



13 University Road
Leicester
LE1 7RA

Dated: 19th July 2018

Our Reference: A1349-03-02-01-01-AP

Your Reference:

Herefordshire Council Neighbourhood Planning Team
Planning Services
PO Box 4
Hereford
HR1 2ZB

SENT BY EMAIL TO neighbourhoodplanning@herefordshire.gov.uk

Dear Sir/Madam,

RE: LEOMINSTER AREA NEIGHBOURHOOD PLAN – EVIDENCE STATEMENT CONSULTATION

1.0 Introduction

- 1.1 We are writing on behalf of Strat Land and Planning in response to the Evidence Statement Consultation for the Leominster Area Neighbourhood Plan (LANP).
- 1.2 It is understood that the Evidence Statement was produced by Leominster Town Council to address several of the issues raised by Herefordshire Council in the *Progress to Examination Report* for the LANP.
- 1.3 The site of interest to Strat Land and Planning is shown in Appendix 1 ('the site') and partly lies within one of the proposed Amenity Open Spaces as identified in Map 6 of the LANP. As the labelling of the green spaces in Map 6 does not correspond with the list of Amenity Open Spaces in Policy LANP11, clarification has been sought from Herefordshire Council's Neighbourhood Planning Team about the name of the open space the site lies within. These conversations have revealed that part of the site is situated in the Cockcroft Hill Amenity Open Space, which is listed as Amenity Open Space J in Policy LANP11. The e-mail correspondence in Appendix 2 confirms this.
- 1.4 Section 5 of the Evidence Statement contains a justification for each of the proposed Amenity Open Spaces identified in Policy LANP11 and Appendix 1 provides additional evidence to support the designation of Cockcroft Hill as an Amenity Open Space. Therefore, given the site's location in relation to the proposed Cockcroft Hill Amenity Open Space, Strat Land and Planning welcome the Examiner's decision to provide interested parties with an opportunity to comment on the information contained within Evidence Statement. The comments set out below comprise Strat Land and Planning's submission to the Evidence Statement Consultation.

- 1.5 For the sake of clarity, the terms ‘Local Green Space’, ‘Green Open Space’ and ‘Amenity Open Space’ are used interchangeably throughout these written representations, as they are in the Evidence Statement and the LANP.
- 1.6 In submitting these comments to Herefordshire Council, Astill Planning Consultants Ltd also request to be kept informed about the progress of the LANP.

2.0 Response to the Evidence Statement Consultation

2.1 Despite the additional information that has been provided in Section 5 and Appendix 1 of the Evidence Statement, there are still concerns over the proposed Local Green Space at Cockcroft Hill. These are centred on the

1. Conflict with paragraph 77 of the National Planning Policy Framework (NPPF); and
2. Impact on the delivery of the Leominster Sustainable Urban Extension (SUE)

1) Conflict with paragraph 77 of the National Planning Policy Framework (NPPF)

2.2 Astill Planning Consultants Ltd raised several concerns during the Regulation 16 Re-submission Consultation about the lack of justification for the designation of the Amenity Open Spaces identified in Policy LANP11.

2.3 The comments made by Herefordshire Council’s Strategic Planning Team in the *Progress to Examination Report* echoed these concerns in stating that:

“It would be helpful for the NDP to provide justification for the identification and extent of the green spaces...”

2.4 It is also noted that the Examiner made the following remark in an e-mail to Herefordshire Council’s Neighbourhood Planning Team on 8th May 2018:

“I have a general concern that for many of the policies there is either no explicit justification or only very brief justification with very little detailed evidence presented to support the policies”

Whilst this comment does not explicitly relate to Policy LANP11, it nevertheless reinforces the importance of ensuring that all the policies in the LANP are justified with robust evidence.

2.5 In response to these concerns, Section 5 and Appendix 1 of the Evidence Statement collectively attempt to provide a justification for the proposed Amenity Open Space at Cockcroft Hill.

2.6 For this justification to be considered sound, it must be in accordance with paragraph 77 of the NPPF, which sets out the following:

*“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 **reasonably close proximity to the community it serves**;*
- *Where the green area is **demonstrably special to a local community and holds a particular local significance**, for example because of its beauty, historic significance, recreational 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**.*

- 2.7 After having reviewed the information provided in Section 5 and Appendix 1 of the Evidence Statement, Leominster Town Council do not appear to have provided the compelling, robust and substantial evidence that is required to justify the designation of Cockcroft Hill as a Local Green Space under the guidance provided in paragraph 77 of the NPPF.
- 2.8 In light of this, an assessment of the Cockcroft Hill Amenity Open Space against the three criteria set out under paragraph 77 of the NPPF is provided below.

The green space is in reasonably close proximity to the community it serves

- 2.9 The Evidence Statement says that Cockcroft Hill is an “*Informal recreational area for residents and visitors alike*”. This implies that the residents of Leominster are the community the green space is intended to serve.
- 2.10 Given that Cockcroft Hill is located on the periphery of Leominster, it is not considered to be located in reasonably close proximity to the majority of the residents living in Leominster. This is demonstrated by the fact that parts of the proposed Amenity Open Space lie over 500 metres from the southern boundary of Leominster’s existing built form. Despite this, no attempt has been made in the Evidence Statement to demonstrate how the Cockcroft Hill Amenity Space is situated in reasonably close proximity to the community it serves.
- 2.11 It is therefore concluded that the proposed Amenity Open Space at Cockcroft Hill does not comply with the requirements of the first bullet point of paragraph 77.

The green area is demonstrably special to a local community and holds a particular local significance

- 2.12 Paragraph 005 (Reference ID: 37-005-20140306) of the ‘Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space’ section of the NPPG sets out that the

*“Local Green Space designation is a way to provide special protection against development for green areas of **particular importance to local communities.**”*

- 2.13 Paragraph 009 (Reference ID: 37-009-20140306) goes onto state that

*“Local Green Spaces may be designated where those spaces are **demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city.**”*

- 2.14 In an attempt to demonstrate how the Cockcroft Hill Amenity Open Space complies with these requirements, Section 5 of the Evidence Statement makes the following comments about Cockcroft Hill:

*“**Important landscape access and views. Informal recreational area for residents and visitors alike.**”*

- 2.15 Appendix 1 of the Evidence Statement provides further context to these comments by highlighting the role that Cockcroft Hill plays in supporting local walking activities, providing a ‘green gateway’ and offering a rich biodiversity.

- 2.16 When assessing whether this evidence provides an adequate justification for designating Cockcroft Hill as an Amenity Open Space, it is important to consider the geographical context of the area. This is because Ryelands Road and Passa Lane effectively split the area identified as the Cockcroft Hill Amenity Open Space into two distinctly separate areas (Appendix 1):

- **Eastern section:** the area of the Amenity Open Space that is bound by Ryelands Road and Passa Lane to the west and Hereford Road to the east. This area also incorporates the

Local Geological Site.

- **Western section:** the area of land that lies to the west of Ryelands Road and Passa Lane. This area includes part of the site of interest to Strat Land and Planning.

2.17 The extent to which the western section is severed from the eastern section is demonstrated by the fact that it has been necessary to include the junction between Ryelands Road, Passa Lane and Ivington Road within the boundary of the proposed Local Green Space in order to join to the two areas together. This in itself is questionable given that the road is not a green space. Accordingly, it is considered that the eastern section and the western section have no direct relationship. Thus, it would be unjustifiable to suggest that the two areas share the same character and make the same contribution to the local community. Therefore, it is asserted that the justification provided for the eastern section cannot also be used to justify the inclusion of the western section.

2.18 Despite this, it would appear that the justification provided in Appendix 1 primarily relates to the eastern section of the proposed Cockcroft Hill Amenity Open Space, rather than the western area, which is of particular interest to Strat Land and Planning. In light of the overwhelming focus of the evidence base on the eastern section, it is therefore contended that there is still no compelling evidence to demonstrate why the western section of the Cockcroft Hill Amenity Open Space is demonstrably special to the local community and why it holds a particular local significance.

2.19 Furthermore, part of the eastern section of the proposed Cockcroft Hill Amenity Open Space is identified as a 'Local Geological Site' in both the LANP and the Herefordshire Local Plan Core Strategy 2011-2031 ('the Core Strategy'). Policy LO2 of the Core Strategy expects the SUE to the southwest of Leominster to deliver the

"retention of the highly sensitive landscape areas and geological features of Cockcroft Hill (which encompasses Ryelands Croft) by retaining this site as natural open space".

2.20 Similarly paragraph 4.6.13 of the Core Strategy states

"Cockcroft Hill incorporates the Ryelands Croft Local Geological Site, a locally important landscape and geological feature and will therefore need to be retained as semi-natural open space."

2.21 It is therefore considered that there are already adequate policy provisions in the Core Strategy to ensure that the open character and recreational offer of the eastern section of the proposed Cockcroft Hill Amenity Open Space is protected in the future.

2.22 With this in mind, it is important to recognise the guidance provided in paragraph 011 (Reference ID: 37-011-20140306) of the 'Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space' chapter of the NPPG which sets out

"Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space."

2.23 The Evidence Statement does not explain how designating Cockcroft Hill as a Local Green Space will provide additional benefits to the local community compared to those that are already achieved as a result of the Local Geological Site designation at Ryelands Croft. Consequently, there is also deemed to be an inadequate justification as to why the proposed Local Green Space designation is necessary on the eastern section of Cockcroft Hill Amenity Open Space.

2.24 For the reasons set out above, it is considered that the proposed designation of Cockcroft Hill as a Local Green Space still fails to meet the requirements of the second bullet point of paragraph 77 of the NPPF.

The green area concerned is local in character and is not an extensive tract of land

2.25 Paragraph 015 (Reference ID: 37-015-20140306) of the ‘Open Space, Sports and Recreation Facilities, Public Rights of way and Local Green Space’ section of the NPPG establishes that

*“There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 77 of the National Planning Policy Framework is clear that Local Green Space designation should **only be used where the green area concerned is not an extensive tract of land**. Consequently **blanket designation of open countryside adjacent to settlements will not be appropriate**. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.*

2.26 Whilst there may be no ‘hard and fast rules’ in national planning policy and guidance about what constitutes an extensive tract of land, this issue has been considered during numerous neighbourhood plan examination over the past few years. Therefore, the conclusions reached by Examiners during these examinations provide a useful guide in respect of what constitutes an extensive tract of land. The outcomes of several of the examinations most pertinent to this issue are set out below:

- ***Backwell Neighbourhood Plan:*** the Examiner was of the professional opinion that two areas of proposed Local Green Space which measured 19 hectares (Farleigh Fields) and 32 hectares (Moor Lane Fields) represented extensive tracts of land. Accordingly the Examiner recommended that the Local Green Space policy be deleted.
- ***Easington Neighbourhood Plan:*** the Examiner considered that the Shallowcroft Local Green Space, which measured 16 hectares, and the Alkerton Grange Local Green Space, which measured 2 hectares, comprised extensive tracts of land and thus recommended that the Local Green Space policy be deleted.
- ***Tatenhill Neighbourhood Plan:*** the Examiner concluded that two areas of proposed Local Green Space at land north and land south of Branston Road should be removed from the Plan as they were considered to represent extensive tracts of land. These two sites measured approximately 9.6 hectares and 4.7 hectares respectively.
- ***Oakley and Deane Neighbourhood Plan:*** the Examiner ruled that a proposed Local Green Space designation for Site B5 was contrary to national planning policy because it represented an extensive tract of land, amongst other issues. The site measured approximately 5.9 hectares.
- ***Brixworth Neighbourhood Plan:*** the Examiner found that three of the proposed Local Green Spaces named LGS1, LGS2 and LGS3 constituted extensive tracts of land. Sites LGS1, LGS2 and LGS3 measured circa 22.5 hectares, 7.2 hectares and 2.7 hectares respectively. This was a key factor that informed the Examiner’s recommendation to delete LGS1, LGS2 and LGS3 from the Local Green Space policy.
- ***Faringdon Neighbourhood Plan:*** the Examiner concluded that the Humpty Hill Local Green Space was an extensive tract of land as it measured 5.6 hectares. Thus, the Examiner recommended that it be deleted from the list of proposed Local Green Spaces.

2.27 The proposed Local Green Space at Cockcroft Hill measures over 32 hectares in extent, with the western section measuring approximately 6 hectares and the eastern section measuring circa 26 hectares. Therefore, considering the outcomes of previous neighbourhood plan examinations, it is deemed wholly justifiable to contend that the Cockcroft Hill Amenity Open Space represents an extensive tract of land. This remains the case regardless of whether the area is considered in its entirety or the eastern and western sections are considered in isolation. Despite this, the

Evidence Statement does not present any substantive or compelling evidence to justify why Cockcroft Hill does not represent an extensive tract of land.

2.28 It is also noted that in an e-mail dated 8th May 2018, the Examiner referred to the Cockcroft Hill Amenity Open Space as

*“...the much more **extensive area** on the map of proposed Local Green Spaces relating to Policy LANP11...”*

Whilst it is acknowledged that this comment does not form part of an assessment of Policy LANP11 in the context of paragraph 77 of the NPPF, it nevertheless provides further evidence to support the suggestion that the Cockcroft Hill Amenity Open Space is extensive in nature.

2.29 Furthermore, by virtue of its size; the lack of relationship between the eastern and western section; and the fact that it is located adjacent to the existing built form of Leominster, the proposed Local Green Space designation at Cockcroft Hill is considered to be characteristic of the type of *“blanket designation of open countryside adjacent to settlements”* which the NPPG explicitly states will not be appropriate for the Local Green Space designation.

2.30 Considering the above points, it is concluded that the proposed area of designated Local Green Space at Cockcroft Hill does not comply with the third bullet of paragraph 77 of the NPPF.

Summary

2.31 In summary, the evidence set out above clearly demonstrates that the proposed designation of Cockcroft Hill as a Local Green Space is contrary to paragraph 77 of the NPPF. As a result, it does not meet Basic Condition A in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (As Amended), which states a neighbourhood plan should have *“regard to national policies and advice contained in guidance issued by the Secretary of State”*.

2.32 Paragraph 044 (Reference ID: 41-044-20160519) of the ‘Neighbourhood Planning’ section of the National Planning Practice Guidance states that

*“The resulting draft neighbourhood plan **must meet the basic conditions if it is to proceed...**”*

2.33 Likewise, paragraph 065 (Reference ID: 41-065-20140306) sets out that

*“Only a draft neighbourhood Plan or Order that meets **each of a set of basic conditions can be put to a referendum and be made.**”*

2.34 Accordingly, it is asserted that for the LANP to proceed to the referendum stage and ultimately be made, the proposed Local Green Space designation at Cockcroft Hill must be deleted in its entirety from Policy LANP11.

2) Impact on the delivery of the Leominster Sustainable Urban Extension (SUE)

2.35 Policy SS2 of the Core Strategy seeks to secure the delivery of a minimum of 16,500 new homes in Herefordshire over the plan period and identifies Leominster as one of the main settlements outside of Hereford where this housing need will be met. Accordingly, Policy LO1 establishes that Leominster will accommodate a minimum of 2,300 new homes throughout the plan period and that at least 1,500 of these will be delivered as an SUE to the southwest of the Town. Further details of the SUE are provided in Policy LO2.

2.36 Figure 4.10 (Leominster Key Diagram) highlights that land to the southwest of Leominster Town Centre will be the focus for new housing development and paragraph 4.6.5 states

“Land to the south of Leominster provides the most appropriate location for meeting the future strategic housing requirements of the town ...”

Policy SS3 echoes this by stressing the important role that the SUE will play in the delivery of the spatial strategy.

2.37 A notable proportion of the proposed Local Green Space at Cockcroft Hill is located within the area of land identified in Figure 4.10 of the Core Strategy for the new housing associated with the SUE.

2.38 With this in mind, it is important to recognise that paragraph 76 of the NPPF states

*“...By designating land as Local Green Space local communities will be able to **rule out new development other than in very special circumstances...**”*

2.39 Similarly, paragraph 78 of the NPPF goes on to establish that

“Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.”

2.40 This is also echoed in paragraph 020 (Reference ID: 37-020-20140306) of the ‘Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space’ section of the NPPG, which confirms

*“Designating a green area as Local Green Space would give it **protection consistent with that in respect of Green Belt...**”*

2.41 From this, it can be taken that the proposed Local Green Space designation at Cockcroft Hill would effectively prevent any new housing development coming forward on the majority of sites located immediately adjacent to the existing built form of Leominster. These sites are situated within the closest proximity to Leominster’s local services, facilities and public transport infrastructure. As such, they are considered to represent the most sustainably located sites within the area identified for new residential development in the Core Strategy’s Key Diagram for Leominster. Consequently, if the proposed Local Green Space at Cockcroft Hill is included in Policy LANP11, there is a significant risk that an unsustainable pattern of housing growth will materialise in the future. It is therefore considered that the designation of Cockcroft Hill (in particular the western section) will severely prejudice the delivery of the SUE. As a result, the proposed designation of the Cockcroft Hill Amenity Open Space is deemed to conflict with the strategic aims and direction of growth that are set out in policies SS2, LO1 and LO2 of the Core Strategy.

2.42 In contrast, paragraph 76 of the NPPF clearly establishes that the identification of Local Green Spaces during the plan-making process should

*“...be **consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.**”*

2.43 Paragraph 184 of the NPPF reinforces this in stating that

*“The ambition of the neighbourhood should be **aligned with the strategic needs and priorities of the wider local area ... Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. ... Neighbourhood plans should reflect these policies and neighbourhoods should **plan positively to support them** ... Neighbourhood plans and orders **should not promote less development than set out in the Local Plan or undermine its strategic policies**”.***

2.44 Likewise, paragraph 007 (Reference ID: 37-007-20140306) of the ‘Open space, sports and Recreation Facilities, Public Rights of Way and Local Green Space’ section of the NPPG highlights that

“Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.”

2.45 As discussed above, the restrictions that the proposed Local Green Space at Cockcroft Hill will impose on the SUE has the potential to create a barrier towards achieving sustainable development in Herefordshire. Furthermore, through undermining the delivery of the SUE, the proposed Local Green Space designation around Cockcroft Hill threatens to have a severe negative impact upon the delivery of, and investment in, the volume of homes that are required to meet Herefordshire’s objectively assessed housing needs. The scale of these impacts are likely to be magnified given that the SUE to the southwest of Leominster represents the biggest single strategic housing allocation in the Core Strategy. Consequently, it is considered that the proposed Local Green Space at Cockcroft Hill is contrary to paragraph 76 of the NPPF and the guidance in the NPPG.

2.46 In light of this, it is asserted that the proposed Local Green Space designation at Cockcroft Hill means the LANP fails to meet the following basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (As Amended):

a. having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order [or neighbourhood plan];

d. the making of the order [or neighbourhood plan] contributes to the achievement of sustainable development;

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

2.47 Paragraph 044 (Reference ID: 41-044-20160519) of the Neighbourhood Planning section of the NPPG states that:

“The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed...”

It is therefore contended that the inclusion of the Local Green Space designation at Cockcroft Hill in Policy LANP11 currently makes the LANP unsound.

2.48 It is also worth noting that Herefordshire Council’s Strategic Planning Team made the following comment in the *Progression to Examination Report*

“... The extent of the area at Cockcroft Hill may impact on the delivery of the SUE and this could be potential conformity issue”

As the extent of the Amenity Open Space at Cockcroft Hill remains unchanged since the *Progression to Examination Report* was written, the Council’s concerns about the Local Green Space designation at Cockcroft Hill are considered to still stand. Therefore, the comments made by the Council provide further evidence in support of the points raised above.

2.49 It is therefore contended that the proposed area of designated Local Green Space at Cockcroft Hill should be deleted from the list of Amenity Open Spaces in Policy LANP11 and be removed from the Leominster Town Policies Map and Map 6 in the LANP.

3.0 Conclusion

3.1 In summary, the following salient points have been raised in response to the Evidence Statement Consultation for the LANP:

- The proposed Local Green Space at Cockcroft Hill does not comply with paragraph 77 of the NPPF because it:
 - Does not appear to be located in reasonably close proximity to the community it is intended to serve;
 - Has not been supported with compelling evidence to demonstrate how it is demonstrably special to the local community and holds a particular local significance; and
 - Represents an extensive tract of land.
- The proposed area of Amenity Open Space at Cockcroft Hill will prejudice the delivery of the SUE to the southwest of Leominster because it will prevent some of the most sustainable sites located in the area identified for new housing in the Core Strategy's Key Diagram for Leominster coming forward for residential development. This will undermine the strategic policy aims set out in policies SS2, LO1 and LO2 of the Core Strategy.
- Policy LANP11 fails to meet Basic Conditions A, D and E set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 because the proposed Local Green Space at Cockcroft Hill:
 - Conflicts with the NPPF and the NPPG;
 - Is likely to prevent the most sustainable pattern of development from materialising; and
 - Is not in general conformity with some of the strategic policies in the Core Strategy.

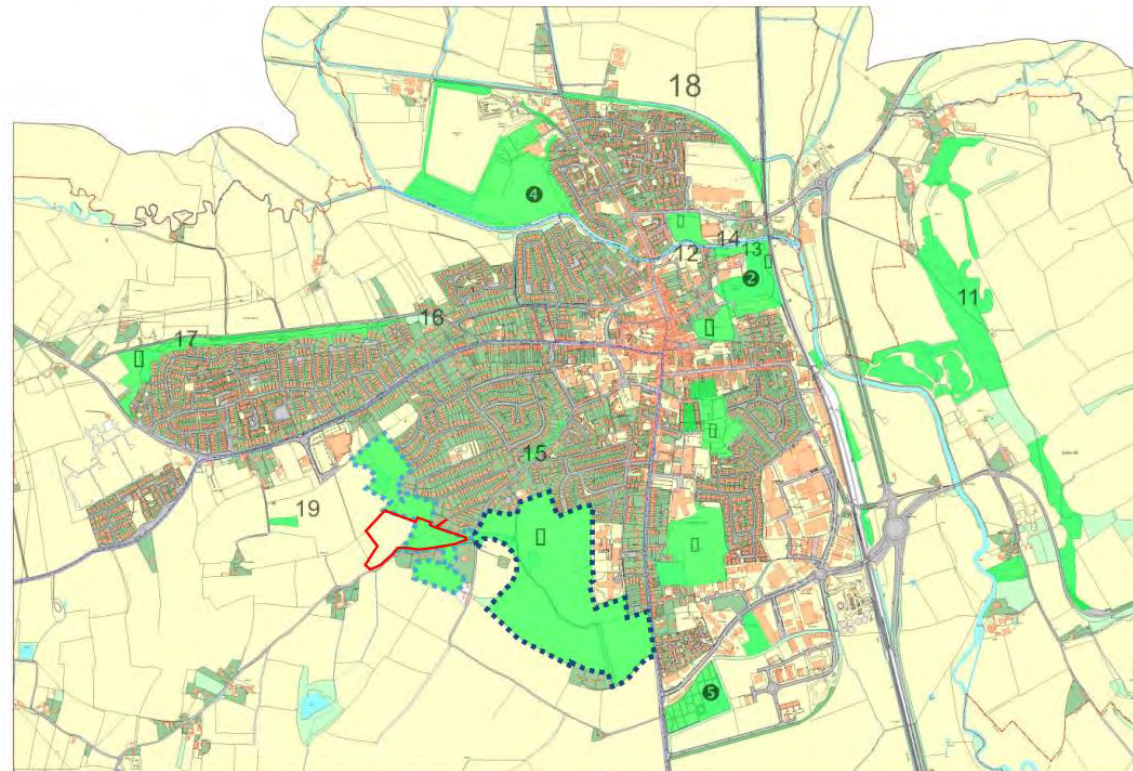
3.2 ***In conclusion, it is respectfully requested that the proposed Local Green Space at Cockcroft Hill (in particular the western section) be completely deleted from the list of Amenity Open Spaces in Policy LANP11 and thus be removed from the Leominster Town Policies Map and Map 6 in the LANP.***

Appendix 1:

Annotated version of Map 6 showing:

- The site
- The western section of the Cockcroft Hill Amenity Open Space
- The eastern section of the Cockcroft Hill Amenity Open Space

Map 6: Leominster Town showing green spaces



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- The site
- - Western section of the Cockcroft Hill Amenity Open Space
- - Eastern section of the Cockcroft Hill Amenity Open Space

Appendix 2:

E-mail correspondence with the
Neighbourhood Planning Team at
Herefordshire Council

From: Banks, Samantha [REDACTED]
Sent: 17 July 2018 11:17
To: Alex Prowse [REDACTED]
Subject: RE: Leominster Area Neighbourhood Plan Amenity Open Space Query

Hi Alex,

I have checked the map which our technician has provided to the examiner to link the map with the list of green spaces within the plan.

This site has been referenced as (J – Land at Cockcroft Hill)

I would suggest that you include your map within any submission as (J) covers a larger amount of the open space in that particularly area so it is clear to the examiner.

Hope this helps

Kind regards

Sam

Herefordshire.gov.uk

Samantha Banks
Neighbourhood Planning Team Leader
Neighbourhood Planning Team
Herefordshire Council
Plough Lane
Hereford
HR4 0LE

Tel: [REDACTED]

email: [REDACTED]
www.herefordshire.gov.uk/neighbourhoodplanning

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From: Alex Prowse [REDACTED]
Sent: 17 July 2018 11:02
To: Banks, Samantha [REDACTED]
Subject: Leominster Area Neighbourhood Plan Amenity Open Space Query

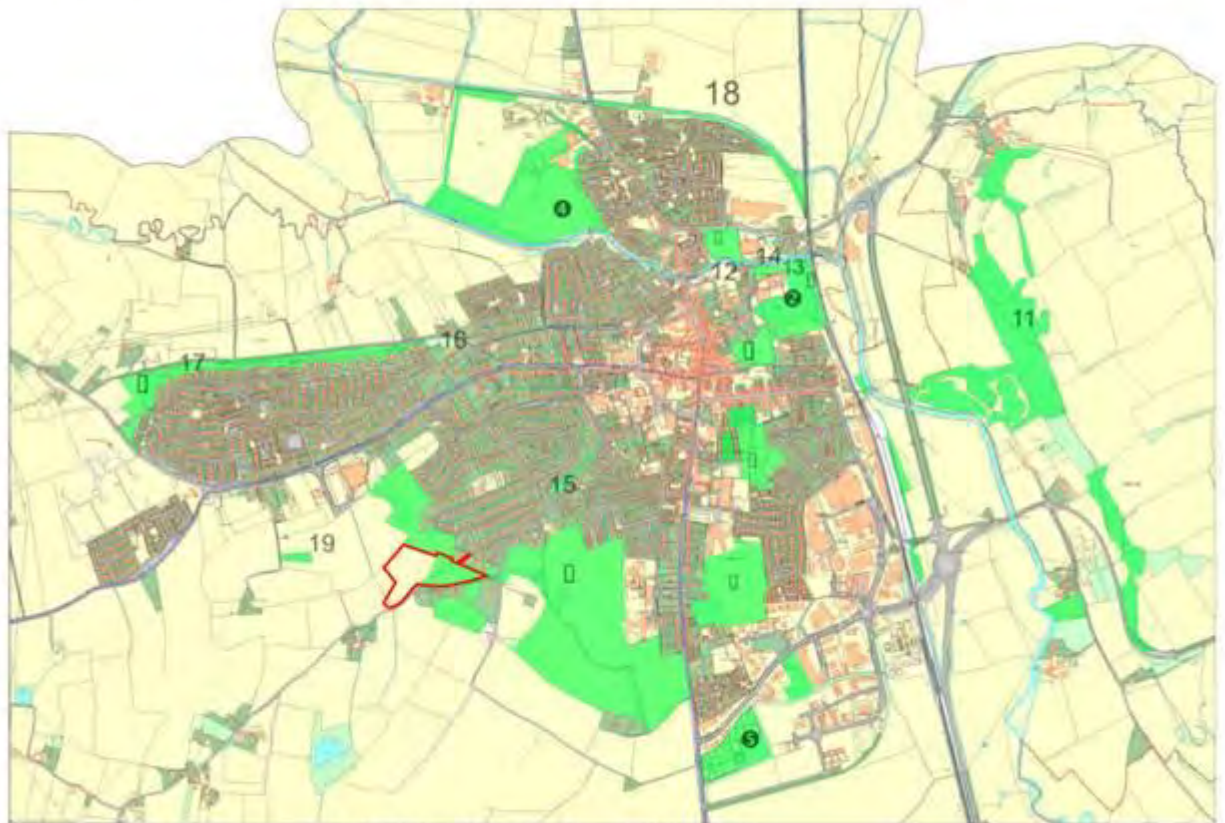
Dear Samantha,

RE: Leominster Area Neighbourhood Plan Amenity Open Space Query

Thank you for taking the time to speak to us today regarding the Leominster Area Neighbourhood Plan.

Please find a marked-up version of Map 6 from the Leominster Area Neighbourhood Plan below. The area edged in red is the site we discussed. We would appreciate it if you could confirm the name of the Amenity Open Space that this site partially falls within.

Map 6: Leominster Town showing green spaces



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Thank you in advance for your assistance with this matter.

Should you have any questions or queries, please do not hesitate to contact us on [REDACTED].

Kind Regards

Alex Prowse – Planning Consultant



For and on behalf of



www.astillconsultants.co.uk

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Latham, James

From: Turner, Andrew
Sent: 03 July 2018 15:17
To: Neighbourhood Planning Team
Subject: RE: Leominster Neighbourhood Plan-Evidence Statement document.

Re: Leominster Neighbourhood Development Plan consultation- Evidence Statement document

Dear Neighbourhood Planning Team,

I refer to the above and would make the following comments with regard to the above Evidence Statement document.

It is my understanding that you do not require comment on Core Strategy proposals as part of this consultation or comment on sites which are awaiting or have already been granted planning approval.

- Given that no other 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

Herefordshire.gov.uk

Andrew Turner
Technical Officer (Air, Land & Water Protection)
Economy, Communities & Corporate Directorate,
Herefordshire Council
8 St Owens Street,
Hereford.
HR1 2PJ

Latham, James

From: Herefordshire CPRE Admin <admin@cpreherefordshire.org.uk>
Sent: 13 June 2018 12:19
To: Neighbourhood Planning Team
Subject: RE: Leominster Neighbourhood Plan

Dear James

Thank you for your email, which I shall forward to volunteers

With kind regards
Barbara

Barbara Bromhead-Wragg
CPRE Herefordshire Administrator
www.cpreherefordshire.org.uk

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From: Neighbourhood Planning Team [mailto:neighbourhoodplanning@herefordshire.gov.uk]
Sent: 11 June 2018 09:56
Subject: Leominster Neighbourhood Plan

Dear Consultee

Leominster Town Council have produced an Evidence Statement document to support their NDP during the examination process. The examiner has requested that this document be put on consultation.

The document can be viewed at:

https://www.herefordshire.gov.uk/downloads/file/14348/evidence_statement_june_2018

The consultation commences on 11 June 2018 and runs until 23 July 2018.

If you have any comments to make on this document please send them to neighbourhoodplanning@herefordshire.gov.uk before the 23 July 2018.

Kind regards

Herefordshire.gov.uk

James Latham
Technical Support Officer
Neighbourhood Planning and Strategic Planning teams
Herefordshire Council
Plough Lane
Hereford
HR4 0LE

Latham, James

From: Norman Ryan <Ryan.Norman@dwrcymru.com>
Sent: 17 July 2018 14:41
To: Neighbourhood Planning Team
Subject: RE: Leominster Neighbourhood Plan

Dear Sir/Madam,

I refer to the below consultation and would like to thank you for consulting Welsh Water. I can confirm that we have no comment to make on the document on question.

Should you require any further information then please let me know.

Kind regards,



Ryan Norman

Forward Plans Officer | Developer Services | Dwr Cymru Welsh Water

Linea | Cardiff | CF3 0LT | T: 0800 917 2652 | www.dwrcymru.com

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From: Neighbourhood Planning Team [mailto:neighbourhoodplanning@herefordshire.gov.uk]
Sent: 11 June 2018 09:56
Subject: Leominster Neighbourhood Plan

***** External Mail *****

Dear Consultee

Leominster Town Council have produced an Evidence Statement document to support their NDP during the examination process. The examiner has requested that this document be put on consultation.

The document can be viewed at:

https://www.herefordshire.gov.uk/downloads/file/14348/evidence_statement_june_2018

The consultation commences on 11 June 2018 and runs until 23 July 2018.

If you have any comments to make on this document please send them to neighbourhoodplanning@herefordshire.gov.uk before the 23 July 2018.

Kind regards

Herefordshire.gov.uk

Our ref: SHARE/ 63289866
Your ref: Leominster NDP

Patrick Thomas
Asset Manager
Operations Directorate

James Latham
Neighbourhood Planning and Strategic Planning Teams
Herefordshire Council
Via
Email: neighbourhoodplanning@herefordshire.gov.uk

The Cube
199 Wharfside Street
Birmingham
B1 1RN
www.highways.gov.uk

04 July 2018

Dear James

LEOMINSTER AREA NEIGHBOURHOOD PLAN EVIDENCE STATEMENT CONSULTATION

Thank you for forwarding me details of the consultation for the Leominster Area Neighbourhood Plan (LANP) Evidence Statement.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. The SRN within Leominster comprises the A49 Trunk Road lying to the east of the town.

We recognise that the LANP considers the need to conform to the policies set out within the adopted Herefordshire Local Plan Core Strategy and that the LANP therefore considers key development allocations including housing. We support the continued commitment to sustainable development contained within the LANP noting that Herefordshire's Core Strategy requires Leominster to accommodate 2,300 new homes as well as key employment developments in the Worcester Road, Southern Avenue area and the proposed Enterprise Park.

These development sites are expected to individually and cumulatively have implications for the operation of the A49. The Core Strategy proposes key transport infrastructure including a link road between the A44 west of Leominster and the A49 Worcester Road roundabout in coordination with the south west urban extension. It will be necessary for further technical work to be undertaken to consider the transport implications of these proposals such that the detail of any associated improvements required for the A49 can also be confirmed.

These matters have been previously considered by Highways England as part of its response to the adopted Herefordshire Local Plan. While the technical details remain to be resolved by the Local Highway Authority and Highways England, we are content

that the LANP is consistent in its policies towards these elements and that there are not any further potential implications arising from the LANP for the SRN.

Please do not hesitate to contact me if you require any more information or clarification.

Yours sincerely

Patrick Thomas
OD Midlands
Email: Patrick.Thomas@highwaysengland.co.uk

Cc Robert Jaffier – Highways England



Historic England

WEST MIDLANDS OFFICE

Mr James Latham
Herefordshire Council
Neighbourhood Planning & Strategic Planning
Planning Services, PO Box 230, Blueschool House
Blueschool Street
Hereford
HR1 2ZB

Direct Dial: 0121 625 6887

Our ref: PL00213722

2 July 2018

Dear Mr Latham

LEOMINSTER NEIGHBOURHOOD PLAN - "EVIDENCE STATEMENT" FOR EXAMINATION- CONSULTATION

Thank you for the invitation to comment on the above document and I can confirm that Historic England has no substantive comments to make.
I hope you find this helpful.

Yours sincerely,

Peter Boland
Historic Places Advisor
peter.boland@HistoricEngland.org.uk

cc:



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6870
HistoricEngland.org.uk



REPRESENTATIONS TO THE LEOMINSTER TOWN COUNCIL

LEOMINSTER AREA NEIGHBOURHOOD PLAN EVIDENCE STATEMENT JUNE 2018

LAND TO THE NORTH OF
THE RUGG AND RADNOR VIEW
LEOMINSTER
HEREFORDSHIRE
HR6 8TF

ON BEHALF OF

Mr James Hinton
c/o The Agent
John Amos & Co

Date: 23rd July 2018

Prepared by

johnamos
& co

Lion Court, Broad Street
Leominster, Herefordshire, HR6 8LE
Tel: 01568 610007

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1.	Introduction	
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3.	Strategic Housing Land Availability Assessment List	

1. INTRODUCTION

John Amos & Co has been instructed to submit representations to the June 2018 Leominster Area Neighbourhood Plan Evidence Statement. This representation should be read together with the points made in our client's earlier representations on the Public Consultation Draft Regulation 16 Neighbourhood Development Plan submitted on the 12th December 2017.

2. POLICY LO1 (DEVELOPMENT IN LEOMINSTER) AND POLICY RA1 AND RA2 – CORE STRATEGY

We attach at **Appendix 1** a copy of the exchange of emails between the Examiner and the Neighbourhood Planning Unit of Herefordshire Council on the 16th May 2018 as well as our exchange of emails with the Council's Head of Policy, Kevin Singleton, on the 13th June. Policy SS2 of the Core Strategy targets separate minimum new housing numbers for:-

- a) Hereford;
- b) Other urban areas – Bromyard, Kington, Ledbury, Leominster and Ross on Wye; and
- c) Rural settlements.

Policy LO1 of the Core Strategy (Development in Leominster) is written under the heading "Market Towns". The minimum target of 2,300 houses in Policy LO1 relates to the market town of Leominster.

The settlements of Brierley, Ivington and Wharton are identified as Rural settlements under Policy RA2 (Fig 4.15). These Rural settlements (with others) are subject to a minimum new housing target (in total) of 5,300 dwellings being separate and distinct from the target applicable to Leominster Town under Policy LO1. As such, including the Rural settlements within the target applicable for Leominster Town is not in accordance with the Herefordshire Core Strategy. The smaller rural settlements have a distinct and separate indicative housing growth target (14%) within Policy RA1, and within the Leominster Rural Housing Market Area. The usual approach taken by the Council is to provide Neighbourhood Plan Steering Groups with the estimated number of dwellings in the Parish area of the rural settlements to enable a 14% target to be derived. As such, the method of calculation of the figures in the Evidence Statement is misconceived as is Draft Policy LANP4.

The reference to justifications at 4.8.21 of the Core Strategy relates to Policy RA1 (Rural settlements) and offers a locally flexible approach for steering groups planning for more than one Rural settlement listed in Figure 4.14 and 4.15. This does not permit the extinguishment of the growth targets for Ivington, Brierley and Wharton using the separate Leominster Town minimum target as justification.

The numbers for Brierley, Ivington and Wharton should be separately calculated, in addition to the 2,300 target for Leominster Town.

As such, the commitments, completions and recent applications list relevant to Leominster Town should be adjusted to exclude the numbers relevant to the Rural settlements mentioned. By our estimate, 27-33 dwellings therefore, should be omitted from the planning commitments for Leominster Town at Clause 3.2 of the Evidence note (reference numbers: 161133, 161189, 163562, 160553 and 160811). Also, the completions list for 2013/14 should be adjusted to exclude references N112179/F and reference 140117 comprising three dwellings. Also, recent applications reference P161181/L and P173013 should be excluded from the recent Applications list.

A separate target should, therefore, be developed for the three rural settlements and an appropriate analysis of commitments, completions and pending applications against the separate target for those three smaller settlements.

So, we estimate as follows for Leominster Town:-

Dwellings Required (minimum)	800
Dwellings Completed since 2011 (excluding Rural settlements)	125
Permissions granted (excluding Rural settlements)	607
Additional Dwellings required	68

3. **STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT LIST**

Clause 3.8 introduces a list of 5 sites as potential options for additional housing and development. No evidence is given of an appraisal of all the options nor of an assessment of individual sites against clearly identified criteria.

Signed:


Mike Harries LLB (Hons)

John Amos & Co
Lion Court
Broad Street
Leominster HR6 8LE

Dated: 23rd July 2018

APPENDIX 1
Exchange of Emails

Latham, James

From: Banks, Samantha
Sent: 11 June 2018 13:45
To: Latham, James
Subject: FW: Leominster NDP queries

From:
Sent: 16 May 2018 10:35
To: Banks, Samantha <Samantha.Banks2@herefordshire.gov.uk>; Paul Russell <townclerk@leominstertowncouncil.gov.uk>
Subject: FW: Leominster NDP queries

Dear Sam

Further to the e mail below, Does the Core Strategy policy require 2300 dwellings in Leominster itself plus proportionate growth in the three settlements of Ivington, Brierley and Wharton, or is the requirement for 2300 in the parish to which proportionate growth in the three other settlements would make a contribution. The supporting text to Policy RA2 indicates that where there are several rural settlements in one parish there is flexibility as to how the growth is distributed between them, but it does not provide guidance on the approach where there are rural settlements within a parish containing a market town. While the numerical implications are small they do affect the tables referred to below and thus the scale of any residual need.

Kind Regards

Richard

Latham, James

From: Banks, Samantha
Sent: 11 June 2018 13:49
To: Latham, James
Subject: FW: Leominster NDP queries

From: Banks, Samantha
Sent: 16 May 2018 14:51
To: Paul Russell
<townclerk@leominstertowncouncil.gov.uk>
Subject: RE: Leominster NDP queries

Dear Richard,

The Core Strategy indicates 2,300 new homes within Leominster during the plan period.

Proportional growth in accordance with Policy RA2 was worked out on a parish basis, these three settlements fall within the parish of Leominster. With this in mind, and given the extent of the growth already indicated within Policy LO1, these three settlements were not given as specific proportional growth requirement. Leominster Town Council were given the flexibility to determine whether any of the 2300 was directed towards all or any of these settlement. This was in line with the approach indicated to other parishes with multiple settlements within para 4.8.21 of the Core Strategy.

Kind regards

Sam

Herefordshire.gov.uk

Samantha Banks
Neighbourhood Planning Team Leader
Neighbourhood Planning Team
Herefordshire Council
Plough Lane
Hereford
HR4 0LE

Tel: 01432 261576

email: sbanks@herefordshire.gov.uk
www.herefordshire.gov.uk/neighbourhoodplanning

Any opinion expressed in this e-mail or any attached files are those of the individual and not necessarily those of Herefordshire Council.

Mike Harries

From: Singleton, Kevin <Kevin.Singleton@herefordshire.gov.uk>
Sent: 13 June 2018 11:39
To: Mike Harries
Subject: RE: Core Strategy

Dear Mike

Yes your understanding is correct, it is summarised in the table within policy SS2.

Regards

Kevin

From: Mike Harries [<mailto:mike@johnamos.co.uk>]
Sent: 13 June 2018 11:36
To: Singleton, Kevin <Kevin.Singleton@herefordshire.gov.uk>
Subject: Core Strategy

Dear Kevin

Policy LO1 (Development in Leominster) is written under the heading "Market Towns". As such, I have taken it as read that the minimum target of 2,300 in Policy LO1 relates to the market town of Leominster. The settlements listed at Policy RA2 (paras 4.14 and 4.15) are listed under Rural Areas, the subject of a separate minimum target (in total) of 5,300 homes.

Can you confirm that my reading of these policies is correct.

Regards

Mike Harries LLB (Hons)
For and on behalf of John Amos & Co

T: 01568 610007
E: mike@johnamos.co.uk

Rediscover John Amos & Co by visiting our new website www.johnamos.co.uk

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Latham, James

From: Duberley, Elizabeth
Sent: 03 July 2018 20:06
To: Neighbourhood Planning Team
Subject: Leominster Evidence Statement

No landscape comments on the above

Kind regards

Liz

Liz Duberley

Principal Natural Environment Officer | Built and Natural Environment Service
Economy, Communities and Corporate Services

Contact Details:

Tel 01432 260788 | 07792 880562

Mail Built and Natural Environment, Herefordshire Council, Plough Lane Offices, Plough Lane, Hereford HR4 0LE

@ Elizabeth.Duberley@herefordshire.gov.uk

Herefordshire.gov.uk

MP Ref: AW/0399
Email: adam.white@mplanning.co.uk
Tel: 01242 895 121

17 July 2018

Herefordshire Council
Plough Lane
Hereford
HR4 0LE
VIA EMAIL ONLY

Dear Sir/Madam

**Leominster Neighbourhood Plan (resubmitted version – October 2017)
Evidence Statement Consultation**

On behalf of our client, Mr Stewart Porter, McLoughlin Planning submitted representations to Herefordshire Council in respect of the Leominster Neighbourhood Development Plan Regulation 16 consultation. The representations were made in respect of Mr Porter and his neighbour's land interests at Leominster. The land in question covers an area of approximately 7.75ha. A plan showing the extent of the land is attached at **Appendix 1**. A considerable area of that land has been designated as 'Green Space' in the emerging Plan. This representation therefore focuses on the evidence presented in respect of that designation.

The Framework's Planning Practice Guidance states that a policy in a neighbourhood plan should be '*concise, precise and supported by appropriate evidence*' (our emphasis). On behalf of our client, McLoughlin Planning previously raised serious concerns that the evidence to support policy LANP11 contained in the draft neighbourhood plan was conspicuous by its absence. At the time, there was no relevant supporting evidence contained on the Council's website and none on the Town Council's website.

It was previously questioned whether there was any supporting evidence at all. It has since been confirmed that the evidence paper was only produced after the Regulation 16 consultation with the intention of providing evidence to address issues raised by Hereford Council. Prior to this, it is apparent that the evidence simply didn't exist.

The examining Inspector has pointed out that the evidence paper is '*clearly the type of evidence that should accompany the plan, to enable those commenting on it to see the rationale for the policies*'. Whilst the opportunity to comment on the evidence statement is welcomed, it raises serious questions as to why Herefordshire Council recommended that the Plan proceed to examination in the first place. It also calls into the question the overall integrity of the Plan and the evidence that underpins it.

As previously pointed out, policy LANP11 states that '*the amenity open spaces marked in green on Map 6 will be protected*'. Map 6 identifies Mr Porter and his neighbour's land as an amenity open space, which mirrors the 'Green Space' allocation shown on the Leominster Town Policies Map (Map 3). However, there is no such mention of 'Green Space' in policy LANP11. It was queried as to whether or not the proposed designation of land as 'Green Space' was intended to be a 'Local Green Space' designation in the context of the Framework. Whilst the neighbourhood plan has not been amended to



clarify this, the evidence statement at paragraph 5.3 indicates that this is the case as it states that the areas labelled alphabetically in policy LANP11 have been designated as 'Local Green Space'.

The Framework at paragraph 76 states that *'local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.'*

It follows at paragraph 77 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 reasonably close proximity to the community it serves*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational 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.'*

The evidence statement at paragraph 5.4 includes a table, which purports to outline the adherence of the Framework criteria to the designed Green Open Spaces. The table references the list of locations labelled alphabetically in policy LANP11. However, these still do not correspond with the numbers shown on Map 6. It is therefore not clear as to exactly which land the evidence relates to.

Notwithstanding this, the evidence set out in the table at paragraph 5.4 is considered to be wholly inadequate and does not demonstrate compliance with the criteria set out in the Framework and why they warrant a Local Green Space designation. The justification contains generalised statements such as *'extremely important to the local community'*, *'valued by the local community'* and *'of historical and heritage value'*. However, it is not clear who is making these statements and on what basis they are made – there is simply no justification or published evidence to support these claims.

Specifically with regard to Mr Porter and his neighbour's land, whilst the land may be located close to existing residential development, it has not been demonstrated through evidence that the land is demonstrably special to the local community and holds a particular local significance. Moreover, it fails to acknowledge that the land is in private ownership, farmed and the only public access is a short stretch of footpath that runs close to the southernmost boundary. There is no intention to allow public access to the land as 'amenity space'. It is also questionable as to whether or not the green area concerned is local in character or in fact an extensive tract of land given its area and the fact that it currently adjoins open countryside.

A further area of concern is that there is no evidence to demonstrate that the land in question is capable of enduring beyond the end of the Plan period. The evidence also doesn't address the matter of whether policies in the neighbourhood plan would prejudice the proper planning and delivery of the urban extension to the south of Leominster. McLoughlin Planning previously raised serious concerns that the designation of Mr Porter and his neighbour's land as Local Green Space could prejudice the comprehensive master planning of the urban extension. That urban extension is expected to deliver a minimum of 1,500 new homes at an average density of up to 35



dwelling per hectare. It is also expected to deliver a relief road, employment opportunities, green infrastructure, sports facilities, allotments and sustainable urban drainage. Furthermore, this all needs to be delivered within constraints such as archaeology, heritage assets and sensitive landscape areas and geological features. In this context, designating Mr Porter and his neighbour's land as Local Green Space would not be consistent with the local planning of sustainable development and would not complement investment in sufficient homes, jobs and other essential services.

In conclusion, it is considered that the evidence statement submitted fails to justify why the areas of land set out in policy LANP11 should be designated a Local Green Space. The Plan as submitted, therefore, does not comply with the Planning Practice Guidance and does not conform to national policy and the Core Strategy. The Plan as submitted is not sound.

Yours faithfully

Adam White MA MRTPI
Associate Director



Appendix 1

Mr Porter and his neighbour's land (edged red and blue respectively)



Latham, James

From: Bullock Lisa <Lisa.Bullock@networkrail.co.uk>
Sent: 19 July 2018 15:51
To: Neighbourhood Planning Team
Subject: The Leominster Neighbourhood Development Plan
Attachments: Leominster Neighbourhood Development Plan

FAO Richard Gabb

Dear Richard

The Leominster Neighbourhood Development Plan

You have consulted us on the above policy document. See attached comments made back in 2016, reading through the progression to Examination Decision Document I see out comments are not listed.

Any development of land which would result in a material increase or significant change in the character of traffic using a rail crossing (of which there are in the plan area) should be refused unless mitigation measures are incorporated to prevent any increased safety risk as a requirement of any permission. **With this in mind I would strongly urge that when the council undertakes its viability testing for any proposed allocated sites it considers the impact the proposal may have on the railway infrastructure.** The cost of mitigating any impact may have a bearing on the viability and deliverability of any such proposed site.

Please can you confirm that our comments have been taken into account.

Kind regards, Lisa.



Lisa Bullock MRTPI
Town Planner (Western and Wales) | Property Network Rail
1st Floor | Temple Point | Redcliffe Way | Bristol | BS1 6NL
T 07710940757
E lisa.bullock@networkrail.co.uk
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
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.*
- *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.

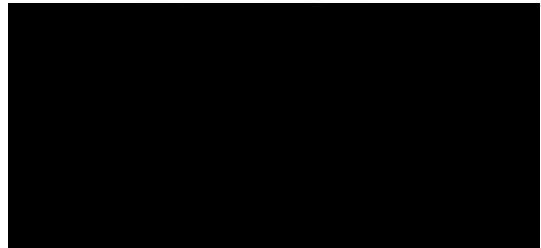
Guy Gibson

Town Planner - Property

Network Rail

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

18 June 2018



Dear Sirs

Expression of Concern / Objection re Leominster Neighbourhood Development Plan's Evidence Statement

I welcome an Evidence Statement, but am concerned / object to the lack of any map identifying the referenced identified green spaces so that the precise locations and extent may be seen rather than 'guessed' at enabling any feedback to be provided, and the lack of any reference to paths, etc., reference Appendix 6 of the Herefordshire Council ROWIP 2017-2027 copied below and viewable https://www.herefordshire.gov.uk/consultations/article/10033/rights_of_way_improvement_plan_rowip_consultation, that states that the development of parish neighbourhood plans provide the basis for parishes to adopt a considered and strategic approach, with parishes best placed to contribute to a coherent and functional network, that would include an accurate definitive map, with a cutoff date of 2026, with again the lack of a map showing what is recorded as what to enable feedback to be provided, rather than 'guessed' at :-

Appendix 6

Parish Councils and Public Rights of Way

The Public Rights of Way (PROW) network in Herefordshire is part of the wider highway network and subject to a range of legal requirements and restrictions on the ordinary road network. However, there are specific legal requirements as to how PROW are recorded which do not necessarily apply to roads. Herefordshire Council (HC), as the Highway Surveying Authority for the area and, in brief, has the following principles to guide :-

1. To ensure that PROW are properly maintained (section 41, Highways Act 1980)
2. To assert and protect the rights of the public to use PROW and prevent any obstructions to them (based on TSO, Highways Act 1980)
3. To keep the Definitive Map & Statement (DMS), the legal record of PROW, accurate and up-to-date (Part II, Wildlife & Countryside Act 1981)

The PROW network is delivered by the Councils services provider. Before locally led a Plan can be part of the Public Rights of Way Strategy objectives for the network are contained in a statutory document - the Rights of Way Improvement Plan (ROWIP).

Whilst the duties listed above apply to Hereford Council only, local parish and town councils have a range of powers available to them with regard to the PROW network. These include, amongst others :-

	Description of power	Legislation
Powers applying to local councils and to parish meetings where there is no council	To make representations to the Highway authority that a Highway has been unlawfully stopped up or obstructed. The authority must act unless satisfied that the representations are frivolous	HA 1980 s 126(5)
	To hold for public inspection a copy of the Definitive Map for the parish, and copies of Orders made to modify it	WCA 1991 s 27(2)
	To veto a proposal by a highway authority to apply to a Magistrate's court for an Order stopping up or diverting a Highway	HA 1980 s 110
	To be consulted by a surveying authority on every application for a Definitive Map Modification Order	WCA 1991 Sub 14
	To be consulted by a surveying authority before a Definitive Map Modification order is made	WCA 1991 Sub 12
	To object to a Public Path Order or a Definitive Map Modification Order. A copy of every such Order when made and when confirmed must be served upon the council	HA 1980 Sub 8 para 1(3)(b), WCA 1991 Sub 12 para(1)(b)(i) and TCR 1990 Sub 14 para 1(2)(b)(ii)

Powers applying only to local councils	To undertake the maintenance of any footpath, bridleway or restricted byway	HA 1980 s 126(1)(a)
	To erect lighting on any footpath or bridleway	Public Councils Act 1927 s2
	To weed, remove or trim grass and bridleways warning of local dangers	RTRA 1926 s 72
	To erect signs and markers in or on any land abutting on any road within the parish	Public Councils Act 1927 s1
	To prosecute anyone who willfully obstructs the free passage along any highway	HA 1980 s 137
	To prosecute an occupier who fails to ensure that their do not inconvenience users of footpaths, bridleways and restricted bridleways	HA 1980 s 138
	To prosecute if a footpath or bridleway has been unlawfully stopped or obstructed, but not restricted or diverted	HA 1980 ss 131A and 132
	To require the highway authority that a particular footpath, bridleway, restricted byway or byway should be signposted where it meets a public road	CA 1985 s 27
	To signpost and separate footpaths, bridleways, restricted byways and byways in behalf of and with the consent of the highway authority	CA 1985 s 27
To create new highways by agreement with the landowner over land in their own and adjoining parishes or communities	HA 1980 s 26	

The development of parish / neighbourhood plans provides the basis for parishes to adopt a considered and strategic approach to the management of the PROW in their area. Where appropriate the neighbourhood plan can seek to protect and enhance its network of PROW as key assets for its recreational / tourism / health / landscape and wildlife value.

In particular, there appears to be few areas where parishes are best placed to contribute to a coherent and functional network :-

1. An accurate and up-to-date Definitive Map and Statement of PROW
2. An open and well-maintained PROW network.

Legislative changes introduced by the Countryside and Rights of Way (CROW) Act 2000 meant that the DMS is to be based in 2026 on claims for recording pre-1940 rights of way. There are a significant number of routes that carry public rights that are not currently recorded on the DMS, or are shown but the rights are unrecorded (e.g. a bridleway is only recorded as a footpath). Many of these rights will be extinguished unless they are recorded on the DMS by 2015 so are the subject of compulsory formal applications (referred to as Definitive Map Modification Order (DMMO) applications) to be added to it.

Following the passing of the CROW Act, the Department for the Environment, Food and Rural Affairs, the government department responsible for PROW legislation and policy,

sponsored several projects to ascertain how the proposed closure of the DMS in 2016 could be equitably and efficiently implemented. This led to the establishment of a Herefordshire Working Group (HWG), comprising representatives of FNVW (parishes, townships and farming organisations) and local authority interests, with the clear aim of bringing forward a set of proposals based on a consensus for reform of DMS legislation to enable the 2016 closure to happen. The HWG's first report, "Unrecorded Rights", was published in March 2010 with a list of 30 recommendations. The recommendations were accepted by Government and a set of measures was introduced within the [Legislation Act 2015](#) to give effect to a number of them. Many of the recommendations and much of the data will be implemented through secondary legislation and guidance with the aim to have this in place during 2016.

The Herefordshire Local Access Forum (HLAF) is a statutory, independent group of FNVW stakeholders that provides advice to the Council and other bodies on FNVW and access to the countryside. The HLAF is concerned by the potential unfair treatment of public rights and has been advising the Council to take a proactive approach to this issue. The Council recognises a duty to record these rights and wishes to work with interested parties to ensure that the process is effectively managed. The Council and the HLAF agree that parishes have a key role to play in this regard.

Parish councils have more local knowledge of their FNVW network and of any valuable existing records and the Council will help to develop a project, in partnership with the HLAF, to train and support parish councils and local volunteers to research and submit high quality, formal DMMO applications to record valuable but unrecorded rights in the network.

Whilst there should be processed in priority order of the limited resources available, as long as the applications are properly made then any rights identified should be protected from automatic extinguishment in 2026, thereby protecting the asset for future generations.

In support of this, the Council has the following aims -

- To run training sessions at the Herefordshire Archives and Record Centre for parish volunteers to explain the process of making a DMMO and to familiarise them with sets of records that they may commonly encounter.
- To investigate the feasibility of digitising and / or putting on-line some of the key sets of records held by HC.
- To encourage parishes to adopt a systematic and targeted approach to the research of unrecorded rights.

This acknowledges that

way. There are a significant number of routes that carry public rights that are not currently recorded on the DMS, or are shown but the rights are under-recorded (e.g. a bridleway is only recorded as a footpath). Many of these rights will be extinguished

and references the cutoff date of 2026 raised in 2000 Act, the consultations undertaken and recorded in the 'Stepping Forward' report of 2010, the resultant Deregulation Act of 2015, with secondary legislation and guidance aimed to be raised by 2016 (*perhaps now 2019 ?*), and Herefordshire Council plans to

protected from automatic extinguishment in 2026, thereby protecting the asset for future generations.

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- To run training sessions at the Herefordshire Archives and Record Centre for parish volunteers to explain the process of making a DMMO and to familiarise them with sets of records that they may commonly encounter.
- To investigate the feasibility of digitising and / or putting on-line some of the key sets of records held by HC.
- To encourage parishes to adopt a systematic and targeted approach to the research of unrecorded rights.

These key sets of records could be expected to include the background to how the records were raised, work already undertaken identifying known anomalies that have been listed and shown with a triangle, etc.,



Without addressing the implications of the legislative change introduced by the Countryside and Rights of Way Act 2000 in this Neighbourhood Plan, or even acknowledging that this aspect exists and with it applying till 2031 when would be too late I question its sustainability ?

I further consider that this Evidence Statement even leads us into a 'Windrush' situation raising polices that assume all records are complete and correct, rather than for example including a plan showing what is recorded as what, open spaces, paths and roads, on a black and white base map, enabling any gaps, etc., to be seen, so that any omissions / errors may be addressed with measures put in place to complete and correct the records, to protect and enhance the

networks of PROW as key assets for its recreational / tourism / health / landscape and wildlife value.

in a managed manner, in conformance with the above referenced Appendix 6 of the Herefordshire Council ROWIP 2017-2027 ?

So why keep this information hidden and not part of this Evidence Statement so that it may be incorporated ?

Press release

Unlocking of government's mapping and location data to boost economy by £130m a year

Making key parts of the Ordnance Survey (OS) MasterMap freely available will help businesses use geospatial data more easily and drive innovation across the UK economy.

Published 13 June 2018

Last updated 13 June 2018 — [see all updates](#)

From: [Cabinet Office](#) and [The Rt Hon David Lidington CBE MP](#)

As part of the Prime Minister's London Tech Week roundtable today, the government has announced that key parts of the OS MasterMap will be made openly available for the public and businesses to use.

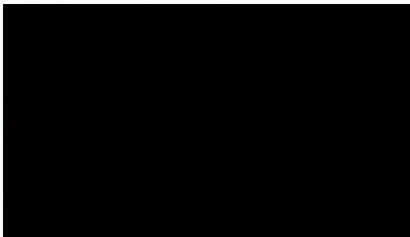
It is estimated that this will boost the UK economy by at least £130m each year, as innovative companies and startups use the data.

The release of OS MasterMap data is one of the first projects to be delivered by the new Geospatial Commission, in conjunction with Ordnance Survey. The aim is to continue to drive forward the UK as a world leader in location data, helping to grow the UK's digital economy by an estimated £11bn each year.

This is a step on a journey towards more open geospatial data infrastructure for the UK.

This includes our Greenspaces, highways, paths, usrn's, etc., reference <https://www.geoplace.co.uk/-/geoplace-to-work-with-government-to-investigate-opening-up-unique-identifiers-for-addresses-and-streets> for more detailed information, and we ought not miss out on this, so how could this best be incorporated as part of this Neighbourhood Development Plan, as why does it not include representation that our Greenspaces ought be shown, administrative errors identified, measures to correct, etc., as proposed by Herefordshire Council ?

Kindly acknowledge receipt.



To:

Neighbourhood Planning Team,
Planning Services,
PO Box 4,
Hereford,
HR1 2ZB

Latham, James

From: Peter McKay
Sent: 21 July 2018 21:17
To: Neighbourhood Planning Team
Subject: Leominster Evidence Statement

May I add to my earlier response of 18 June to this Evidence Statement, reference to the

INVESTING IN FACILITIES AND INFRASTRUCTURE

27th NOVEMBER 2018

as circulated by Natural England, re

which says :

Since the introduction of the Sporting Future and Towards an Active Nation strategies the United Kingdom has responded with gusto, working towards local and national agendas that have been designed to stem the alarming rise in inactivity.

In order to encourage people to move more, providing the right facilities in the right areas is key to increasing sport and physical activity for all across the nation. The design and layout of where we live and work plays a vital role in our daily mobility and our leisure facilities are the cornerstone of a physically and mentally healthy community and are used by thousands of families every day. To accommodate our busy 21st century lifestyles, we have consciously 'designed out' the opportunity to exercise. In turn, as we searched for the easier life, the lack of vision has reduced the viable and affordable opportunities to stretch our legs.

Why Sports will deliver our Investing in Facilities and Infrastructure Conference on the 27th November 2018 The Royal Society of Medicine.

This conference will aim to provide a backdrop of the current situation and seek to highlight a number of high quality and engaging projects that are working to provide 21st century facilities for all. Challenge, debate, network, share knowledge and develop long lasting business relationships.

Now is simply not the time to ignore infrastructure issues in the Development Plan, and to lock it till 2031, whereas others are unlocking licences, holding conferences, etc. ?

Rgds

Peter McKay