is set out in Policy SS1 of the Herefordshire Core Strategy (2015).
- 69 Policy SD1.1 sets out a forward-thinking land use planning policy, founded upon the principles of sustainability. It strongly asserts the Neighbourhood Plan’s intention of placing sustainability at the heart of life in Ledbury, with the aim of achieving tangible, positive differences.
- 70 The Policy has regard to national policy and represents an innovative and thoughtful approach to translating sustainability aims into assertive, meaningful and aspirational land use planning policy. In this case, the Neighbourhood Plan targets the development of Ledbury as a leading national example of a self-reliant and environmentally sustainable community. As the first Policy in the Neighbourhood Plan, it provides a strong and positive introduction to and context for, the Policies that follow.
- 71 Policy SD1.1 meets the basic conditions and no changes are recommended to either the Policy or to the supporting text.

## Housing

### Policy HO1.1

72 Paragraph 29 of the Framework states that:

*“Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”*

73 The Herefordshire Core Strategy 2015 (referred to in this Report as the “Core Strategy”) recognises Ledbury as a thriving service centre to its surrounding community in the east of the County. To provide for new housing demand to 2031, Core Strategy Policy LB1 (“Development in Ledbury”) establishes a minimum target of 800 new dwellings for Ledbury.

74 Core Strategy Policy LB2 (“Land north of the Viaduct”) identifies an area in Ledbury for a strategic urban extension, to include around 625 dwellings. The 625 dwellings comprise a significant proportion of the minimum target for Ledbury and paragraph 4.5.3 of the Core Strategy explains that this represents a strategy “to deliver new homes mainly in a single location.”

75 The Core Strategy goes on to establish that:

*“The remaining housing requirement for Ledbury will be delivered through existing commitments, windfalls and the allocation of sites through a Neighbourhood Development Plan.”*  
(Paragraph 4.5.3, Core Strategy)

76 Recent planning permissions have been granted for large developments at Leadon Way (325 dwellings) and at the Full Pitcher former cricket ground site (100) dwellings.

- 77 Taking all of the above into account, it is clear that Ledbury can deliver well in excess of the 800 dwelling minimum target, through the delivery of the strategic urban extension and planning permissions alone. This does not take into account the inclusion of other, smaller, housing developments that have already come forward during the plan period, or which may come forward as windfall developments in the future.
- 78 There is no requirement for neighbourhood plans to allocate land for development and in this case, it is evident that Ledbury is more than capable of meeting strategic policy requirements in respect of housing and housing land, without allocating any sites for residential development.
- 79 Whilst there is no need for the Ledbury Neighbourhood Plan to allocate land for residential development, Policy HO1.1 seeks to allocate Market Street Auction Rooms for residential development. The choice of the site emerged through consultation, which included a Call For Sites exercise.
- 80 The supporting text to Policy HO1.1 establishes that the site was chosen with the specific intent of providing accommodation for the elderly and young people. However, there is nothing in the Policy itself that would necessarily achieve this intent. Rather, the Policy simply allocates the site for housing and states that “*a proportion*” of dwellings provided on the site should be appropriate for the needs of elderly people.
- 81 Providing say, two dwellings to Lifetime Homes standards and making them available to rent would satisfy the requirements of the Policy, but there is no evidence to demonstrate that this would meet the aims set out by the community. Consequently, the vagueness of the term “*proportion*” has significant implications in respect of the Policy, leading it to fail to have regard to national guidance<sup>11</sup>, which is explicit in requiring that:

*“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.”*

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<sup>11</sup> Planning Policy Guidance, Paragraph: 042 Reference ID: 41-042-20140306.

82 Further to the above, the Policy would also support “*expanded medical facilities.*” However, there is no evidence – for example, information such as a masterplan and a viability statement - to demonstrate that a combined residential/medical development would be deliverable in this location. Also, the site is located within the Ledbury Conservation Area. It is not clear, in the absence of any detailed information, how, or whether, a residential development or a combined medical/residential development, could come forward in a manner that would conserve this important heritage asset in a manner appropriate to its significance.

83 All of the above places a degree of uncertainty over the deliverability of the proposed allocation and raises a question over whether it would contribute to the achievement of sustainable development. Given this, notwithstanding that Policy HO1.1 is imprecise and ambiguous, it is difficult to conclude that it has regard to Paragraph 16 of the Framework:

*“Plans should...be prepared positively, in a way that is aspirational but deliverable;”*

84 This all leads to the recommendation below. However, in recommending that the Policy be deleted, I am mindful that its intention was to provide for housing to meet an identified need. In this respect, I note that the absence of an allocation in a plan does not, in itself, prevent an application for development being made. Further, I make a recommendation below which is aimed at not losing sight of something identified by the community through the plan-making process.

85 I recommend:

- **Delete Policy HO1.1**
- **Change title of Map 6 to “Possible Site at Market Street Auction Rooms”**
- **Create a new heading “Community Action – Market Street Auction Rooms.” Remove coloured box and ensure that the Community Action is presented such that it does not appear as a Policy.**
- **Retain supporting text and add a new paragraph at the end (page 23) “Whilst identified as an opportunity only, and not allocated for development, the Town Council will seek to explore ways in which an application might be brought forward on this site to deliver the aims of the community identified above.”**

**Policy HO1.2 – Existing Commitments**

86 Policy HO1.2 is not a land use planning policy. Rather, it simply identifies land that has planning permission or which comprises a strategic land allocation.

87 I recommend:

- **Delete Policy HO1.2**
- **Retain Maps 7, 8 and 9**
- **Retain the paragraph of text on page 24 and add a new paragraph above it entitled “*Ledbury’s Large Housing Sites. Maps 7, 8 and 9 show the Viaduct Site (identified in the Herefordshire Core Strategy for 625 dwellings), the Full Pitcher Site (planning permission for 100 dwellings) and Land South of Leadon Way (planning permission for 321 dwellings).*”**

**Policy HO2.1 – Reinforcing Balanced Housing Communities**

88 Paragraph 61 of the Framework states that:

*“...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.”*

89 Taking into account evidence from the plan-making process, Policy HO2.1 seeks to ensure that residential development provides for different needs, having regard to national policy.

90 As set out, the Policy appears ambiguous. It refers to a “*satisfactory mix*” without defining what this might comprise, who would be the arbiter of it and on what basis. Consequently, as worded, the Policy does not provide a decision maker with a clear indication of how to react to a development proposal having regard to Paragraph 16 of the Framework, which requires plans to:

*“...contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.”*

91 Taking all of the above into account, I recommend:

- **Policy HO2.1, change to “...housing units *should demonstrate the provision of a mix of building sizes, types and tenures of housing. This may include:*” RETAIN FIVE BULLET POINTS HERE**

## Policy HO2.2 – Housing Density

92 Core Strategy Policy SS2 (“*Delivering new homes*”) states that:

*“Residential density will be determined by local character and good quality design. The target net density across the county is between 30 and 50 dwellings per hectare, although this may be less in sensitive areas.”*

93 Policy HO2.2 seeks to establish minimum and maximum housing densities across the Neighbourhood Area. However, whilst part of the Policy appears to recognise the significance of local character and good quality design when determining densities, it goes on to seek to impose a prescriptive approach which places a hurdle in the way of allowing for local character to be taken into account. For example, the Policy would prevent any development above 30 dwellings per hectare anywhere across the Neighbourhood Area outside the town centre, regardless of circumstances. This appears to result in a Policy that is in conflict with itself, resulting in a lack of clarity.

94 No substantive evidence has been submitted to demonstrate that, in all circumstances, it would not be possible for housing to be developed at a density higher than 30 dwellings per hectare, whilst at the same time, comprise good design that respects local character. As set out, Policy HO2.2 appears so prescriptive as to potentially prevent the consideration of local character, without evidence to justify the approach taken. The Policy is not in general conformity with Core Strategy Policy SS2.

95 The latter parts of Policy HO2.2 appear particularly confusing in the light of the above, as they essentially introduce more conflict into the Policy by overriding the density criteria set out.

96 To ensure that the Policy is in general conformity with the relevant strategic policy, I recommend that it is clarified and simplified as below.

97 I recommend:

- **Policy HO2.2, change to “*The housing density of new development should respect its surroundings through good design which responds positively to local character. Housing densities should be within the range of 30 to 50 dwellings per hectare. In keeping with local character, housing densities should be at the higher end of this range towards and within the town centre and at the lower end of this range towards the edge of the settlement.*”**

**Policy HO3.1 – Housing for the Elderly**

- 98 Policy HO3.1 is a positive land use planning policy which provides a supportive framework for the development of housing for the elderly.
- 99 The Policy has regard to Paragraph 61 of the Framework, which requires planning policies to reflect the need for housing for older people.
- 100 Policy HO3.1 meets the basic conditions and no changes are recommended.
- 101 However, the supporting text to the Policy is presented in a way that makes it appear as a Policy requirement, which it is not and part of the supporting text appears separated from the Policy by another Policy in the Neighbourhood Plan. I recommend:
- **Swap the position of Policy HO3.2 with that of the isolated supporting text to Policy HO3.1**
  - **Change last sentence of supporting text to *“The Town Council will seek to encourage all such development above ground floor level to be accessible via a lift.”***

**Policy HO3.2 – Town Centre Housing**

- 102 Policy HO3.2 requires “*smaller development proposals*” to prioritise the needs of the elderly.
- 103 The Policy appears vague to the point that it fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.
- 104 The term “*smaller development proposals*” is not defined and it is not clear, therefore, what types of development would fit into this category. More fundamentally, no information at all is provided in respect of how prioritisation might work. Consequently, it is not possible to know how an application might be considered on this basis.
- 105 The development of housing for older people can involve costs over and above those of market housing –for example, through the provision of Lifetime Homes-related requirements, access lifts and so on.
- 106 Town centre development, by its very nature, often involves brownfield sites, which can be significantly more costly to develop than greenfield land. No substantive evidence, for example in the form of viability studies, has been provided to demonstrate that the aspirations of Policy HO3.2 are deliverable.
- 107 I recommend:
- **Delete Policy HO3.2**

**Policy HO4.1 – Housing for Young People**

108 Having regard to Paragraph 64 of the Framework, which supports the provision of homes to meet a variety of needs, Policy HO4.1 provides a supportive Policy for the provision of housing for young people.

109 The supporting text to the Policy is potentially confusing. Policy HO4.1 does not include any provisions requiring "*long term local connections with the town*" as referred to in the supporting text. Policy HO4.1 is not, for example a local occupancy Policy.

110 I recommend:

- **Supporting text, second para, change to "...to *help* meet the needs of those on low *incomes*." (delete remainder of sentence)**

**Policy HO5.1 – Self Build**

- 111 Policy HO2.1 of the Neighbourhood Plan supports the development of self-build housing as part of larger-scale developments. Policy HO5.1 is a more generally supportive Policy for self build proposals as a whole.
- 112 Taken together with other Policies in this Section of the Neighbourhood Plan, the Policy provides for residential development that meets a range of needs and has regard to Paragraph 61 of the Framework.
- 113 No changes are recommended.

Employment and Economy

**Policy EE1.1 New Employment Sites**

114 National policy states that:

*“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

(Paragraph 80, the Framework)

115 It goes on to require planning policies to:

*“...be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices...and to enable a rapid response to changes in economic circumstances.”*

116 Core Strategy Policy E1 (“*Employment Provision*”) supports the provision of employment land in a range of locations, types and sizes of buildings, land and offices, to meet the needs of the local economy.

117 Policy EE1.1 provides a positive framework for the provision of new employment land and the regeneration and/or intensification of previously developed land for employment uses. It is in general conformity with the Core Strategy and has regard to national policy.

118 The Policies of the development plan need to be considered as a whole and the Policy therefore makes unnecessary cross-references to other Policies.

119 It is not clear how an application for an Enterprise or Business Start-up hub would be encouraged and information relating to this would be better located in the supporting text.

120 The final sentence of the supporting text comprises a general statement that does not relate directly to the Policy.

121 I recommend:

- **Policy EE1.1, change to “*New employment sites will be supported. The regeneration...supported.*” (delete last sentence)**
- **Delete last sentence of supporting text (“Enhancing...aims”)**
- **Add new sentence to end of supporting text, “*The Town Council will work to encourage applications for an Enterprise or Business Start-up hub.*”**

**Policy EE1.2 – Protecting Existing Employment Land**

- 122 Policy EE1.2 aims to protect existing employment land from changes to non-employment uses and has regard to Paragraph 80 of the Framework.
- 123 However, the wording of the Policy appears vague, as it states that land/buildings will be protected without setting out how they will be protected from a land use planning policy perspective.
- 124 I am also mindful that some changes of use, including that of employment premises may comprise permitted development that does not require planning permission.
- 125 The Neighbourhood Plan cannot direct the Local Planning Authority in respect of the determination of planning applications. A planning application, once registered, must be considered. I also note that, as set out the Policy is clear in stating that non-employment uses will not be supported but then goes on to set out requirements for applications for such a change of use.
- 126 The supporting text, contrary to the Policy, indicates that such a change of use would be supported, subject to economic viability. This is a matter that needs to be clarified to ensure that the Neighbourhood Plan is consistent and does not conflict with itself.
- 127 The supporting text includes a requirement that does not comprise a Policy requirement and this is also addressed in the recommendations below.
- 128 I recommend:
- ***Policy EE1.2, change to “The change of use of employment land and premises to non-employment uses, for which planning permission is required, will not be supported unless it can be demonstrated that continued employment use is no longer economically viable, through the provision of evidence showing that the site or premises have been actively and openly marketed at market value for the existing use/other suitable employment uses, for at least a twelve month period.”***
  - **Supporting text, delete last sentence (“Poor...use.”)**

**Policy EE1.3 – Identified Employment Sites**

129 Rather than comprising a land use planning policy, Policy EE1.3 simply identifies two areas that has already been identified in the Core Strategy for employment use; and identifies land that has planning permission for employment use.

130 I recommend:

- **Delete Policy EE1.3**
- **Retain Maps 11, 12 and 13**
- **Delete the paragraph of text on page 32 and replace with a new paragraph entitled “*Ledbury’s New Employment Sites. Maps 11, 12 and 13 show Land South of Little Marcle Road (identified in the Herefordshire Core Strategy as an area in which new employment uses will be supported), Land North of the Viaduct (identified in the Herefordshire Core Strategy as land for employment use) and the Lower Road Trading Estate (granted planning permission for employment use in 2018).*”**

**Policy EE2.1 – Promoting Visitor Accommodation**

131 Core Strategy Policy E4 (“*Tourism*”) sets out a supportive land use planning framework for tourism development, including the development of new visitor accommodation.

132 Policy EE2.1 seeks to promote the development of visitor accommodation and as such, is in general conformity with the Core Strategy.

133 However, as worded, the Policy does not make sense. This is because the opening sentence is grammatically incorrect. The recommendations below address this and the “*wordiness*” of the Policy, which prevents it from appearing concise.

134 I recommend:

- **Policy EE2.1, change to “...provision in *the urban area will be supported, subject to respecting local character, residential amenity and highway safety. Outside the urban area, the re-use of...supported.*”**

### **E3.1 – Retail Areas and Provision**

- 135 The Framework requires planning policies to define the extent of town centres and primary shopping areas and make clear the range of uses permitted in these locations (Paragraph 85).
- 136 In addition, Core Strategy Policy E6 ("*Primary shopping areas and primary and secondary shopping frontages*") seeks to protect the retail trading character of primary shopping areas.
- 137 Policy E3.1 defines Ledbury's primary and secondary shopping frontages (although it refers to them as "*areas*") and provides clarity in respect of the range of uses supported in these locations. This has regard to national policy and further, the approach set out would serve to protect Ledbury's retail trading character, in general conformity with the Core Strategy.
- 138 The final part of the Policy is aimed at ensuring that development does not reduce the provision of town centre car parking and where possible, enhances it. This has regard to Paragraph 106 of the Framework, which supports improvements to town centre parking.
- 139 Map 14 appears blurred. It is recommended that the Map is made clearer as it is essential that the detailed boundaries of the shopping frontages are not left open to interpretation.
- 140 I recommend:
- **Policy EE3.1, first sentence change to "...secondary shopping frontages for..."**
  - **Change Map 14 to a clearer Map, with the detail of frontages being clearly identifiable**

## Built Environment

### Policy BE1.1 – Design

- 141 National planning policy dedicates a Chapter of the Framework to good design, Chapter 12 “*Achieving well-designed places.*” Within this Chapter, Paragraphs 124 and 125 state that:

*“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...*

*...Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable.”*

- 142 The Objective BE1 sets out, with clarity, the aim of ensuring that development in Ledbury is sympathetic to local character and preserves Ledbury's distinctiveness.
- 143 By way of contrast, Policy BE1.1 appears less clear. It “*encourages*” the creation of space for events including “*varied market provision*” and the enhancement of community amenities without providing any information in respect of how these matters relate directly to the Neighbourhood Plan's design objectives, or how they will be encouraged in land use planning terms.
- 144 Also, in the absence of any information, it is not clear how “*developments will be encouraged*” to comply with the town's Design Guide. In this respect, it is relevant to note that whilst the Ledbury Design Guide provides helpful and detailed information, it is not an adopted planning document and does not carry the material planning weight of such. It is also relevant to point out that the information required in support of planning applications is set out in statute and there is no justification for the Neighbourhood Plan to seek to change this.

145 Whilst the wording of the final part of the Policy is unclear, it appears to support the testing and improvement of development proposals through making use of the design review process. This has regard to Paragraph 129 of the Framework, which supports "*design advice and review arrangements.*" However, there is no evidence to support the contention in the supporting text that Local Planning Authorities are "*requiring*" that schemes are design reviewed. Whilst Local Planning Authorities can and often do recommend that developers make positive use of the design review process, it is not something that can be enforced.

146 Taking all of the above into account, I recommend:

- **Policy BE1.1, change to "*Development should demonstrate that it is sympathetic to the character and appearance of Ledbury and where possible, that it contributes to the conservation and enhancement of the overall distinctiveness of the Neighbourhood Area. The use of design review is strongly supported.*"**
- **Supporting text, change to "...historic character. The Town Council will seek to encourage developers to make use of the Ledbury Neighbourhood Plan Design Guide. Further, the design review process can provide an opportunity to...early on." (delete rest of text)**

**Policy BE1.2 – Settlement Boundary**

147 Core Strategy Policy RA3 (*“Herefordshire’s Countryside”*) states:

*“In rural locations outside of settlements, as to be defined in either Neighbourhood Development Plans or the Rural Areas Sites Allocations DPD, residential development will be limited...”*

148 The creation of a settlement boundary in the Neighbourhood Plan is therefore a significant matter, as it effectively imposes a boundary between a focus for residential development and an area where residential development is more restricted.

149 Consequently, given the presumption in support of sustainable development referred to earlier in this Report, it is important that the determination of a settlement boundary has emerged through a process that can demonstrate why any such boundary is located where it is. This can serve to demonstrate that the Neighbourhood Plan contributes to the achievement of sustainable development. Conversely, the absence of substantive evidence in this regard may lead the settlement boundary to appear imposed in an arbitrary and/or unjustified manner and consequently, result in an approach that fails to contribute to the achievement of sustainable development.

150 Neither Policy BE1.2 nor its supporting text provide any information in respect of how the proposed settlement boundary was considered through the plan-making process. Further information provided by the Qualifying Body in this regard appears limited in its scope.

151 In addition, the supporting information submitted alongside the Neighbourhood Plan contains references to the settlement boundary in the Consultation Statement and the Basic Conditions Statement. Taking the latter first, this states that Policy BE1.2 *“conforms”* to paragraphs 7, 17 and 55 of the Framework and Core Strategy Policies LB1, LD1 and RA3, but does not go into further detail.

- 152 The Consultation Statement reveals that, in December 2016, consultation took place on new Policies that plan-makers had introduced since the previous Summer 2016 "*Policies Consultation*". One of these new Policies related to a proposed Settlement Boundary and the Consultation paper states:

*"A settlement boundary is a line drawn around a settlement to indicate where a set of policies apply. Development within the settlement boundary is usually considered sustainable and appropriate in principle (subject to other national and local planning policies). The NDP Group believe that a settlement boundary will help to defend the edge of Ledbury from further unwanted housing applications since the Ledbury NDP intends to include a policy which states that "Proposed development outside the settlement edge will not be supported."*

- 153 Whilst a Map showing the proposed settlement boundary is provided, there is little in the way of substantive evidence to justify the chosen settlement boundary.
- 154 The December 2016 consultation was by written representation only and a total of 116 responses were received. The Consultation Statement shows that only 50% of respondents agreed with the proposed settlement boundary.
- 155 Taken together, all of the above raises a number of concerns. Firstly, little information and evidence has been submitted in support of the proposed settlement boundary. Secondly, little information has been submitted to demonstrate that the choice of settlement boundary emerged through a process where, for example, various options, details and choices were widely consulted upon and scrutinised; and thirdly, the settlement boundary that was presented did not receive significant levels of support from the community.
- 156 Given the above, I cannot conclude that the settlement boundary is one that has been endorsed by the community or that its location has been justified through the plan-making process.

157 Further to the above, it appears to me, from the evidence presented, that the imposition of a settlement boundary was founded on the basis of preventing development outside the settlement boundary. Such an approach does not have regard to national policy, which does not seek to prevent all forms of development outside settlement boundaries, but which is, rather, underpinned by a presumption in favour of sustainable development and in the case of residential development, for example, sets out ways in which even isolated housing in rural areas might be appropriate (Paragraph 79, the Framework).

158 In addition, the stated aim of preventing development would fail to accord with Core Strategy Policy RA3, which supports various forms of residential development and which does not seek to prevent other forms of development. Also, the Core Strategy was adopted prior to the replacement Framework, which provides for more scope for residential development in rural areas than does Core Policy RA3.

159 Whilst Core Policy RA3 provides a positive framework for the creation of settlement boundaries in Neighbourhood Plans, this does not dispel the requirement for Policies to be supported by appropriate evidence. Policies in made Neighbourhood Plans carry legal weight when decisions on planning are made and Planning Policy Guidance<sup>12</sup> is explicit in requiring that policies:

*"...should be supported by appropriate evidence."*

160 Taking all of the above into account, I find that Policy BE1.2 does not meet the basic conditions.

161 I recommend:

- **Delete Policy BE1.2 and supporting text**
- **Delete Map 15**

162 In making the above recommendations, I note that national and local planning policy will still apply. Consequently, the fact that the Neighbourhood Plan does not impose a settlement boundary does not, for instance, mean that land outside the built-up area will automatically be subject to large-scale development. I also note that there may be an opportunity to establish settlement boundaries through the emerging Herefordshire Rural Areas Site Allocation Development Plan Document (RASA DPD).

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<sup>12</sup> Planning Policy Guidance, Paragraph: 042 Reference ID: 41-042-20140306.

### Policy BE2.1 – Edge of Town Transition

- 163 The Neighbourhood Plan already includes a housing density Policy (Policy HO2.2). Consequently, the first part of Policy BE2.1 appears unnecessarily repetitive.
- 164 The Policy then goes on to require development to “*adhere to the Design Guide.*” Guidance is simply that – it is not a requirement. It is also noted earlier in this Report that the Ledbury Design Guide is not an adopted planning document. Taking these things together, developers cannot be required to “*adhere to the Design Guide.*”
- 165 Policy BE2.1 is worded in a way that it appears to support any form of development, so long as that development includes one or more features. The Policy would be clearer and more precise if it stated that development should include the features identified.
- 166 It is not clear how all edge of town development might preserve the Malvern Hills AONB's setting. The term “*preserve*” suggests no change and it is not clear, in the absence of any evidence, why it would be appropriate for there not to be any change in the AONB's setting.
- 167 Furthermore, national policy (Paragraph 172, the Framework) and the Core Strategy (Policy LD1 “*Landscape and townscape*”) together require that the natural, historic and scenic beauty of AONBs be conserved and enhanced, but do not extend this requirement to their settings. That, in itself, is not the same thing as suggesting that such settings cannot be valuable, but in the absence of detailed information, it is not clear why Policy BE2.1 seeks to impose an approach that may place an obstacle in the way of contributing to the achievement of sustainable development.
- 168 I recommend:
- **Change wording of Policy BE2.1 to “*Whilst exceptions may be appropriate, buildings in the vicinity of the perimeter of the town should respect local character and not be more than 2.5 storeys in height. The protection and enhancement of existing, or establishment of new, hedgerows, woodland, green spaces, landscape features and street trees will be supported. Development should respect the setting of the Malvern Hills AONB.*”**
  - **Delete second paragraph of supporting text**

**Policy BE3.1 – Renovation and Preservation of the Town Centre**

- 169 The first part of Policy BE3.1 supports the renovation and preservation of all buildings in the town centre as long as such work promotes full occupancy of the buildings. This is an odd Policy and it is not clear what it is seeking to achieve.
- 170 The supporting text to the Policy refers to heritage assets, but the first part of Policy BE3.1 suggests that every building in the town centre be preserved, regardless of its appearance or impact on local character. It is not clear why the “*preservation*” of all buildings in the town centre would be supported. Such an approach may result in supporting the preservation of buildings that do not make a positive contribution to their surroundings or even placing a barrier in the way of investment in positive change, to the harm of the vitality and vibrancy of the town centre.
- 171 Further to the above, in the case of heritage assets, it is not clear why works to improve, say Listed Buildings or buildings that make a positive contribution to the Conservation Area, would only be supported if they can demonstrate “*full occupancy.*” In this respect, in the absence of any detail, it is not clear what “*full occupancy*” means. The Policy does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.
- 172 Also, in the absence of information, it is not clear why “*renovation*” of town centre buildings would necessarily require planning permission.
- 173 The nation’s heritage assets are an irreplaceable resource. Chapter 16 of the Framework (“*Conserving and enhancing the historic environment*”) and Core Strategy Policy LD4 (“*Historic environment and heritage assets*”) set out a clear approach to ensuring that heritage assets are conserved in a manner appropriate to their significance.
- 174 It is not simply the case that development affecting a heritage asset should “*pay particular attention*” to or “*be sympathetic*” to it. Rather, national and local policy provide a positive planning framework to provide for opportunities to be taken for the conservation and enhancement of Conservation Areas, Listed Buildings and their settings. In so doing, it serves to protect the nation’s heritage from inappropriate development.

175 Policy BE3.1 does not have regard to national policy and advice and is not in general conformity with the Core Strategy. I recommend:

- **Delete Policy BE3.1**
- **Replace Objective BE3 with title "*Ledbury Conservation Area*"**
- **Delete supporting text and replace with "*Ledbury Conservation Area is fundamental to the character of the town. National policy and guidance, particularly that set out in Chapter 16 of the Framework ("Conserving and enhancing the historic environment") and Core Strategy Policy LD4 ("Historic environment and heritage assets"), or any Policy which may replace it, work together to protect this valuable resource.*"**
- **Retain Map 16**

Natural Environment

**Policy NE1.1 – Protecting Biodiversity**

176 National policy, as set out in Chapter 15 of the Framework (“*Conserving and enhancing the natural environment*”) states that plans should

*“...promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”*

(Paragraph 174, the Framework)

177 Generally, Policy NE1.1 supports the conservation and enhancement of, and gains in, biodiversity. However, as worded, the Policy appears to support other, non-specified forms of development, so long as they conserve some element of biodiversity. This does not achieve the objective of the Policy and taking this and the above into account, I recommend:

- **Policy NE1.1, change to “*The conservation, restoration and enhancement of biodiversity, including that found in open spaces, trees and hedgerows, in order to promote and support wildlife and other forms of biodiversity will be supported. Additionally...supported.*”**
- **Supporting text, delete first sentence of last paragraph which reads as though it is a Policy but is not (retain reference to Ledbury Naturalists’ website)**

**Policy NE2.1 – Food Production**

- 178 Paragraph 91 of the Framework supports the provision of allotments.
- 179 Whilst worded in an ambiguous manner, Policy NE2.1 supports the creation of new allotments and has regard to national policy in this regard.
- 180 No indication is provided of how proposals are going to be encouraged and how this comprises a land use planning matter. Also, there is no information provided in respect of how the Neighbourhood Plan might control how allotments, gardens and community gardens are used. It may be, for example, that a gardener chooses to utilise her or his allotment for the growing of flowers or vegetables for show and not for food.
- 181 No indication is provided of how proposals might be encouraged to protect prime agricultural land. In respect of agricultural land and development, national policy states that planning policies should contribute to and enhance the natural and local environment by:
- “...recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.”*
- (Paragraph 170, the Framework)
- 182 Taking all of the above into account, I recommend:
- **Policy NE2.1, change to “*The conservation, enhancement and/or creation of allotments and community gardens will be supported. Protection of the best and most versatile agricultural land for its economic and other benefits will be supported.*”**

**Policy NE3.1 – Farming Landscape Around Ledbury**

183 As noted above, in accordance with national policy, planning policies should recognise the intrinsic character and beauty of the countryside, including the economic and other benefits of the best and most versatile agricultural land.

184 Generally in seeking to ensure that proposals for development relating to farmland take into account impacts on local character, Policy NE3.1 has regard to national policy. However, there are many processes related to farming that have an impact on their surroundings, but which do not require planning permission. These cannot be controlled by the Neighbourhood Plan.

185 It is not appropriate for the Policy to state what the results of an assessment that has not yet been carried out should be. As the objective of the Policy is to protect local character, it would be clearer if the Policy's reference to Landscape and Visual Impact Assessments was more precise.

186 Parts of the supporting text to Policy NE3.1 does not relate to the Policy.

187 I recommend:

- **Change Policy NE3.1 to *“Proposals for agricultural development, requiring planning permission, for example, intensive farming units, polytunnels not comprising permitted development or solar farms, should demonstrate how they will protect landscape character through provision of a Landscape and Visual Impact Assessment.”***
- **Supporting text. The Policy is not a biodiversity policy. Policy NE1.1 is a biodiversity policy. Neither is the Policy is not a flood risk policy. Line 6, delete *“It is therefore regarded...run-off.”***
- **Change last sentence of first paragraph to *“The character of the Neighbourhood Area’s countryside should not be harmed by inappropriate forms of development.”***
- **Delete last sentence of supporting text (*“New...BE1.1”*)**

**Policy NE4.1 – Protecting the Setting of Ledbury's Woods**

188 Whilst Policy NE4.1 refers to protecting the setting of Ledbury's Woods, the objective of the Policy and the Policy itself are focused on Ledbury's Woods. No substantive information is provided in respect of what the setting of Ledbury's Woods might comprise, or why its protection is of equal importance to that of the Woods. The Policy is unclear in this regard.

189 As noted earlier, national policy requires positive planning for biodiversity. Paragraph 175 of the Framework recognises ancient woodland and ancient or veteran trees as irreplaceable and Paragraph 98 requires planning policies to protect and enhance public rights of way and access.

190 Policy NE4.1 seeks to protect areas of woodland that are important to the community. The Policy seeks to enhance biodiversity and protect public access. In so doing, it has regard to national policy.

191 As set out, the Policy simply refers to "*proposals which would negatively impact.*" This fails to allow for a planning balance, such as it may well be that positive outcomes, for example, new planting, improved access or facilities, outweigh limited harm. As worded, the Policy may fail to contribute to the achievement of sustainable development.

192 I recommend:

- **Policy NE4.1, change to "*The conservation and/or enhancement of Frith...above Ledbury, will be supported. Proposals which affect community access to these woods must be able to demonstrate...assets. Proposals which promote active...will be supported*"**
- **Supporting text, page 43, final sentence, add "*...communities. The Town Council will explore opportunities to achieve this.*"**
- **Change title of Policy to "*Protecting Ledbury's Woods*"**

Community and Leisure

**Policy CL1.1 – Protecting Green Infrastructure**

193 Policy CL1.1 states that numerous large areas of land identified on Map 17 will be promoted, protected and enhanced by improved access and connectivity. No substantive evidence is provided in respect of how this will occur, how it will be paid for, how it will be managed, or who by. There is nothing to demonstrate that Policy CL1.1 is deliverable, having regard to Paragraph 16 of the Framework.

194 Policy CL1.1 goes on to refer to “*redevelopment*.” The majority of the areas shown on Map 17 are undeveloped and consequently, it is not clear how the provisions of Policy CL1.1 might apply. The Policy is imprecise.

195 Policy CL1.1 does not meet the basic conditions. I recommend:

- **Delete Policy CL1.1 and supporting text**
- **Delete Map 17**

**Policy CL2.1 – Young People's Facilities**

196 Paragraphs 91 and 92 of the Framework state:

*“Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction, including opportunities for meetings between people...To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities...to enhance the sustainability of communities...”*

197 Policy CL2.1 provides a supportive framework for the provision of facilities for young people in the Neighbourhood Area. It has regard to national policy.

198 No recommendations.

**Policy CL3.1 – Medical and Dental Facilities**

- 199 Paragraph 982 of the Framework supports positive planning for the provision of local services and facilities to enhance the sustainability of communities.
- 200 Policy CL3.1 is a supportive Policy which seeks to promote the enhancement of medical and dental services and facilities. It has regard to national policy.
- 201 The Policy refers to “*Preference*” but there is no indication of how this might be judged, who by, or on what basis and no information is provided to indicate that there are, for example, a range of opportunities in this regard. If a proposal were to be submitted that was not close to existing facilities, for example, how might this be considered if no other proposal was available ?
- 202 Further to the above, in the absence of information to the contrary, this part of the Policy appears to conflict with the earlier reference to relocation. Consequently, as worded, the proposal does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.
- 203 Part of the supporting text is set out as though it comprises a Policy requirement, which it does not.
- 204 I recommend:
- **Policy CL3.1, fourth line, change to, “*...supported. New facilities should be easily accessible. Proposals for the expansion of existing facilities will be supported, subject to their respecting local character, residential amenity and highway safety.*”**
  - **Supporting text, second line delete “(HO1.1)”**
  - **Supporting text, delete last sentence (“If...Boundary”.)**

**Policy CL4.1 – Sports Provision**

205 Whilst Policy CL4.1 does not identify how it will “*encourage*” its provisions, the Policy establishes a strong, supportive framework for the development of sports and leisure facilities.

206 Policy CL4.1 has regard to Paragraph 96 of the Framework, which states that:

*“Access to...opportunities for sport and physical activity is important for the health and well-being of communities.”*

207 The Policy is also in general conformity with Core Strategy Policy OS2 (“*Meeting open space, sports and recreation needs*”), which supports the provision of sports and recreation facilities.

208 Part of the supporting text does not reflect the content of the Policy.

209 I recommend:

- **Change Policy CL4.1 to “*The provision of facilities for people with mobility impairment will be supported.*”**
- **Supporting text, delete last three paragraphs (“The policy...available.”)**

Transport and Infrastructure

**Policy TR1.1 – Footpaths and Cycleways**

210 Paragraph 98 of the Framework states that:

*“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.”*

211 Generally, Policy TR1.1 seeks to improve public rights of way across the Neighbourhood Area and in this respect, it has regard to national policy.

212 As worded, the opening to Policy TR1.1 supports broad, unidentified *“proposals”* so long as they contribute to the aims of the Policy. This may result in support for inappropriate forms of development and fail to contribute to the achievement of sustainable development. It is a matter addressed in the recommendations below.

213 The last sentence of the Policy relates to *“liaison”* which is not a land use planning policy matter.

214 I recommend:

- **Policy TR1.1, change to *“Improvements and/or extensions to the network of footpaths and cycling routes in the Neighbourhood Area will be supported, especially where they: Create...and farming areas.”***
- **Move last sentence of Policy (*“Establish...accessible.”*) to end of supporting text and change to *“The Town Council will seek, where possible, to establish formal...accessible.”***

**Policy TR2.1 – Town Centre Car Parking**

215 Whilst Policy TR2.1 seeks to address town centre car parking, it does so in a vague and imprecise way. No indication is provided of what proposals might fall within the “*significant increase*” threshold referred to. This is an ambiguous term and fails to provide a decision maker with a clear indication of how to react to a development proposal.

216 The Policy goes on to refer to an expectation that proposals would provide a mix of various things. No detail is provided in respect of how the mix might be determined. There is no indication of how, in every case, the requirements would be necessary in planning terms, directly related to the development or fairly and reasonably related in scale and kind to the development. Further, no substantive information is provided in respect of whether all of the requirements would be deliverable.

217 The Policy does not have regards to Paragraphs 16 of the Framework, in respect of deliverability, or to Paragraph 56 of the Framework, which states that:

*“Planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.”*

218 The Policy goes on to be reliant upon standards not within the control of the Neighbourhood Plan.

219 Policy TR2.1 does not meet the basic conditions. I recommend:

- **Delete Policy TR2.1 and supporting text, including Objective**

**Policy TR3.1 – Ledbury Railway Station**

220 Policy TR3.1 seeks to enhance the accessibility and facilities of the Railway Station. This has regard to Chapter 9 of the Framework, "*Promoting sustainable transport.*"

221 Part of the supporting text reads as though it comprises a Policy, which it does not.

222 For the purposes of clarity and precision, I recommend:

- **Policy TR3.1, change to "*Improvements to the accessibility and facilities available at the railway station, connectivity between the station and other sustainable transport modes, additional cycle parking, car...their design.*" (delete last sentence)**
- **Supporting text, page 55, delete "Location of a new car park...to the east of the station."**

**Policy IN1.1 - Tri Service Emergency Centre**

223 Policy IN1.1 supports the provision of a new Tri Service Emergency Centre. This has regard to Paragraph 92 of the Framework, which supports the provision of the services that communities need.

224 No changes recommended.

## **8. The Neighbourhood Plan: Other Matters**

225 The changes recommended above will require subsequent changes to the Ledbury Policies Map and the Ledbury Town Centre Policies Map and I recommend:

- **Ledbury Policies Map and Ledbury Town Centre Policies Map, delete the references on the Maps and in the Keys that relate to: *Protected Green Infrastructure; New Employment Sites; Proposed Housing Sites; and Ledbury Settlement Boundary* (this takes into account recommended deletions)**
- **Change reference in the key to Commitment Sites to "*Ledbury's Large Housing Sites*" (this takes into account recommended deletion of Policy HO1.2)**

226 The recommendations made in this Report will also have a subsequent impact on Contents, Policy numbering, Paragraph and page numbering.

227 I recommend:

- **Update the Contents and page numbering, taking into account the recommendations contained in this Report.**

228 Herefordshire Council submitted a range of constructive responses at Submission stage to the Ledbury Design Guide. That document does not form part of the Neighbourhood Plan and is not examined against the basic conditions, but the Town Council may wish to take Herefordshire Council's suggestions into account.

229 The Glossary provided on pages 56-58 may have provided a useful guide as the Neighbourhood Plan emerged. However, some of its contents appear subjective and are subject to becoming overtaken by changes to policy and guidance. I recommend:

- **Delete Glossary**

## 9. Referendum

230 I recommend to Herefordshire Council that, subject to the modifications proposed, **the Ledbury Neighbourhood Plan should proceed to a Referendum.**

### Referendum Area

- 231 I am required to consider whether the Referendum Area should be extended beyond the Ledbury Neighbourhood Area.
- 232 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 233 Consequently, I recommend that the Plan should proceed to a Referendum based on the Ledbury Neighbourhood Area approved by Herefordshire Council and confirmed by public notice on the 16<sup>th</sup> November 2012.

**Nigel McGurk**  
**September 2018**  
**Erimax – Land, Planning and Communities**



EST. 2011