

Progression to Examination Decision Document

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Leominster Neighbourhood Area
Parish Council	Leominster Town Council
Draft Consultation period (Reg14)	10 December 2014 to 6 February 2014
Submission consultation period (Reg16)	20 January to 2 March 2016
Re-submission consultation period (Reg16)	2 November to 14 December 2017

Determination

Is the organisation making the area application the relevant body under section 61G (2) of the 1990 Act		Yes
Are all the relevant documentation included within the submission <ul style="list-style-type: none"> • Map showing the area • The Neighbourhood Plan • Consultation Statement • SEA/HRA • Basic Condition statement 	Reg15	Yes
Does the plan meet the definition of a NDP - 'a plan which sets out policies in relation to the development use of land in the whole or any part of a particular neighbourhood area specified in the plan'	Localism Act 38A (2)	Yes
Does the plan specify the period for which it is to have effect?	2004 Act 38B (1and 2)	Yes

<p>Are any 'excluded development' included?</p> <ul style="list-style-type: none"> • County matter • Any operation relating to waste development • National infrastructure project 	1990 61K / Schedule 1	No
Does it relation to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the parish council undertaken the correct procedures in relation to consultation under Reg14?		Yes
<p>Is this a repeat proposal?</p> <ul style="list-style-type: none"> • Has an proposal been refused in the last 2 years or • Has a referendum relating to a similar proposal had been held and • No significant change in national or local strategic policies since the refusal or referendum. 	Schedule 4B para 5	No

Summary of comments received during submission consultation

Historic England	<p>No substantive comments to make to add to those conveyed in our earlier consultation responses.</p> <p>Confirm supportive of the vision, aims and objectives and overall content of the document.</p>
Natural England	<p>Do not have any specific comments on this neighbourhood plan. Note that the changes suggested in the previous consultation have been included.</p>
National Grid	<p>No records of apparatus within the neighbourhood area</p>
Dwrcymru / Welsh Water	<p>Welcome the provision of criteria 'n' of Policy LANP2</p> <p>Supportive of Policy LANP10 but suggest the addition of criteria to encourage sustainable drainage systems as a form of green infrastructure;</p> <p><i>j. Sustainable drainage systems in order to manage surface water and accordingly assist in preventing flooding and pollution incidents in the sewerage network and encourage biodiversity and amenity'</i></p> <p>There are currently no issues with regards to the Leominster WwTW and the current committed sites, dependent on the scale and pace of the development proposals within the catchment there will come a</p>

	<p>time during the period when reinforcement work will be required.</p> <p>There are no specific issues with regards to the public sewerage network in Leominster, given the significant number of dwellings proposed, network reinforcement work may be required in the future.</p> <p>Water supply network reinforcement may be required</p>
Herefordshire Council - Transportation	<p>General comments- There is little to no mention of active travel access to schools or educational facilities.</p> <p>It would also be worth noting that there is an ongoing transport study in Leominster and it would be worth aligning some aspirations with that.</p> <p>LANP1(ii) - need to specify how would link with the rest of the network</p> <p>Should be some mention of park and choose provision</p> <p>LANP7 (c) – business encourage to provide facilities for employees to choose active travel for their commute</p> <p>LANP26 – consideration should be given to active travel access to schools</p> <p>The relief road is missing from the list especially is wish to segregate cycle routes</p>
Herefordshire Council – Development Management	No comments received
Herefordshire Council – Strategic Planning	Indication that 20 policies are in conformity with the Core Strategy but 6 policies are not in general conformity with the Core Strategy. Details are contained with Appendix 1
Herefordshire Council – Economic Development	No comments received
Herefordshire Council - Environmental Health (contamination)	No comments received
Herefordshire Council – Environmental Health (pollution)	No comments received
CPRE	<p>Forwarded to the relevant volunteer.</p> <p>No further comments received.</p>
Sport England	Policy LANP11 – Amenity Open Space

	<p>Two additional sites should be afforded protection:</p> <ul style="list-style-type: none"> • Leominster Primary School - Existing playing fields should be protected • 6 hardcourts and associated car parking at Leisure Centre – important sports facility <p>Other than these additional no objection to LANP11</p>
Luston Parish Council	Offer full support for the well thought through neighbourhood development plan
Ian Clarke (resident)	<p>Brierley</p> <p>The Brierley settlement boundary as drawn on the plan does not encompass all of the property known as Sunny Bank. Review and update the settlement boundary accordingly.</p>
<p>Astill Planning - Alex Prowse</p> <p>On behalf of Strat Land and Planning</p>	<p>Settlement boundary amendments will facilitate the strategic direction of housing growth within the Core Strategy.</p> <p>However the proposed area of designated green space around Newlands, Ryelands and Cockcroft Hill will preclude the residential development. Recommended that it be completely deleted from Policy LANP11 and policies map.</p> <p>Area does not comply with NPPF para 76 and 77. No robust evidence to justify designation of open space.</p> <p>Area (32 hectares) is considered as an extensive tract of land.</p> <p>Policy LANP11 – criteria mirror the NPPF para 77, this should be used to designate sites not to determine a planning application on a designated site.</p> <p>Policy LANP11 lacks clarity and is inconsistent as refers to re-development</p>
Gladman - Richard Agnew	<p>LANP1 – policy should be deleted as regarding infrastructure provision which is a strategic matter.</p> <p>LANP3 – not defined what is meant by small scale and this should be deleted. Unlikely to be delivered with the proposed wording.</p> <p>LANP11 – policy does not accord with the requirements of the NPPF. No evidence has been undertaken.</p> <p>LANP13 – appropriate assessment should not be required.</p> <p>LANP25 – No evidence has been submitted as to why views are important or where located. Creating uncertainty</p>
Caldecotte Group- Abel Brun Land at Baron Cross Inn,	Encouraged that LANP1 envisages phased development. Open to discussing details of our proposal to bring this site forward in with aspirators.

Barons Cross Road	
<p>McLoughlin Planning - Adam White</p> <p>Representing landowner</p>	<p>Land designated as green space – a considerable area of land has been designated as green space with does not comply within PPG, national policy, the Core Strategy, it is not supported by sufficient evidence, seriously prejudice the master planning of the urban extension.</p> <p>Land is shown on policies maps and Map 3 but not mentioned in Policy LANP10 or LANP11</p> <p>Policy LANP10 is identified on Map 5 but these don't reflect the green space boundaries. There is no mention of green spaces in LANP11 and the list does not reference the land owned by client.</p> <p>Lack of consistency and clarity raises serious concerns as to the proposed designations.</p> <p>Policy LANP 11 is confusing</p> <p>Designation of client land will seriously prejudice the master planning of the urban extension. Landowners have not been personally consulted on the proposed allocation and land is in private ownership.</p>
<p>Leominster Civic Society – Martin Baines</p>	<p>Very concerned that references to housing space standards that were included in the first draft appear to have been omitted.</p> <p>Appallingly substandard homes currently proposed for the Baron Cross site in Leominster – what is the procedure for adopting civilised space standards for the Leominster area.</p> <p>Suggested space standards included.</p> <p>LANP2 – include reference to safer routes to school</p> <p>LANP3 – add reference to housing space standards and dark skies principles</p> <p>LANP9 - make reference to shop front design guide, concealing overhead cables and protecting locally distinctive alleys in the town centre</p> <p>LANP11 – Include land along Kenwater from Cranes Land Bridge to south of the river</p> <p>LANP17 – include the meadows to the north and east of the town.</p>
<p>John Amos - Mike Harries</p> <p>Land to the north of The Rugg and Radnor View, Leominster</p>	<p>No smaller scale non-strategic sites are being put forward in the NDP</p> <p>No objective evaluation of sites with development potential - no evidence of appraisal and assessment of individual sites</p> <p>Minimal adjustments to the UDP settlement boundary, criteria based</p>

	<p>approach is not planned positively</p> <p>Settlement boundary merely acknowledging planning permissions</p> <p>NDP fails to set out local evidence of any need, land review or environmental capacity</p> <p>NDP is being used as a tool to stop development rather than promote more housing and economic development as set out in the Core Strategy</p> <p>Heavy reliance on Barons Cross development</p> <p>Policy LANP3 should be redrafted</p> <p>Land to the north of The Rugg and Radnor View – site proposed for housing. Evaluated in SHLAA as suitable for 40 dwellings post 2026.</p>
<p>Berrys - Owen Fry</p> <p>Land off Ginhall Lane, Leominster</p>	<p>No specific sites are allocated for housing, there is a need for a further 225 homes to meet the minimum housing targets.</p> <p>Drawing the boundary tight to the existing built form of Leominster, there is no certainty that the sufficient sites exist to provide for the required housing growth.</p> <p>Site is adjacent to the settlement boundary and there are already a number of properties along the northern side of Ginhall Lane.</p>
<p>Peter McKay (resident)</p>	<p>Needs to show the correct infrastructure information such as footpaths and greenspaces</p>

Please note the above are summaries of the response received during the submission consultation. Full copies of the representations will be sent to the examiner in due course.

Officer appraisal

The plan has met the requirements of the regulations as set out in the table above. This is a re-submission Reg16 plan as the previous plan was considered not to meet the basic conditions.

Overall, 18 responses have been received; 2 internal service providers and 4 from statutory consultees and 12 from external consultees.

The plan includes settlement boundaries for Leominster town and the RA2 settlements of Brierley, Ivington and Wharton. The Core Strategy strategic urban extension and existing commitments have been included within the settlement boundary for Leominster town. The village settlement boundaries have also taken into account existing commitments and potential for windfall development.

There are a number of concerns expressed by both internal and external consultees regarding the potential capacity within the settlement boundary and some Local Green Spaces in Leominster itself.

All neighbourhood development plans are required to meet the 'basic conditions' at examination which includes 'contributing to sustainable development, be in general conformity with the strategic policies of the development plan and have regard to national policy'. It is considered that some of the

concerns expressed by the Strategic Planning team can be addressed during the examination with some rewording of policy as the direction of travel of these are similar to that of the Core Strategy.

Assistant Director comment

Decision under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.

Approved to progress to examination



Richard Gabb

Programme Director – Growth and Housing

Date: 30.1.2018

Appendix 1

Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Leominster Regulation 16

Regulation 16 Submission Plan November 2017	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N) December 2017	Comments on Reg 16 Submission Plan
LANP1	LO1 LO2	Yes	<ul style="list-style-type: none"> • Welcome introduction of text to link the construction of the new road to the development of the Sustainable Urban Extension (SUE) • The reference to a comprehensive traffic management plan would be better placed in text rather than a planning policy. • The reference to a requirement for a speed limit on the link road to limit road noise is a traffic management issue that would be better placed in the text.
LANP2	LO1	Yes	<ul style="list-style-type: none"> • It would be helpful to directly cross reference this policy to Core Strategy Policy LO2 as both policies include a number of requirements for the development to meet. • Criterion b - Query the reference to the Leominster architectural language and how this will be interpreted /assessed. • Criterion q – Reference to management of construction traffic would be better placed in text rather than policy.
LANP3	LO2	No	The policy as worded restricts development to locations within the settlement boundary. Core Strategy Policy LO1 refers to "The remaining dwellings will be provided through existing commitments, smaller scale non-

Regulation 16 Submission Plan November 2017	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N) December 2017	Comments on Reg 16 Submission Plan
			<p>strategic sites within the existing built up area; those which come forward through the Leominster Neighbourhood Development Plan, or sites judged as having development potential which are identified in the Strategic Housing Land Assessment". This provides the framework for both development within and adjacent to settlement boundary.</p> <p>However the supporting text to Policy LANP3 refers to the consideration of small scale developments outside the settlement boundary in 'exceptional circumstances'. This approach raises a number of concerns:</p> <ul style="list-style-type: none"> • Is there evidence to demonstrate that there is capacity within the settlement boundary to accommodate the residual housing requirement? • The requirement for exceptional circumstances to be demonstrated is not in conformity with the core strategy. • The reference to circumstances where development may be acceptable outside the settlement boundary should be within the policy rather than the text as this is a significant policy issue. Does this approach refer to the settlement boundaries of Leominster and / or Ivington, Wharton and Brierley? <p>The NDP explains that exceptional circumstances include</p> <ul style="list-style-type: none"> • a) Unavailability of any other suitable land, and b) the need for the additional development has been fully evidenced and the proposed development meet a need of the community that has not been recognised within either the Herefordshire Core Strategy or the Leominster Area Neighbourhood

Regulation 16 Submission Plan November 2017	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N) December 2017	Comments on Reg 16 Submission Plan
			<p>Plan.” This suggests on one hand that development may be located outside the development boundary if the required amount cannot be accommodated within the settlement boundary. If there is limited capacity within the settlement boundary then the policy should be reworded to ...”including small-scale developments within and adjacent to the current Leominster Settlement boundary”.</p> <ul style="list-style-type: none"> <li data-bbox="826 869 1343 1496">• The reference to “additional development” suggests that this may be in addition to the amount set out in policy LO1. Whilst policy LO1 refers to a minimum of 2,300 new homes being required, I am concerned about this approach appears to allow additional development in locations that the other policies of the plan do not permit. There is potentially conflict between this approach and Core Strategy Policy RA3 which would apply to areas outside the settlement boundary unless Policy LANP3 included reference to”including small-scale developments within or adjacent to the current settlement boundary.” <li data-bbox="826 1532 1343 1809">• The text also refers to any such development that meets the exceptional circumstances criteria as also having “to meet the criteria in (b) above”. It is not clear whether this is a reference solely to criterion b of LANP3. If so it is not clear why the other criterion would not apply. <li data-bbox="826 1845 1343 2009">• The promotion of self build housing is welcomed in principle and the contribution that this can make to affordable housing provision is recognised. However it would be too

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			<p>restrictive to require any housing development permitted under this policy to be restricted to self build and this would not be in conformity with H2.</p> <ul style="list-style-type: none"> • It is not appropriate to included reference to Core Strategy Policy H2 in relation to the market town of Leominster. Policy H2 refers to rural exception sites and therefore can be applied to villages of Brierley, Ivington and Wharton but not to the market town of Leominster. Therefore this requires further consideration and the plan should make it clear as to which areas this is referring to. This should be in policy rather than being in the supporting text. • Our records indicate a show a total of 644 commitments which is higher than recorded in the table on pages 30/31. This leaves a residual of 156 dwellings. Is there evidence to show that this residual requirement can be met through the policies of this plan and within the settlement boundary? • The final sentence refers to "overriding material consideration that may indicate that these policies should not be followed then compensatory or mitigation measures will be sought as part of the development proposal to ensure priorities set out in these policies are met". I suggest that this sentence is withdrawn as the presumption should be that the policies of the NDP are followed and applied.
LANP4	RA2	N	This policy does not include reference allowing development adjacent to settlement boundaries and therefore is not in conformity

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			<p>with RA2. However if there is evidence that there is capacity for some growth within the settlement boundaries then this could be satisfactory.</p> <p>Further to comments made in relation to LANP3 it may be appropriate to cross reference to H2.</p> <p>Typo EA2 should be RA3?</p>
LANP5	RA3	N	<p>Question whether this policy is required in addition to RA3. Bullet point vii) imposes an additional requirement on the provision of gypsy and traveller sites that is not specifically included in the core strategy and therefore raises conformity issues.</p> <p>Similarly the second vii) refers to rural enterprise – does it mean exceptional – already covered in ii)</p> <p>Typo H2 rather than HR2</p>
LANP6	SD2	Y	<p>Again is this policy necessary in addition to SD2 of the Core Strategy? If retained then recommend that it includes some element of balance to help determine such applications e.g. when they do not have a significant impact....</p>
LANP7	E1, E3, LO1	Y	
LANP8	E2	N	<p>This policy does not differentiate between different ratings of employment land quality and therefore does not accord with policy E2 of the Core Strategy. Question whether this policy is required in the neighbourhood plan as could rely on Policy E2 if it is not adding any local issues relevant to the NDP area.</p>
LANP9	E5	N	<p>“Retail development is expected to take place within or adjacent to the boundary of the town centre rather than on the periphery.” The terminology used in the policy is not consistent with that in the Policy E5 of the Core strategy</p>

Regulation 16 Submission Plan November 2017	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N) December 2017	Comments on Reg 16 Submission Plan
			<p>or the NPPF.</p> <p>It is noted that no primary or secondary shopping frontages have been identified for Corn Street Victoria Street and High street area and question whether this is intentional?</p>
LANP 10	LD3	Y	
LANP 11			<p>It would be helpful for the NDP to provide justification for the identification and extent of the green spaces. It would also be helpful to differentiate on the map and within the policy between existing amenity open spaces and proposed new spaces. The extent of the area at Cockcroft Hill may impact on the delivery of the SUE and this could be a potential conformity issue.</p> <p>The labelling of the list in LANP11 should correspond with the labelling on map 6.</p>
LANP 12	LD3 part	y	
LANP 13	SD1 part	y	
LANP14	-		
	-		
LANP 15 Health centre	-	Y	<p>Reference to a new health centre is not included within the Core Strategy. However if there is a proven requirement for a new health centre then recommend rewording of LANP15 to remove some of wording to the supporting text. This would allow for the policy to focus on the requirements for the development of a new health centre.</p>
LANP 16	SC1	Y	<p>LANP 16 Assets of community and public value, such as community centres, buildings, health centres, and halls, will be protected for community uses. Redevelopment for non-community uses will only be permitted where there is no longer a proven need for the</p>

Regulation 16 Submission Plan November 2017	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N) December 2017	Comments on Reg 16 Submission Plan
			existing use and alternative provision is available elsewhere in the town. Recommend that working is changed from ' and ' in the final sentence is replaced by ' or '.
LANP 17	LD1	Y	
LANP 18	LD4	Y	
LANP 19	SD1	Y	
LANP 20 extensions	n/a		
LANP21			
LANP 22			
LANP 23	E4	Y	
LANP 24	SD4	N	This policy requires rewording to be in line with Core Strategy Policy SD4 which requires the full mitigation of any adverse effects in relation to nutrient levels exceeding conservation objectives targets. There is no requirement for individual development proposals to provide an individual NMP. This policy is not considered necessary in addition to core strategy SD4. https://www.herefordshire.gov.uk/directory_record/2097/nutrient_management_plan
LANP25		Y	This includes reference to SACs which is not relevant to this policy. This text may have become misplaced from the section above.
LANP26	MT1	Y	Support the intent of the policy to encourage more active travel. Some of the measures included in this policy may be more appropriate for the travel plan.