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For the Attention of: Mr J Latham

Herefordshire Council

[By Email: neighbourhoodplanning@herefordshire.gov.uk]

07 February 2016

Dear Mr J Latham

Leominster Neighbourhood Development Plan

Thank you for consulting The Coal Authority on the above.

Having reviewed your document, I confirm that we have no specific comments to make on it.

Should you have any future enquiries please contact a member of Planning and Local Authority Liaison at The Coal Authority using the contact details above.

Yours sincerely

Rachael A. Bust *B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MRTPI*
Chief Planner / Principal Manager
Planning and Local Authority Liaison

Latham, James

From: Turner, Andrew
Sent: 22 February 2016 10:45
To: Neighbourhood Planning Team
Subject: RE: Leominster Regulation 16 Neighbourhood Development Plan consultation

Re: Leominster Regulation 16 Neighbourhood Development Plan consultation

Dear Neighbourhood Planning Team,

It is my understanding that no specific sites have been identified in this plan and you do not require comment on Core Strategy proposals as part of this consultation. I would therefore advise:

- Given that no specific sites have been identified in the plan I am unable to provide comment with regard to potential contamination.

General comments:

Developments such as hospitals, homes and schools may be considered 'sensitive' and as such consideration should be given to risk from contamination notwithstanding any comments. Please note that the above does not constitute a detailed investigation or desk study to consider risk from contamination. Should any information about the former uses of the proposed development areas be available I would recommend they be submitted for consideration as they may change the comments provided.

It should be recognised that contamination is a material planning consideration and is referred to within the NPPF. I would recommend applicants and those involved in the parish plan refer to the pertinent parts of the NPPF and be familiar with the requirements and meanings given when considering risk from contamination during development.

Finally it is also worth bearing in mind that the NPPF makes clear that the developer and/or landowner is responsible for securing safe development where a site is affected by contamination.

These comments are provided on the basis that any other developments would be subject to application through the normal planning process.

Kind regards

Andrew

From: Neighbourhood Planning Team
Sent: 20 January 2016 11:51
Subject: Leominster Regulation 16 Neighbourhood Development Plan consultation

Dear Consultee,

Leominster Town Council have submitted their Regulation 16 Neighbourhood Development Plan (NDP) to Herefordshire Council for consultation.

The plan can be viewed at the following link: <https://www.herefordshire.gov.uk/planning-and-building-control/neighbourhood-planning/draft-plans-regulation-14-and-submitted-plans-regulation-16/leominster-submitted-plans>

Once adopted, this NDP will become a Statutory Development Plan Document the same as the Core Strategy.

Herefordshire Neighbourhood Planning Team
Sent via email

Enquiries: Rhys Evans/Ryan Norman
0800 917 2652

1st March 2016

Dear Sir/Madam,

REGULATION 16 CONSULTATION ON LEOMINSTER NEIGHBOURHOOD PLAN – JANUARY - MARCH 2016


I refer to your email dated the 20th January 2016 regarding the above consultation. Dŵr Cymru Welsh Water (DCWW) appreciates the opportunity to respond and we offer the following representation:

Given that the Leominster Neighbourhood Plan has been prepared in accordance with the Adopted Herefordshire Local Plan Core Strategy, DCWW are supportive of the aims, objectives and policies set out.

Further, given that we previously provided a consultation response at the two previous Regulation 14 consultation stages we are content to rely on these previous representations.

We hope that the above information will assist as the Neighbourhood Plan progresses, and would appreciate being informed of the LPAs decision under Regulation 19. In the meantime, should you require any further information please do not hesitate to contact us at Forward.Plans@dwrcymru.com or via telephone on 0800 917 2652.

Yours faithfully,



Ryan Norman
Forward Plans Officer
Developer Services

2nd March 2016

Comments on Leominster Neighbourhood Development Plan – Regulation 16

Policy	Comment
LANP1	<ul style="list-style-type: none"> • The insistence that the link road be provided before any development on the Urban Extension takes place is unrealistic. It fails to recognise the viability of the development as a whole • Reference to a Comprehensive Traffic Management Plan. Not clear who will be responsible for its preparation • Is it appropriate for an NDP to seek to restrict HGV traffic movements in the town? This appears to go beyond the remit of the plan to provide planning policies for new development <p>As a whole the policy is very prescriptive and seeks to control matters of road design that will more appropriately be dealt with by other legislation</p>
LANP2	<p>Part 1</p> <ul style="list-style-type: none"> • Point c requires developers to ‘meet and exceed’ efficiency standards. This is imprecise (a minimum standard should either be met or exceeded) and unnecessary, as development will be required to meet Building Control standards. • Point g is also imprecise. How is a ‘family sized garden’ defined? It also refers to ‘visitor accommodation’, but how does this relate to a policy about housing? • Point h requires provision to be made for self-build on the SUE which will be built out by volume house builders. This is not a reasonable approach • Point j is negatively worded and contrary to the approach advocated by the NPPF. Its intentions are valid but it should be more positively phrased • Points k and l are both unnecessary and should be removed <p>Part 2</p> <ul style="list-style-type: none"> • This refers to small-scale development ‘within or adjoining’ the settlement boundary. If a settlement boundary is to be used then development should be within it, otherwise it is not necessary. • The plan uses the old UDP settlement boundary for Leominster. I fail to understand how the amount of growth required for Leominster over the Core Strategy plan period can be accommodated without re-drawing the boundary. The note to the policy (pg 29) makes reference to this. Its inclusion as a note is inappropriate and should be removed • A re-drawn boundary should include developments that have been permitted recently to reflect the changes to Leominster and should also include the SUE • Points a and b refer back to earlier parts of the policy. Rather than have two parts, there really should be a separate policy for small scale development
LANP3	<ul style="list-style-type: none"> • Point b uses inappropriate language in its reference to ‘off the shelf’ house types. Remove • Point f uses the phrase ‘meet and exceed’ again • Point h is poorly worded and negative and should be re-worded to accord with the NPPF

	<ul style="list-style-type: none"> • Point n is negative but would be NPPF compliant with the removal of the words 'only be' • Point q is too prescriptive
LANP4	<ul style="list-style-type: none"> • Points a and b - The plan does not provide settlement boundaries for Brierley, Ivington or Wharton and therefore it is a matter of judgement as to whether new proposals are within or adjacent to the main built up area of the settlement. The plan should consider the se of boundaries for these settlements • Point f prioritises the use of previously developed land. Do any of the settlements have any and, if not, is this necessary? • Point j doesn't actually mean anything and should be removed
LANP5	<ul style="list-style-type: none"> • The policy uses different notation. It should be consistent throughout • Point ii says that replacement dwellings should be no larger than the dwelling to be replaced. This is completely unworkable. If a proposal is one square metre larger, or 0.1 taller, does it mean that it should be refused? This needs to be re-worded to give greater flexibility
LANP7	<ul style="list-style-type: none"> • Point a – The policy needs to be more positive towards development in pre-existing employment areas • Point b - The phrase 'does not interfere with other residents' is imprecise and needs to be re-phrased to refer to residential amenity • Point c lack clarity. I don't understand its intention • Point d seems to refer to improvements to existing business premises. However, the improvements referred to are unlikely to require planning permission and therefore this is largely unnecessary • Point v of the criteria against which proposals will be assessed is unduly restrictive and is adequately covered by points i to iv
LANP8	<ul style="list-style-type: none"> • There should be a plan to identify employment sites
LANP9	<ul style="list-style-type: none"> • Point a completely disregards the sequential approach towards retail development. Also fails to recognise the need for convenience goods floor space as identified in the 2012 Town Centre Study Update. This is contrary to paragraphs 23-27 of the NPPF • Points d to j are again very prescriptive and do not allow any flexibility in the decision making process • It is unclear whether point k refers to the public realm or within application sites. Again very prescriptive in suggesting that tarmac should be avoided. Would this be the case if tarmac was the prevalent material in an area? (no) • What is the justification for point l? Does it apply to new development only? I would suggest that it cannot be applied retrospectively through the planning process to existing development and therefore would prejudice the viability of new ones. This should be removed.
LANP11	<ul style="list-style-type: none"> • Many of the areas identified for protection are entirely acceptable. However, the extent of protected open spaces in and around Cockcroft Hill and areas to the west (point j) would preclude development on significant areas of the SUE. It also includes an area that has been granted planning permission for

	<p>residential development (application reference 150812 – Land off Westcroft)</p> <ul style="list-style-type: none"> • The text after points a to s then goes on to afford protection to other smaller areas of open space. Again, this is negatively worded in saying that development ‘will not be permitted’. The first sentence should be deleted.
LANP12	<ul style="list-style-type: none"> • The final sentence is negatively worded and unnecessary in the context of the policy. Delete
LANP14	<ul style="list-style-type: none"> • Point b, c and f – I’m not sure that these actually relate to the promotion of healthy communities in the context of the way the policy has been written.
LANP15	<ul style="list-style-type: none"> • This policy is imprecise and should be re-worded. Has it been demonstrated that a new health centre is required? If so, where is the evidence to support this?
LANP17	<ul style="list-style-type: none"> • Point c refers to ‘areas that have traditional “black and white” timber buildings’. This is imprecise and it might be assumed that heritage buildings that are not “black and white” are not afforded any protection. The policy should really refer to listed buildings and others that are considered to be locally important
LANP19	<ul style="list-style-type: none"> • This policy encourages developers to exceed minimum sustainable development standards, where previously (policies LANP2 and LANP3) it is suggested that they should be met and exceeded. What is the implication if developers decide not to exceed standards? These type of references do not add anything to the eventual determination of planning applications. • With the exception of the point raised above, this policy is well worded and should be the benchmark against which all others are written. It gives clear advice about the expectation of good design.
LANP20	<ul style="list-style-type: none"> • There is a spacing issue in the first sentence • The opening paragraph is negatively worded and needs to be re-phrased to have a positive emphasis • The section in bold at the end of the policy is unnecessary. Impacts on the River Wye SAC should be dealt with under a separate policy
LANP21	<ul style="list-style-type: none"> • Again, negatively worded. Re-draft required to give positive emphasis
LANP23	<ul style="list-style-type: none"> • Remove the final bullet point
LANP24	<ul style="list-style-type: none"> • Who will be responsible for the preparation of a Travel Plan for Leominster Town Centre? This isn’t a planning policy

General comments

The opening sections of the plan are very negatively worded and the inference is that the NDP is seeking to divorce itself from the policies contained within the Core Strategy. It is clear that the suggestion is that housing growth has been imposed on the town, that the NDP does not agree with it but that it has to be accommodated.

The failure to re-draft a settlement boundary for the town is a significant shortcoming of the plan. Without this, it is unclear as to how the projected growth for the town would be met. The use of a boundary will give greater certainty to developers and residents of the town alike.

The plan does not include a specific policy for extensions to dwellings. In an urban area such as Leominster this should be a pre-requisite.

Similarly, there is no policy to cover agricultural development in the outlying areas of the parish. This ought to be considered as there is a potential for large scale development that could have significant impacts. Such a policy might look at the assessment of impacts and refer to measures required to mitigate.

Whilst there are numerous references to biodiversity, water quality and the River Wye SAC, these are all as notes or addendums to other policies. There should be a specific policy that requires development to have regard to the impacts on the River Lugg, its water quality and the consequential impacts on the River Wye SAC.

ECONOMIC DEVELOPMENT RESPONSE TO LEOMINSTER REGULATION 16 NEIGHBOURHOOD DEVELOPMENT PLAN

General comments:

Having looked at the consultation document and noted that the previous comments made by the Economic Development Team we are happy that these have been sufficiently incorporated within the plan.

Would like to further comment that broadband infrastructure is essential in any new development and should be considered as part of any new planning applications so as not replicate similar situations such as those on the Enterprise Park where demand outstrips supply.

It appears that sufficient development land has been earmarked and allocated for employment use. Consider types of desired end use.

The long running problems with air quality at the Bargates continue, to a point it is now registered as an area of concern and contravenes the EU directive. With this in mind any developments, both residential and commercial, cannot place further burden on the area.

Therefore it seems obvious that for further development to take place alternative transport routes must be considered.

Do not agree with the Mosaic statement that SUE commences before the link road is in place. Any works to the SUE will in itself generate traffic for groundworks and landscaping and therefore the link road is vital. Consider getting this prioritised with the LEP.

Of major concern is the drainage problem to the Southern Avenue Industrial Estate. Businesses have reported effluent backing up and flooding offices. It is imperative that any development does not put additional pressures on trunk water mains.

Due to the large additional housing requirement it is important that due consideration is given to the complementary community facilities such as schools, services, leisure facilities and additional transport links. This should be factored into the plan.

Economic Development
February 2016

Latham, James

From: Trezins, Aris
Sent: 01 March 2016 15:36
To: Neighbourhood Planning Team
Subject: Leominster Neighbourhood plan s16 consultation

Our comments (Environmental Health) are with reference to the potential impact on the amenity – in terms of noise, dust, odours or general nuisance of residential occupants that might arise as a result of any new residential development or any new commercial or industrial development.

Policies LANP2 to LANP5 of the proposed plan addresses the issue of new housing development within Leominster

We suggest the following addition to these policies.

- Existing development shall not unduly harm the amenity of any new residential property.

I trust this is of assistance.

A Trezins

Environmental Health Officer

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Economy, Communities and Corporate Directorate

Herefordshire Council

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Neighbourhood Planning Team
Planning Services
PO BOX 230
Hereford
HR1 2ZB
2nd March 2016

Re: Leominster Neighbourhood Plan – Submission Version

(Representations submitted by email to neighbourhoodplanning@herefordshire.gov.uk)

Introduction

This letter provides Gladman Developments Ltd (Gladman) response to the current consultation held by Herefordshire County Council (HCC) on the submission version of the Leominster Neighbourhood Plan (LNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Through these representations Gladman seek to clarify the relationship of the HNP to national policy, guidance and the strategic policies for the wider area, whilst highlighting areas of the document where there is currently a lack of clarity or conflict with national policy requirements. In these instances we submit that modifications and/or the deletion of several policies are required as they are currently in conflict with the Neighbourhood Plan Basic Conditions.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the LNP must meet are as follows:

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

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

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

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

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet local needs. Neighbourhood Plans should not promote less development than set out in the Local Plan or undermine its strategic policies.

Key sections of the PPG were recently updated on 11th February 2016. It is clear from these updates that neighbourhood plans must conform to national policy requirements (Basic condition (a): appropriateness) and the need to take account of latest and up-to-date evidence of housing needs¹ in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

If the Plan is not in conformity with national planning policy and guidance and the strategic policies for the wider area the Plan may be found inconsistent with basic condition (a).

Relationship to Local Plans

The current Development Plan for Herefordshire consists of the Herefordshire Core Strategy which was formally adopted by the Council on 16th October 2015. It should be this document that the LNP seeks to be in general conformity with.

Policy SS2 –Delivering New Homes establishes that the Council will identify a supply of deliverable and development land to secure the delivery of a minimum 16,500 dwellings to 2031 to meet identified housing needs for market and affordable housing.

Leominster is identified as a main centre in the north of the county and will continue to fulfil a diverse range of roles to meet development needs and will act as a service centre to the surrounding rural areas. Policy LO1 – Development in Leominster requires the delivery of a minimum 2,300 dwellings of which 1,500 is to be provided in the form of a strategic urban extension (SUE).

Policy SS3 sets out the mechanisms that the Council will adopt where monitoring demonstrates that the number of new dwelling completions is below the cumulative target figure over a 12 month period. The mechanisms identified under this policy include:

- A partial review of the Local Plan/Core Strategy; or
 - The preparation of new Development Plan Documents; or
 - The preparation of an interim position statement utilising evidence from the Strategic Housing Land Availability Assessment to identify additional housing land.
-

In light of the above, should a review or future Development Plan Documents be required, the LNP will need to ensure that it allows for a sufficient degree of flexibility and adaptability so that it can fully react to changes in the market. This degree of flexibility is required to ensure that the Plan is capable of enduring over its plan period and not ultimately superseded by s38(5) of the Planning and Compulsory Purchase Act 2004, which states that:

'if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).

Leominster Neighbourhood Plan

This section highlights the key issues Gladman would like to raise in response to the LNP's policies and objectives. We consider that several aspects of the plan need to be modified and/or deleted as they do not meet the basic conditions as currently presented.

Gladman is also concerned that Leominster is required to accommodate a minimum 2,300 dwellings over the plan period. Outside the strategic allocations and committed sites the Town Council acknowledge a residual requirement of 256 dwellings. Gladman are disappointed to see that the LNP has not allocated any land to meet the residual requirement to meet identified housing needs.

Gladman specific comments relate to the following policies:

LANP1 – Supporting the Strategic Development Needs in Leominster

Gladman are concerned that this policy will render any future strategic development to meet identified housing needs unviable, specifically due to the provision of a new link road at Barons' Cross being delivered prior to the commencement of any housing development. The Council has accepted in the Core Strategy that there will be no source of funding to finance the new link road. The LNP notes that the LEP could unlock its potential but at this moment in time this is currently unknown and therefore does not provide sufficient indication of whether this policy is deliverable as set out.

No viability testing has been undertaken to assess whether the above policy is capable of being delivered ahead of the commencement of housing delivery. Furthermore, there is no requirement that the link road should be delivered prior to housing delivery in Policy LO2 of the adopted Core Strategy.

It is also important to note that Policy LO2 specifically deals with the Leominster urban extension. As currently worded this policy requires all developments to fund the link road. Gladman therefore take this opportunity to submit that only development directly related to a development proposal is required to mitigate against the adverse impacts of its development.

This policy sets a prescriptive requirement that would potentially delay the delivery of sustainable development and would not accord with the positive and flexible approach required by the Framework. In this regard Policy LANP1 is inconsistent with basic conditions (a) and (d). Gladman recommend the deletion of this policy.

LANP2 – Supporting the Strategic Housing Development Needs in Leominster Town

Gladman object to criteria '1.c' which states that 'energy efficiency standards employed meet and exceed national standards prevailing at the time, and include flexibility'. Herefordshire County Council's response to policy 2 ii c on page 18 of the consultation statement makes clear that the Core Strategy finds high energy efficient standards to be unviable. This should not be brought forward in the neighbourhood plan.

The written statement to parliament dated 27th March 2016 makes clear that qualifying bodies preparing neighbourhood plans should not set in their emerging Neighbourhood Plans, any additional local technical standards or requirements relating to the construction, internal layout or performance of new developments. Furthermore, it makes clear that the optional new technical standards should only be undertaken through an emerging Local Plan based on a clear up-to-date assessment of need. Neighbourhood Plans should not be used to apply the new national technical standards.

If this element of the policy is progressed it will jeopardise the viability of delivering sustainable growth opportunities being delivered in the neighbourhood area counter to basic conditions (a), (d) and (e). Gladman therefore recommend this requirement and its reference throughout the LNP is deleted.

Criteria 'h' states that a planning proposal should provide self-build/custom home opportunities.

Whilst Gladman support the principle of custom build housing, we consider that this should be at the developer's discretion and should not be a requirement of all housing proposals. The Town Council should not seek to implement a self-build policy that would serve as a 'general rule' governing all self-build development i.e. all developments required to deliver a percentage of custom build housing. Furthermore, the Town Council will need to justify the inclusion through a register of interested parties as set out in the PPG² to establish whether there is any community interest in this type of housing. This evidence appears to be noticeably absent from the consultation document and therefore does not provide an appropriate justification for the inclusion of this policy. Criteria 'h' should therefore be deleted.

Criteria 2 states that small scale developments will be allowed within or adjoining the current settlement boundary subject to criteria attached to this policy. Gladman object to this aspect of this policy as it fails to define what it considers to be 'small scale'. Furthermore, should the Council's SUEs not deliver

² PPG Reference ID: 2A-021

at the expected rate and/or timescales then the plan will need to allow for sufficient flexibility in order to react to changes in the market.

Gladman do not approve of the use of a settlement boundary in this regard if it would preclude the delivery of sustainable growth opportunities from being delivered, and submit that the reference to 'small-scale' be deleted given the residual requirement of a minimum 256 dwellings is still required to be delivered which the plan does not currently plan for.

LANP3 – Leominster Sustainable Urban Extension

Gladman submit that this policy is too prescriptive and will be dealt with by the local planning authority in conjunction with the applicant. Gladman would like to reiterate the comments made in response to LANP2 and find criteria 'e' and 'f' are overly prescriptive. References to overly prescriptive requirements need to be deleted from the plan as it results in an inflexible policy that may restrict the viability of future sustainable growth opportunities contrary to §173 of the Framework and therefore inconsistent with basic conditions (a) and (d).

LANP4- New Housing Development in Briery, Ivington and Wharton

Gladman object to criteria 'f' which states that priority will be given to the re-use of previously developed land (PDL). This approach is in direct conflict with §111 of the Framework which seeks to encourage but does not prioritise the use of PDL. Gladman submit that criteria f should be amended to reflect the positive stance set out in the Framework. This should not preclude the ability of sustainable green field sites coming forward.

LANP11 – Open Spaces

The supporting text makes clear that the intention of this policy is to protect areas as Local Green Space (LGS). This policy is not in accordance with the requirements for LGS as required by the Framework and PPG.

In order to allocate land as LGS the Parish Council will need to be able to demonstrate robust evidence to meet national planning policy requirements as set out in paragraph 76 and 77 of the Framework. There have been a number of instances where an Examiner at Neighbourhood Plan Examination has deleted LGS designations due to the fact that they did not meet the requirements of national policy³.

In light of the above, paragraph 76 of the Framework sets out the role of local communities seeking to designate land as LGS and makes clear that the designation should be consistent with the local planning of sustainable development in the wider area and complement investment in sufficient homes, jobs and

³ See Stretton and Backwell Neighbourhood Plan Examiner's Reports

other essential services. The designations of LGS should only be designated when the plan is being prepared or reviewed, and be capable of enduring beyond the end of the plan period.

Further advice is contained in paragraph 77 of the Framework which sets out three tests that must be met for the designation. Paragraph 77 states that:

'The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

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

Blanket designation of open countryside or allocating large tracks of land adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' to try achieve what would amount to green belt by another name. Taking these requirements into account substantial, robust and up-to-date evidence will be required to support the inclusion of any proposed LGS designations.

Gladman submit that this policy does not accord with the requirements of the Framework as it seeks to protect all open space rather than those areas that is important to the local community it serves. No evidence has been undertaken to demonstrate how the proposed LGS meets each of the tests contained in §77 of the Framework. As such these designations are not in accordance with national planning and guidance and are therefore in conflict with basic conditions (a) and (d).

LANP13 – Dark Skies

Impacts from light pollution can be addressed through good design. Some forms of lighting are likely to be necessary in proposals, for example lighting in relation to highway safety. It is therefore considered that an 'appropriate assessment' should not be required.

LANP19 – New Building in Leominster

Gladman reiterate the comments made in response to LANP2 regarding the viability of exceeding energy efficiency standards and the ability of the LNP to include such a policy following the ministerial statement. Reference to energy efficiency standards should be deleted from policy LANP19.

LANP21 – Protecting Important Views

The above policy states that development that would obscure or impair the views identified under this policy will not be permitted.

Gladman submit that no evidence has been submitted as part of this consultation to demonstrate why these views are important or where these views are located i.e. illustrated on a proposals map. This creates uncertainty for a decision maker to apply policies consistently and with ease when determining planning applications. The absence of this evidence needs to be addressed and presented for the consultation to be valid and legally compliant. At present, the consultation is being undertaken without crucial evidence to provide an informed response as considered in R (Moseley) v Haringey LBC [2014] UKSC 56. Further robust evidence is therefore required to support the inclusion of this policy

Gladman recommend that LANP21 be deleted as it is contrary to basic condition (a).

Strategic Environmental Assessment

The preparation of Neighbourhood Plans fall under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan's proposals would be likely to have significant environmental effects. An Environmental Report has been undertaken as part of the LNP's preparation after the screening assessment concluded an SEA would be required.

Gladman do not consider the Environmental Report to be a robust document. Legislation from the SEA regulations makes clear at paragraph 12(2) 'The report shall identify, describe and evaluate the likely significant effects on the environment of – (a) implementing the plan or programme; and (b) reasonable alternatives taking into account the objectives and geographical scope of the plan or programme.'

In assessing reasonable alternatives Gladman do not consider that options 1 – 3 are appropriate for assessment given that the SUE and link road have already been confirmed in the adopted Core Strategy. Gladman submit that the simplistic tick based approach presented within the SEA does not provide robust assessment of the neighbourhood plans effects on its environment. Furthermore, no robust consideration has been undertaken for the need to allocate additional housing sites given that their remains to be a residual 256 dwelling requirement not being planned for within the neighbourhood area due to unknown effects which should have been fully investigated as part of the alternative option. This has resulted in a flawed SEA and assessment of reasonable alternatives.

Conclusions

Gladman recognise the role of neighbourhood plans as a tool for local people to shape the development of their local community. Through these representations, Gladman have sought to highlight a number of significant issues that must be addressed prior to the plan being submitted for examination. The LNP as currently proposed contains a number of flaws in both its application of national planning policy and

guidance and in a number of instances will not allow the decision maker to apply policies contained in the plan consistently and with ease.

Furthermore, the Plan contains a series of prescriptive requirements going over and above the requirements of the policies contained in the adopted Core Strategy. These requirements will likely result in a negative impact in delivering sustainable growth opportunities viably and are not in accordance with the requirements set out in the Framework.

These issues need to be addressed through a fundamental overall to the development strategy as proposed, failure to do so may result in the plan being found unable to meet basic conditions (a), (d) and (e).

Gladman request to be kept informed about the progress of the neighbourhood plan and the Council's decision to submit the plan for examination. In the event that a hearing is required, Gladman request to participate in the hearing session(s) of the Examination.

James Latham
Technical Support Officer
Neighbourhood Planning
Strategic Planning and Conservation Teams
Herefordshire Council
Hereford
HR1 2ZB

Our ref: 1645
Your ref:

Telephone
0121
6256887 Fax

18 February 2016

Dear Sirs

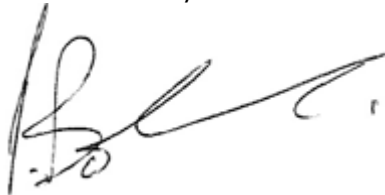
LEOMINSTER NEIGHBOURHOOD PLAN – REGULATION 16 CONSULTATION

Thank you for the invitation to comment on the draft Neighbourhood Plan and we have no substantive comments to add to those conveyed in our earlier consultation response (3rd February 2015) and we are gratified to note that comments made then have been acted upon in this version of the plan. We are supportive of the vision and objectives and overall content of the document, particularly the comprehensive treatment of the wider historic environment including non-designated heritage assets and its' emphasis on local distinctiveness and the avoidance of "anywhere architecture".

Overall Historic England consider the Plan to be a well-considered, concise and fit for purpose document that effectively embraces the ethos of "constructive conservation" and is a very good example of community led planning.

I hope you find these comments helpful.

Yours faithfully



Pete Boland
Historic Places Adviser. E-mail: peter.boland@HistoricEngland.org.uk

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Leominster Reg 16

Date: -02/03/16

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
LANP1	LO1 LO2	N	<p>This policy requires the construction of the road before the development of the urban extension and other strategic sites commence. The Core Strategy policies do not make provision for this and it is not considered viable or deliverable. This represents a significant conformity issue with the Core Strategy.</p> <p>The plan also states that if the urban expansion site does not go ahead, the benefits of the link road are such that it should be built as a priority anyway. There is no explanation of how this will be funded and again the Core Strategy does not make provision for this as Policy LO2 makes provision for the delivery of the road as part of the urban extension.</p>
LANP2	LO1	N	<p>I am concerned at the plan's delivery mechanism for ensuring that the minimum requirement for housing outside the urban extension set out in Policy LO1 is met.</p> <p>There are no allocated sites for this purpose and the settlement boundary has not been revised since the Unitary Development Plan 2007 was published.</p> <p>It is not clear whether there has been any formal review of the boundary to ensure that this is appropriate and up to date. This is particularly important as the plan does not allocate sites for development to</p>

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			<p>meet the housing requirement over the plan period</p> <p>The plan states that it is not necessary to allocate sites given that “since the publication of the draft HCC Core Strategy a number of planning applications for sites totalling over a hundred homes have been approved.” It would be useful for further information to be included on this for the remaining residual housing requirement to be identified. This will provide a better steer for future development proposals.</p> <p>Criteria c reference to infilling not being allowed. This requires clarification whether this means no infilling at all which would be too restrictive as in some cases it may be an appropriate form of development and efficient use of land.</p> <p>The requirement for energy efficiency standards to exceed national standards is likely to have a detrimental impact on the viability of development.</p>
LANP3	LO2	Y	<p>Criterion q regarding construction traffic would be better dealt with as a planning condition rather than as part of the policy.</p> <p>Repeat comment in relation to exceeding energy efficiency standards made in relation to LANP2</p>
LANP4	RA2	N	<p>There is no indication of the level of growth to be accommodated in the 3 villages as previously advised.</p> <p>Furthermore there are no settlement boundaries which could assist in demonstrating how the growth will be delivered.</p>

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
LANP 5	RA3	N	This policy does not include reference to rural exception housing or provision of sites for the needs of gypsies and travellers. Therefore it does not conform to Policy RA3 of the Core Strategy.
LANP6	SD2	Y	This policy refers to all types of renewable energy and therefore would include wind energy. This policy does not make reference to the additional requirements set out in Policy SD2. It may be that wind energy is not envisaged due to wind speeds but there is no discussion of this issue about this.
LANP7	E1, E3, LO1	N	This policy makes reference to B1 light industry. It would be advisable to remove specific reference to light industry as B1 also includes offices and research and development of products and processes. Given that some of these developments are likely to be of a small scale I am concerned that the blanket requirement to prepare a renewable energy statement may be too onerous.
LANP8	E2	Y	
LANP9	E5	N	This does not reflect the sequential approach that is set out in Policy E5. The NDP has not identified a primary shopping area. However if there is cross reference to E5 and reference to the sequential approach in the policy this will address this concern.
LANP 10	LD3	Y	
LANP11			Further information regarding the justification for designation as open space

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			<p>needs to be included. Large swathes to the south of Leominster have been designated and these could conflict with policy LO1 and LO2 relating to the strategic urban extension.</p> <p>An area of open space is included at Westcroft. This should be removed as officers have been authorised to grant outline planning permission under delegated powers subject to the completion of a Section 106 agreement. It is not necessary to designate the areas to the East of Leominster as open space as these would be classed as being open countryside.</p>
LANP 12	LD3 part	y	
LANP 13	SD1 part	y	
LANP14	-		
LANP 15	-		
LANP 16	SC1	Y	
LANP 17	LD1	Y	
LANP 18	LD4	Y	
LANP 19	SD1		<p>Requirement to exceed minimum standards is to onerous and could affect viability.</p> <p>Concerned about the implementation of the criteria of the policy.</p>
LANP 20	E4	Y	
LANP21			This policy needs further detail to be more

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
			specific and to explain how the policy will be implemented and how applications will be assessed.
LANP 22	MT1	Y	Policies 22, 23 and 24 could be combined into one policy.
LANP 23	MT1	Y	
LANP 24	MT1	Y	

Other comments/conformity issues:

- Objective 2 gives priority to the development of Baron's Cross as it is brownfield land. NPPF encourages the re-use of previously developed land where appropriate rather than giving priority to it. This is also reflected in Core Strategy Policy SS2.
- The use of the term open space throughout the plan could benefit from clarification as to whether the designated spaces identified in LANP11 or whether they are being referred to in the wider sense. If it is the latter then this is potentially over restrictive. It might be advisable to refer to 'designated' open spaces.

Date: 02 March 2016
Our ref: 176786
Your ref: Leominster



Mr J Latham
Herefordshire Council
Planning Services,
Blueschool House,
Blueschool Street
Hereford,
HR1 2ZB

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Latham

Re: Leominster Neighbourhood Development Plan (NDP), SEA and HRA- Regulation 16

Thank you for your consultation on the above dated and received by Natural England on 20 January 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED) (HABITATS REGULATIONS)

Leominster Neighbourhood Plan

LANP2 – SUPPORTING THE STRATEGIC HOUSING DEVELOPMENT NEEDS IN LEOMINSTER TOWN

We advise rewording criteria 1j. slightly to make it clearer, we suggest the following: “ Adverse impacts are avoided on the natural environment and in particular the River Wye Special Area of Conversation (SAC).”

We note that many of the changes we suggested at Regulation 14 stage have been incorporated into the Neighbourhood Plan. We have no further comments to make.

Habitats Regulations Assessment (HRA) Report

We confirm that having read the Habitats Regulations Assessment (HRA) Report and Addendum, we agree with the conclusion that the Leominster Neighbourhood Plan will not have a likely significant effect on the River Wye SAC. We agree that Policy LANP4 could be strengthened with additional wording on safeguarding the River Wye SAC and flooding.

Leominster Environment Report

Natural England welcomes the production of an Environmental Report. Having reviewed the report Natural England confirms that it meets the requirements of the Strategic Environmental Assessment (SEA) European Directive and national regulations, and that we concur with its conclusions.

We would be happy to comment further should the need arise but if in the meantime you have any



queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Gillian Driver on 0300 060 4335. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Gillian Driver

Miss Gillian Driver
Planning Adviser
South Mercia Team

From: Gibson Guy <Guy.Gibson@networkrail.co.uk>
Sent: 02 March 2016 18:11
To: Neighbourhood Planning Team
Subject: Leominster Neighbourhood Development Plan

Dear Sir/Madam,

Network Rail has been consulted by Hereford Council on the Leominster Neighbourhood Development Plan. Thank you for providing us with this opportunity to comment on this Planning Policy document. This email forms the basis of our response to this consultation request

Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signaling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure. In this regard, please find our comments below:

Network are concerned that the cumulative impact of the developments referred to in the NDP will materially increase the use of the level crossing at Leominster which would have implications for rail safety and service provision. The "cumulative" impact that a number of developments can have has already materially increased the use of other level crossings in the area e.g. Newcastle Road. Development(s) that have the potential to materially increase use of a level crossing therefore require careful consideration to ensure this impact is adequately mitigated. Network Rail therefore object on these grounds and attention is drawn to the following "Level Crossings" comments on this issue.

[Level Crossings](#)

Councils are advised that level crossings can be impacted in a variety of ways by planning proposals:

- By a proposal being directly next to a level crossing
- By the cumulative effect of developments added over time in the vicinity of a level crossing
- By the type of level crossing involved e.g. where pedestrians only are allowed to use the level crossing, but a proposal involves allowing cyclists to use the route
- By the construction of large developments (commercial and residential) where road access to and from the site includes a level crossing or the level /type of use of a level crossing increases as a result of diverted traffic or of a new highway
- By developments that might impede pedestrians ability to hear approaching trains at a level crossing, e.g. new airports or new runways /highways /roads
- By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs
- By any developments for schools, colleges or nurseries where minors in numbers may be using the level crossing
- By any proposal that may cause blocking back across the level crossing
- By any proposal which may see a level crossing impacted by the introduction of cycling or walking routes

Development proposals' affecting the safety of level crossings is an extremely important consideration for emerging planning policy to address. The impact from development can result in a significant increase in the vehicular and/or pedestrian traffic utilising a crossing which in turn impacts upon safety and service provision.

As a result of increased patronage, Network Rail could be forced to reduce train line speed in direct correlation to the increase in vehicular and pedestrian traffic using a crossing. This would have severe

consequences for the timetabling of trains and would also effectively frustrate any future train service improvements. This would be in direct conflict with strategic and government aims of improving rail services.

In this regard, we would request that the potential impacts from development affecting Network Rail's level crossings is specifically addressed through planning policy as there have been instances whereby Network Rail has not been consulted as statutory undertaker and a proposal has impacted on a level crossing. We request that a policy is provided confirming that:

- The Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway:
 - *Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) order, 2010 requires that... "Where any proposed development is likely to result in a material increase in volume or a material change in the character of traffic using a level crossing over a railway (public footpath, public or private road) the Planning Authority's Highway Engineer must submit details to both Her Majesty's Railway Inspectorate and Network Rail for separate approval".*
 - Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing such impact: and
 - The developer is required to fund any required qualitative improvements to the level crossing as a direct result of the development proposed.

The development proposed in the NDP may also require improvements to Leominster Station and other railway infrastructure in the area. To meet the increase in demand Network Rail feel that the NDP and other related Development Plan Documents should set a context to secure from proposed developers CIL and/or section 106 funding necessary for the improvements in rail infrastructure that are required to serve proposed development. Network Rail are therefore of the view that no development should commence until the full extent of improvement works have been identified and funding measures are in place. On this issue the following notes on "Developer Contributions" are brought to the council's attention:

Developer Contributions

Development Plan Documents should set a strategic context requiring developer contributions towards rail infrastructure where growth areas or significant housing allocations are identified close to existing rail infrastructure.

Many stations and routes are already operating close to capacity and a significant increase in patronage may create the need for upgrades to the existing infrastructure including improved signalling, passing loops, car parking, improved access arrangements or platform extensions.

As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions to fund such improvements.

Specifically, we request that a Policy is included within the document which requires developers to fund any qualitative improvements required in relation to existing facilities and infrastructure as a direct result of increased patronage resulting from new development.

The likely impact and level of improvements required will be specific to each station and each development meaning standard charges and formulae may not be appropriate. Therefore in order to fully assess the potential impacts, and the level of developer contribution required, it is essential that where a Transport Assessment is submitted in support of a planning application that this quantifies in detail the likely impact on the rail network.

To ensure that developer contributions can deliver appropriate improvements to the rail network we would recommend that Developer Contributions should include provisions for rail and should include the following:

- *Network Rail believes that developments on the railway infrastructure should be exempt from CIL or that its development should at least be classified as payments in-kind.*
- *We would encourage the railways to be included on the Regulation 123 list of the types of infrastructure projects that will be funded through CIL.*

- *Network Rail would like to seek a clear definition of buildings in the draft charging schedule. Railway stations are open-ended gateways to railway infrastructure and should not be treated as buildings. Likewise lineside infrastructure used to operate the railway (such as sheds, depot buildings etc) should be classed as railway infrastructure and not treated as buildings for the purposes of the charging schedule.*
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- *We consider that imposing a charge on one infrastructure project to pay for another in an inefficient way of securing funding*
- *A requirement for development contributions to deliver improvements to the rail network where appropriate.*
- *A requirement for Transport Assessments to take cognisance of impacts to existing rail infrastructure to allow any necessary developer contributions towards rail to be calculated.*
- *A commitment to consult Network Rail where development may impact on the rail network and may require rail infrastructure improvements. In order to be reasonable these improvements would be restricted to a local level and would be necessary to make the development acceptable. We would not seek contributions towards major enhancement projects which are already programmed as part of Network Rail's remit.*

In addition to the above comments the following guidance on the need to consult Network Rail on planning applications that may impact on railway land is set out below:

Planning Applications

We would appreciate the Council providing Network Rail with an opportunity to comment on any future planning applications should they be submitted for sites adjoining the railway, or within close proximity to the railway as we may have more specific comments to make (further to those above). In this regard the following requirements are brought to the council's attention:

Network Rail would draw the council's attention to the following (which applies to England only):
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16.—(1) *This article applies where the development to which the application relates is situated within 10 metres of relevant railway land.*

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We trust these comments will be helpful in your preparation of this NDP document.

Guy Gibson

Town Planner - Property

Network Rail

1st Floor, Temple Point, Redcliffe Way, Bristol, BS1 6NL

Latham, James

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Sent: 02 March 2016 18:27
To: Neighbourhood Planning Team
Subject: FW: Leominster Neighbourhood Development Plan

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Town Planner – Property - Network Rail
M 07710 961616

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Guy Gibson

Town Planner - Property

Network Rail

1st Floor, Temple Point, Redcliffe Way, Bristol, BS1 6NL

M 07710 961616

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www.networkrail.co.uk/property

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Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office Network Rail, 2nd Floor, One Eversholt Street, London, NW1 2DN

Latham, James

From: Gibson Guy <Guy.Gibson@networkrail.co.uk>
Sent: 03 March 2016 11:58
To: Neighbourhood Planning Team
Subject: FW: Leominster Neighbourhood Development Plan

Dear Sir/Madam,

Further to my emails sent yesterday regarding above draft NDP, I have just received the following comments of the Level Crossing Manager for this area:

"I have had a read through the Leominster Neighbourhood Plan, and I think as long as the proposed link road at the south of the town is built before any construction commences it will have a positive effect on the AHB level crossing located in the north of the town.

The location for the new housing development for 1500 new homes and the enterprise park will be serviced by the new link road and the existing road. The residential & enterprise construction will not take place until the construction of the new bypass which will move the majority of the through traffic and potential construction traffic away from the level crossing

In the plan there is another 900 residential homes to be built within existing residential areas throughout Leominster there is no mention to the location of these developments, whether they are in the north of south of the town. If 900 new houses were to be built in the north part of the town, there will be an increase of usage over the level crossing for access to the A49."

He is of the view that the NDP is potentially positive, but more information is required as to the location of the 900 additional homes.

I would be most grateful if the above comments of the Level Crossing Manager could be added as further clarification to Network Rail's representation on this NDP submitted yesterday.

Kind Regards

Guy Gibson
Town Planner – Property - Network Rail
M 07710 961616

From: Gibson Guy
Sent: 02 March 2016 18:27
To: 'neighbourhoodplanning@herefordshire.gov.uk'
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- By a proposal being directly next to a level crossing

- By the cumulative effect of developments added over time in the vicinity of a level crossing
- By the type of level crossing involved e.g. where pedestrians only are allowed to use the level crossing, but a proposal involves allowing cyclists to use the route
- By the construction of large developments (commercial and residential) where road access to and from the site includes a level crossing or the level /type of use of a level crossing increases as a result of diverted traffic or of a new highway
- By developments that might impede pedestrians ability to hear approaching trains at a level crossing, e.g. new airports or new runways /highways /roads
- By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs
- By any developments for schools, colleges or nurseries where minors in numbers may be using the level crossing
- By any proposal that may cause blocking back across the level crossing
- By any proposal which may see a level crossing impacted by the introduction of cycling or walking routes

Development proposals' affecting the safety of level crossings is an extremely important consideration for emerging planning policy to address. The impact from development can result in a significant increase in the vehicular and/or pedestrian traffic utilising a crossing which in turn impacts upon safety and service provision.

As a result of increased patronage, Network Rail could be forced to reduce train line speed in direct correlation to the increase in vehicular and pedestrian traffic using a crossing. This would have severe consequences for the timetabling of trains and would also effectively frustrate any future train service improvements. This would be in direct conflict with strategic and government aims of improving rail services.

In this regard, we would request that the potential impacts from development affecting Network Rail's level crossings is specifically addressed through planning policy as there have been instances whereby Network Rail has not been consulted as statutory undertaker and a proposal has impacted on a level crossing. We request that a policy is provided confirming that:

- The Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway:
 - *Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) order, 2010 requires that... "Where any proposed development is likely to result in a material increase in volume or a material change in the character of traffic using a level crossing over a railway (public footpath, public or private road) the Planning Authority's Highway Engineer must submit details to both Her Majesty's Railway Inspectorate and Network Rail for separate approval".*
 - Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing such impact: and
 - The developer is required to fund any required qualitative improvements to the level crossing as a direct result of the development proposed.

The development proposed in the NDP may also require improvements to Leominster Station and other railway infrastructure in the area. To meet the increase in demand Network Rail feel that the NDP and other related Development Plan Documents should set a context to secure from proposed developers CIL and/or section 106 funding necessary for the improvements in rail infrastructure that are required to serve proposed development. Network Rail are therefore of the view that no development should commence until the full extent of improvement works have been identified and funding measures are in place. On this issue the following notes on "Developer Contributions" are brought to the council's attention:

Developer Contributions

Development Plan Documents should set a strategic context requiring developer contributions towards rail infrastructure where growth areas or significant housing allocations are identified close to existing rail infrastructure.

Many stations and routes are already operating close to capacity and a significant increase in patronage may create the need for upgrades to the existing infrastructure including improved signalling, passing loops, car parking, improved access arrangements or platform extensions.

As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions to fund such improvements.

Specifically, we request that a Policy is included within the document which requires developers to fund any qualitative improvements required in relation to existing facilities and infrastructure as a direct result of increased patronage resulting from new development.

The likely impact and level of improvements required will be specific to each station and each development meaning standard charges and formulae may not be appropriate. Therefore in order to fully assess the potential impacts, and the level of developer contribution required, it is essential that where a Transport Assessment is submitted in support of a planning application that this quantifies in detail the likely impact on the rail network.

To ensure that developer contributions can deliver appropriate improvements to the rail network we would recommend that Developer Contributions should include provisions for rail and should include the following:

- *Network Rail believes that developments on the railway infrastructure should be exempt from CIL or that its development should at least be classified as payments in-kind.*
- *We would encourage the railways to be included on the Regulation 123 list of the types of infrastructure projects that will be funded through CIL.*
- *Network Rail would like to seek a clear definition of buildings in the draft charging schedule. Railway stations are open-ended gateways to railway infrastructure and should not be treated as buildings. Likewise lineside infrastructure used to operate the railway (such as sheds, depot buildings etc) should be classed as railway infrastructure and not treated as buildings for the purposes of the charging schedule.*
- *Network Rail would like confirmation that its developments over 100sqm undertaken using our Permitted Development Rights will not be CIL chargeable.*
- *We consider that imposing a charge on one infrastructure project to pay for another in an inefficient way of securing funding*
- *A requirement for development contributions to deliver improvements to the rail network where appropriate.*
- *A requirement for Transport Assessments to take cognisance of impacts to existing rail infrastructure to allow any necessary developer contributions towards rail to be calculated.*
- *A commitment to consult Network Rail where development may impact on the rail network and may require rail infrastructure improvements. In order to be reasonable these improvements would be restricted to a local level and would be necessary to make the development acceptable. We would not seek contributions towards major enhancement projects which are already programmed as part of Network Rail's remit.*

In addition to the above comments the following guidance on the need to consult Network Rail on planning applications that may impact on railway land is set out below:

Planning Applications

We would appreciate the Council providing Network Rail with an opportunity to comment on any future planning applications should they be submitted for sites adjoining the railway, or within close proximity to the railway as we may have more specific comments to make (further to those above). In this regard the following requirements are brought to the council's attention:

Network Rail would draw the council's attention to the following (which applies to England only):
The Town and Country Planning (Development Management Procedure) (England) Order 2015

Publicity for applications for planning permission within 10 metres of relevant railway land

16.—(1) This article applies where the development to which the application relates is situated within 10 metres of relevant railway land.

(2) The local planning authority must, except where paragraph (3) applies, publicise an application for planning permission by serving requisite notice on any infrastructure manager of relevant railway land.

(3) Where an infrastructure manager has instructed the local planning authority in writing that they do not require notification in relation to a particular description of development, type of building operation or in relation to specified sites or geographical areas ("the instruction"), the local planning authority is not required to notify that infrastructure manager.

(4) The infrastructure manager may withdraw the instruction at any time by notifying the local planning authority in writing.

(5) In paragraph (2) "requisite notice" means a notice in the appropriate form as set out in Schedule 3 or in a form substantially to the same effect.

We would appreciate the Council providing Network Rail with an opportunity to comment on any future planning applications should they be submitted for sites adjoining the railway, or within close proximity to the railway as we may have more specific comments to make (further to those above).

We trust these comments will be helpful in your preparation of this NDP document.

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Leominster Neighbourhood Plan

Key Issues

One of the key issues for Leominster town is the problem of traffic flow through the town. This causes congestion and air quality issues at Bargates. Our neighbourhood plan supports the option for addressing this issue via the construction of a new link road. A link road should be built irrespective of whether the urban expansion goes ahead or not.

As mentioned in the draft NDP consultation, it is highly unlikely that the link road will be built before any development will take place; this is due to the road being funded through developer contributions.

Jobs and business

We need to improve access to employment opportunities as a priority whether that be by improving footpaths, *cycle routes*, bus routes or improving broadband.

Policies and proposals

LANP1 – SUPPORTING THE STRATEGIC DEVELOPMENT NEEDS IN LEOMINSTER

To promote the needs for strategic development of the Herefordshire Core Strategy, a new road linking the A44 at Baron's Cross and the A49 south east of the town should be constructed. This should happen before the developments on the Leominster Sustainable Urban Extension or other strategic sites commence *Please refer to comments above*. The following principles must also be followed in the design of the road:

- i. The road should be constructed to provide cycle and pedestrian routes across it, connecting the town with the surrounding parish and, in particular, providing safe routes for access in and out of the Baron's Cross estate. **Sustainable transport routes for the Baron's Cross Estate won't go anywhere near the new link as proposed. It should also include adjacent shared use paths to complement those on Southern Avenue as this will provide an active travel access to and from the rail station to the west of the town.**

Please refer to comments above in red that were submitted in the last consultation.

The link road is a priority and the complete route should be in place before housing development on the urban expansion site commences. *This is very unlikely to happen since the road will need to be funded by developer contributions*. Indeed, should the urban expansion site not go ahead, the benefits of the link road are such that it should be built as a priority anyway. This is sustainable since it will reduce the waste of energy caused by congestion on the present route of the A44 through the

town and reduce noise and the excessively high levels of recorded air pollution in the town, particularly at Bargates. It improves resilience by facilitating the transport of goods in, out and through the parish, and will reduce the loss of earnings caused by delays. It will also improve access to the principal employment areas.-

Placing the onus of financing the link road on the developers of the SUE will ensure that neither gets completed as the experience of the last fifty years shows. The cost of the road adds an unacceptable risk to the commercial viability of the development of the SUE which will put off developers. The likelihood is that the town would be left with piecemeal development and an incomplete road at the end of the plan period.-

Developer contributions are considered vital to fund the road. There are ongoing discussions surrounding this issue.

LANP2 – SUPPORTING THE STRATEGIC HOUSING DEVELOPMENT NEEDS IN LEOMINSTER TOWN

To support the strategic housing needs identified for Leominster outside the Sustainable Urban Extension (SUE), particularly on the strategic brownfield site at Baron's Cross. The preferred hierarchy of pedestrian, cycle, bus, car is facilitated throughout the design with footpaths, lanes, cycle racks/storage, bus stops, generous communal/visitor parking areas, landscaping and off street parking;

Construction traffic on the strategic development sites will not be permitted to use the route through the town passing through Bargates. **It is likely that the initial building will start at each end of the link road, to generate sufficient funds to continue the link road further. The western build will need access through Bargates, as the link won't be completed.**

Please refer to comments above from the draft NDP consultation (in red), please note this and take into consideration.

LANP3 – LEOMINSTER SUSTAINABLE URBAN EXTENSION

In addition to the provisions included in policy LANP2.1, development of the

Leominster Sustainable Urban Extension will be permitted when:

h. Routes through the development should be indirect, slow and convoluted for vehicles but quicker on foot and bike. Active travel modes should be more attractive and obvious to use instead of vehicles, *both within and to and from the site;*

Permeability and priority to active travel modes should be built in to the extension's development to ensure these and sustainable transport modes are the most attractive and obvious modes to use.

Please consider note above in red from previous consultation.

LANP23 – REDUCING THE NEED TO TRAVEL

Proposals to create new and improved walking, cycling and public transport routes will be encouraged.

This includes the following:

- *Cycle contraflows to one way working on key radial routes*

LANP24 – MOVING AROUND LEOMINSTER TOWN CENTRE

A comprehensive Travel Plan should be prepared for Leominster. Proposals to improve movement around Leominster town centre will be permitted. In particular:

- a. Measures to prioritise pedestrians in the town centre will be encouraged;
- b. Corn Square should be designated as a **motorised** traffic free zone, except for disabled drivers and deliveries. (Deliveries should be limited to before 10 a.m. and after 4 p.m. unless by small, pollution free vehicles e.g. pedi-vans; **Perhaps pedestrianize the existing one-way streets, at least 10am to 4:30pm as well.**

Investigate prohibiting vehicles from the one-way streets at peak times, as mentioned above.

- c. Provide additional car parking at the railway station (the use of land east of the station should be explored); *-Further study will be needed on this.*
- d. Improved footpath and cycle routes linking the railway station to the town centre and bus station will be supported. *There is an option to develop a route utilising quiet streets to link the town centre to the railway station, this will need further study an feasibility study.*

including evaluation of informal contraflows to one way streets. Providing additional cycle parking locations at strategic locations will also support this. Please consider above comments

General comments

We consider that developer contributions will be vital in order to fund the Southern Link Road, there are ongoing discussions regarding this.

In Appendix A, it would be useful to provide a summary of the findings from the reports into the Southern Link Road.

Appendix 1 includes a number of documents that reference the Southern Link Road, however there is no summary of what these documents include or recommend.

KB- there is no change in the update on Southern Link Road. Ongoing discussions, however it will need developer funding (confirmed by JC)