

## Progression to Examination Decision Document Review of an Existing Made NDP

### Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area – Ledbury Neighbourhood Area

Parish /Town Council – Ledbury Town Council

Draft Consultation period (Reg14) – 5 February to 19 March 2022

Submission consultation period (Reg16) – 30 September to 11 November 2022.

#### Determination

<i>Legal requirement question</i>	<i>Reference to section of the legislation</i>	<i>Did the NDP meet the requirement as state out?</i>
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"> <li>• Map showing the area</li> <li>• The Neighbourhood Plan</li> <li>• Consultation Statement</li> <li>• SEA/HRA</li> <li>• Basic Condition statement</li> <li>• Statement outlining the modifications made and reasons</li> <li>• Statement whether changes are considered to be significant</li> </ul>	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
The plan contains no 'excluded development'? <ul style="list-style-type: none"> <li>• County matter</li> <li>• Any operation relating to waste development</li> <li>• National infrastructure project</li> </ul>	1990 61K / Schedule 1	Yes
Does it relates to only one neighbourhood area?	2004 Act 38B (1and 2)	Yes
Have the town council undertaken the correct procedures in relation to consultation under Reg14?		Yes
Is this a first time proposal and not a repeat? <ul style="list-style-type: none"> <li>• Has an proposal been refused in the last 2 years or</li> <li>• Has a referendum relating to a similar proposal had been held and</li> <li>• No significant change in national or local strategic policies since the refusal or referendum.</li> </ul>	Schedule 4B para 5	This is a review of a made NDP formally made on 11 January 2019.
Does the town council consider the modifications to be significant or substantial	Neighbourhood Planning Act 2017 2004 Act Schedule A2 Reg15 (1) (f)	The Town Council considers that the material modifications taken as a whole will require a referendum and examination of the Plan.

## Summary of comments received during submission consultation

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

Table 1 – comments made by Herefordshire Council departments

Herefordshire Council	Comment made
Strategic Planning	Strategic Planning have made specific comments which can be found at Appendix 1
Development Management	Development Management have made specific comments which can be found at Appendix 2
Environment Protection	General advice re contamination and the need to take the NPPF into account where relevant.
Economic Development	Note the NDP is closely aligned with the Ledbury Market Town Investment Plan. Other retail and employment policies noted
Transport	<ul style="list-style-type: none"> <li>- Specific comments re cycle storage</li> <li>- Include references to pedestrian and cycle priority</li> <li>- Need a reference to Community Infrastructure Levy</li> <li>- The Ledbury Public Realm and Transportation Appraisal requires updating if to support the NDP</li> <li>- Policy EE1.1 suggested wording</li> <li>- Town centre should have reference to cycle parking and pedestrian priority</li> <li>- Comment re Leadon Way Cycle Way</li> <li>- Policy EE3.3 suggested wording</li> <li>- Policy SD1.1, refer to sustainable travel modes and bus infrastructure</li> <li>- Policy HO2.3, refer to permeability for all modes of travel</li> <li>- Policy CL1.1, refer to provision for cycles</li> <li>- Policy CL2.2, refer to cycle and EV charging parking</li> <li>- Para 11.1 question the reference to 2000 car population</li> <li>- Policy TR1.2, should refer to public transport in text. Need to refer to bus permeability</li> <li>- Parking arrangements should refer to EV Charging</li> </ul>

Table 2 – comments made by statutory consultees

Statutory Consultee	Comment made
Historic England	The Design Influences set out in Appendix1 are welcome.
Welsh Water	No specific comments

Statutory Consultee	Comment made
Severn Trent	<ul style="list-style-type: none"> <li>- Suggest clarity on Policy SD1.1, re water recycling.</li> <li>- Supportive of Policy SD1.3</li> <li>- Specific features suggested for Policy HO2.3.</li> <li>- Suggested policy wording for Policy EE1.1</li> <li>- Policy EE3.3 Suggested opportunities here.</li> <li>- Policy NE1.1 Suggested wording re flood resilience</li> <li>- Drainage and Waste Water Management Plan in production by ST</li> <li>- Specific suggested policy wording re surface water drainage</li> <li>- Specific policy wording re a new SuDS policy.</li> <li>- Specific suggested policy wording re blue and green infrastructure.</li> <li>- Specific suggested policy wording re Green Open Spaces Policy.</li> <li>- Specific suggested policy wording re water quality and resources</li> <li>- Specific suggested policy wording re water efficiency policy</li> </ul>
Coal Authority	No specific comments
Natural Resources Wales	No comments but advise Natural England is also consulted
Environment Agency	Unable to offer specific comments on flood risk due to no allocations. It should be noted that the EA Flood Map provides an indication of 'fluvial' flood risk only.
Sport England	<ul style="list-style-type: none"> <li>- Policy CL2.1 Remove reference to playing fields shown on the Ledbury Town Policies Map or add wording.</li> <li>- Query omission from map</li> <li>- Policy CL2.2 Policy not adequately drafted, question deliverability</li> <li>- Policy CL2.1 Should include a reference to temporary access Response re Reg 14 Review resubmitted</li> <li>- The NDP vision should be strengthened with some suggested wording.</li> <li>- Policy CL1.1, clarity sought.</li> <li>- Policy CL2.1 Remove reference to playing fields shown on the Ledbury Town Policies Map or add wording.</li> <li>- Policy CL2.2 Policy not adequately drafted,</li> </ul>
Colwall Parish Council	No specific comments
Wellington Heath Parish Council	No specific comments
Gloucestershire County Council – Minerals and Waste Authority	Noted no materially significant mineral and waste impacts as a result of implementing the consultation's proposals.
Forest of Dean District Council	No specific comments

Table 3 – comments made by members of the public

Member of the public	Comment made
Elaine Spiteri	<ul style="list-style-type: none"> <li>- Doctors surgery at capacity</li> <li>- Lack of accessible transport for elderly or disabled people</li> <li>- Need to consider need for a new school</li> <li>- Inadequate access at Hawk Rise with construction traffic using new residential access</li> <li>- ensure integrity of Viaduct remains during nearby construction work</li> <li>- Need for more food retail that is accessible</li> <li>- Lack of accessible for all eastbound platform affects inclusivity.</li> <li>- Inadequate provision of sewage treatment works on Little Marcle Road. Noticeable odour since additional housing</li> </ul>
Gladman	Gladman have provided comments on a number of policies being proposed through the draft LNPR and its supporting evidence base and have highlighted a number of areas where the proposed approach does not accord with the requirements of national policy and/or guidance and have submitted modifications to ensure the Plan's compliance with the basic conditions.
Turley on behalf of Vistry	Turley have provided comments on a number of policies being proposed through the plan. They do not consider the Plan has met the basic conditions.

## Officer appraisal

All the consultation requirements of Regulation 14 were undertaken by the town council and all the required documentation was submitted under Regulation 16.

This plan has met the requirements of the regulations as set out in the table above.

This is a current made plan which is subject to modifications which the town council consider are significant to require an examination and potential referendum.

No concern has been raised from internal consultees with regards to the ability of the plan to meet the required minimum proportional growth contributing towards the deliverability of the Core Strategy. Ledbury has a minimum proportional growth requirement of 800 with 970 commitments, 165 completions (as at April 2022). Therefore the minimum target has already been exceeded.

The following modifications have been made are as follows:

- Vision remains unchanged
- Some objectives have been reworded to add clarification
- Modifications do not include any new sites

- 14 new policies have been added regarding settlement boundary, sustainable design, design criteria for residential development, new employment site – land south of little Marcle road, small employment sites within and adjoining the town, protection of shopping frontages and primary shopping area, defined town centre, Lawnside and market street regeneration and opportunities area, protecting and enhancing heritage assets, conserving the landscape and scenic beauty of the parish, protecting important views and the setting of the town, community services and facilities, protection of open and green spaces and playing fields, alternative use of land south of Little Marcle road as playing fields and highway design requirements.
- 7 policies were deleted regarding new employment sites, retail areas & provision, edge of town transition, young people’s facilities, medical & dental facilities, sports provision and tri-service emergency centre. These policies have mainly been incorporated into the new policies or replaced by more specific policies.
- 8 policies have undergone minor change, these are Ledbury as a self-sustaining community, reinforcing balanced housing communities, housing density, housing for young people, protecting existing employment land, design, footpaths & cycleways and Ledbury railway station.
- 1 policy has changes with regard to additional elements added - Promoting Visitor Accommodation
- 1 policy has changes with regard to significant additional elements added - Protecting and Enhancing Biodiversity, Geodiversity and Green Infrastructure
- 1 policy has been renamed and the extent reduced.
- Some additional criteria have been added to policies to add local detail

19 representations were received during the submission (Reg16) consultation period. 14 external and 5 from internal service providers at Herefordshire Council. 2 of the external consultees had objections to the plan which pointed to the Reviewed NDP not taking into account the emerging Local Plan and generally were not in keeping with the basic conditions.

Statutory Consultees have raised no concerns regarding the site allocations or any modifications to the objectives and policies contained in the neighbourhood plan.

Strategic Planning have confirmed that the modified policies within the plan are in general conformity with the Core Strategy

1 local resident commented on the policies within the plan and points raised were concern and impact of housing growth. The Consultation Statement details the community involvement undertaken and how issues raised have been addresses as part of the process.

Overall it is considered that there are no fundamental issues relating to this plan which would prevent its progress to examination and consideration by the examiner regarding the nature of the modifications on the existing made NDP.

## **Consideration whether the modifications are substantial or significant to effect the nature of the plan**

In line with the definitions within Para 106 of the Planning Practice Guidance an assessment has been undertake as to the nature of the modifications proposed to the current made NDP.

Table 4 – Local Planning Authority’s consideration of the modifications made.

Type of Modification	Extent of the modifications	LPA consideration of the modification
Minor (non-material) modifications	Those which would not materially affect the policies in the plan.  These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum	No
Material modifications which do not change the nature of the plan	These would require examination but not a referendum. This might, for example, entail the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan	No
Material modifications which do change the nature of the plan	These would require examination and a referendum. This might, for example, involve allocating significant new sites for development.	Yes

It is agreed that Ledbury Town Council's assessment that the modifications are significant and substantial to change the nature of the current made plan.

### **Service Director's comments**

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

It is recommended that the Ledbury Neighbourhood Plan **does** progress to examination at this stage.



**Tracey Coleman**

**Interim Service Director – Planning and Regulatory Services**

Date:21/11/22

## Appendix 1

### Neighbourhood Development Plan (NDP) – Core Strategy Conformity Assessment

From Herefordshire Council Strategic Planning Team

Name of NDP: Ledbury NDP (Submission Draft Plan – July 2022)

[Ledbury review Regulation 16 Neighbourhood Development Plan \(herefordshire.gov.uk\)](https://www.herefordshire.gov.uk/ledbury-review-regulation-16-neighbourhood-development-plan)

Date: 11/11/2022

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
<b>Policy SD1.1</b>  Ledbury as a Self-Sustaining Community	<b>Policy SD1</b>  Sustainable design and energy efficiency  <b>Policy SD2</b>  Renewable and low carbon generation  <b>Policy SD3</b>  Sustainable water management and water resources  <b>Policy SS4</b>  Movement and transportation  <b>Policy MT1</b>  Traffic management, highway safety and promoting active travel	Y	
<b>Policy SD1.2</b>  Settlement Boundary	<b>Policy LD3</b>  Green infrastructure	Y	
<b>Policy SD1.3</b>  Sustainable Design	<b>Policy SD1</b>  Sustainable Design and energy efficiency  <b>Policy SS7</b>	Y	



Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
	Addressing climate change <b>Policy LD3</b> Green infrastructure <b>Policy SD3</b> Sustainable water management and water resources		
<b>Policy HO2.1</b> Reinforcing Balanced Housing Communities	<b>Policy H3</b> Ensuring an appropriate range and mix of housing	Y	
<b>Policy HO2.2</b> Housing Density	<b>Policy SS2</b> Delivering new homes	Y	
<b>Policy HO2.3</b> Design Criteria for Residential Development	<b>Policy SS6</b> <b>Policy LD1</b> <b>Policy SD1</b> <b>Policy LD3</b>	Y	
<b>Policy HO3.1</b> Housing for the Elderly	<b>Policy H3</b> Ensuring an appropriate range and mix of housing	Y	
<b>Policy HO4.1</b> Housing for Young People	<b>Policy H3</b>	Y	
<b>Policy HO5.1</b> Self-build	<b>Policy H1</b> Affordable housing <b>Policy RA3</b> Herefordshire's countryside	Y	
<b>Policy EE1.1</b> New Employment Sites – Land South of Little Marcle Road	<b>Policy LB1</b> Development in Ledbury <b>Policy SD3</b>	Y	

Draft Neighbourhood plan policy	Equivalent CS policy(ies) (if appropriate)	In general conformity (Y/N)	Comments
	Sustainable water management and water resources		
<b>Policy EE1.2</b>  Small Employment Sites Within and Adjoining the Town	<b>Policy LB1</b>	Y	
<b>Policy EE1.3</b>  Protecting Existing Employment Land	<b>Policy E2</b>  Redevelopment of existing employment land and buildings	N (?)	Policy EE1.3 restricts all changes of use of employment land to non-employment uses whereas Policy E2 in the Core Strategy states that loss of employment land rated as 'moderate' will be permitted in certain circumstances.
<b>Policy EE2.1</b>  Promoting Visitor Accommodation	<b>Policy E4</b>  Tourism	Y	
<b>Policy EE3.1</b>  Protection of Shopping Frontages and Primary Shopping Area	<b>Policy E6</b>  Primary shopping areas and primary and secondary shopping frontages	Y	
<b>Policy EE3.2</b>  Defined Town Centre	<b>Policy E5</b>  Town centres  <b>Policy LB1</b>	Y	
<b>Policy EE3.3</b>  Lawnside and Market Street Regeneration and Opportunities Area	<b>Policies:</b>  <b>SS6, SS4, LB1, E2, CS1, LD3, LD4, SD1, MT1</b>	Y	
<b>Policy BE1.1</b>  Design	<b>Policy SS6</b>  Environmental quality and local distinctiveness  <b>Policy SD1</b>  Sustainable design and energy efficiency	Y	

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
<b>Policy BE2.1</b> Protecting and Enhancing Heritage Assets	<b>Policy LD4</b> Historic environment and heritage assets	Y	
<b>Policy NE1.1</b> Protecting and Enhancing Biodiversity, Geodiversity and Green Infrastructure	<b>Policy LD2</b> Biodiversity and geodiversity  <b>Policy LD3</b> Green infrastructure	Y	
<b>Policy NE2.1</b> Conserving the Landscape and Scenic Beauty of the Parish	<b>Policy LD1</b>	Y	
<b>Policy NE2.2</b> Protecting Important Views and the setting of the Town	<b>Policy LD1</b>	Y	
<b>Policy NE3.1</b> Allotments and Community Gardens in and around Ledbury	<b>Policy OS1</b> Requirement for open space, sports and recreation facilities  <b>Policy OS2</b> Meeting open space, sports and recreation needs  <b>Policy SS6</b>  <b>Policy LB2</b>	Y	
<b>Policy NE4.1</b> Farming Landscape around Ledbury	<b>Policy RA4</b> Agricultural, forestry and rural enterprise dwellings  <b>Policy RA5</b> Re-use of rural buildings	Y	
<b>Policy NE5.1</b>	<b>Policy LD2</b>	Y	

<b>Draft Neighbourhood plan policy</b>	<b>Equivalent CS policy(ies) (if appropriate)</b>	<b>In general conformity (Y/N)</b>	<b>Comments</b>
Protecting Ledbury's Woods			
<b>Policy CL1.1</b> Community Services and Facilities	<b>Policy SC1</b> Social and community facilities	Y	
<b>Policy CL2.1</b> Protection of Open and Green Spaces and Playing Fields	<b>Policy OS3</b> Loss of open space, sport and recreation needs  <b>Policy LD3</b> Green infrastructure	Y	
<b>Policy CL2.2</b> Alternative Use of Land South of Little Marcle Road as Playing Fields	<b>Policy OS2</b>  <b>Policy OS3</b>	Y	
<b>Policy TR1.1</b> Footpaths and Cycleways	<b>Policy SS4</b>  <b>Policy MT1</b>	Y	
<b>Policy TR1.2</b> Highway Design Requirements	<b>Policy SS4</b>  <b>Policy MT1</b>	Y	The heading 'Active Travel Measures' should instead be 'Active Travel and Public Transport Measures' as this section also includes reference to the latter.
<b>Policy TR2.1</b> Ledbury Railway Station	<b>Policy SS4</b>  <b>Policy MT1</b>  <b>Policy LB2</b>	Y	

**Other comments/conformity issues:**

This NDP is in general conformity with the policies of the Core Strategy and the strategic planning team therefore raise no objections.

## Appendix 2

### Herefordshire Council - Development Management Comments

Policy	Comment
General Comments/Introduction	<p>The settlement boundary inclusion is positive. This does not need to be expanded or tightened up.</p> <p>The list of policies within the contents page is welcome</p> <p>Add the policies in full at the end of the document for ease of reference.</p>
SD1.1	<p>No comments to add, noting this appears to carry over from the adopted NDP.</p>
SD1.2	<p>It is suggested the policy be amended by adding the word 'open',</p> <p>"Outside of this boundary, land will be considered open countryside and development complying with relevant rural area planning policies should recognise its intrinsic character and beauty".</p> <p>This is to bring the wording in line with Policy RA3 of the CS. It may also be beneficial to make reference to Policy RA3 of the CS, or as superseded by the Local Plan in review.</p>
SD1.3	<p>Unclear as to proposals this policy is applicable to. Should this Policy be defined solely for major development? It appears excessive for full householder applications e.g. extensions to dwellings to incorporate these measures when it may be possible to achieve under permitted development i.e. not actually require the benefit of planning permission to be applied for. As a further point, the last sentence within paragraph 5.9, in terms of context, could be brought into the policy itself, helping make the policy a bit more explicit.</p>
HO2.3	<p>This policy would be more effective if it is broken down into several policies and relate to either 'new residential development' and then consider a separate policy being introduced solely for 'householder' applications.</p> <p>Many NDPs often focus on the larger major developments, although many of the applications in the neighbourhood area are actually 'full householder' application. In our opinion, the policy is convoluted, trying to encompass multiple spatial planning matters e.g. design, townscape, landscape, residential amenity, historic environment, sustainability. Whilst supportive of what the policy is trying to achieve, it would be beneficial if the policies can be broken into themes, helping a) interpretation by officers but moreover b) achieving realistic aspirations. 'Where appropriate' could lead to confusion and differing interpretation. It would be beneficial to re-draft this policy and logical to break down into creating several additional policies.</p>

Policy	Comment
HO2.1	<p>The policy, which does carry over from the adopted NDP, should perhaps make a distinction between 'windfall' and more all major development. Self-build is not just applicable to major development. Make it a more generalised policy or define 'windfall' which makes it appear that only windfall development must adhere to this policy of housing mix.</p>
HO2.2	<p>No comments to offer principally noting that this does appear to carry over from the adopted NDP however sentence one and two appears to duplicate.</p> <p>"The housing density of new development should respect its surroundings through good design which responds positively to local character, including the location, type of housing required and the local environment, and within the range of 30 to 50 dwellings per hectare especially for larger sites".</p> <p>This would enable officers to make a clear and informed assessment on local character which will vary depending on context, otherwise the policy undermines itself and may be exploited, particularly for 'major' development</p>
HO5.1	<p>Whilst self-build is a material consideration, it is not an exception under Policy RA3 of the Core Strategy and appeal decisions have confirmed that self-build can only be afforded at most, modest weighting in favour of a scheme.</p> <p>A question should be asked as to how much emphasis is being placed self-build. It may be of suggestion to delete the policy because it will be picked up, more than likely in the Local Plan review and may lead to conflict between the NDP and Core Strategy in the short/medium term until the Local Plan is adopted.</p>
EE1.2	<p>As specific reference is made to effectively allocating the east of Dymock Road site, it would be beneficial to create a separate policy rather than it forming 'small employment sites within and adjoining the town' For example make paragraph 1 a separate policy and paragraphs 2 and 3 another policy.</p>
EE1.3	<p>This is well worded policy. Officers welcome reference to market value.</p>
EE2.1	<p>Officers consider this policy places significant benefits on the provision of a budget hotel and potentially undermines the LPA's position in terms of assessing a broader scheme which includes other land uses which could potentially cause conflict with the development plan.</p> <p>It would also be advantageous to define 'adjacent' particularly as a lot of sites on the edge of town have considerable holiday accommodation already</p>
EE3.1	<p>Officers welcome clarification as to what are 'exceptional circumstances'? Prior approval could be utilised to facilitate change of use partly making the policy redundant in some instances e.g. Prior Approval under Class MA. Officers would encourage the steering group to check the extent of</p>

Policy	Comment
	the blue line of the 'primary shopping frontage' which appears to incorporate residential uses already and appears to be obsolete in some instances.
EE3.2	This is another good policy with locally set threshold. A query is raised in respect of parking spaces which may not be achievable if trying to promote active travel as part of Policy SD1.1.
BE1.1	Suggest the last sentence be omitted which is currently onerous for full householders applications. If Policy HO2.3 is also re-drafted, does BE1.1 now become obsolete?
BE2.1	<p>A much needed policy given the importance of heritage to the town but with some amendments suggested. Under sub-paragraph a), replace 'resisting' with a more appropriate word in line with the Scheduled Ancient Monument Act. With regards to c), again replace 'resisting' with where it does not conserve or enhance heritage assets.</p> <p>The wording needs to be in line with terminology with the NPPF and relevant acts.</p> <p>With regards to d), replace preserve with conserve. The latter half of the policy appears overly specific. Re-writing sub paragraph c) to effectively say that development proposals should be conserving or enhancing designated and non-designated heritage assets would remove the need for such specific references.</p>
NE2.1	The policy should be re-worded to make it "conserve and or enhance the area's landscape character" You may wish to break down into a landscape policy and a separate tree policy
TR1.1	Integrated links and highways measures should be more at the forefront.
TR1.2	This is a very extensive policy and a query is raised as to the extent of its application e.g. all development or (non-)major development only excluding full householder applications?
Other points to raise	<p>A policy in respect of Barn Conversions or a mention of this in design policy would be welcomed</p> <p>NDP is very prescriptive in parts and would benefit from refinement. Whilst we appreciate that this needs to strike a fine balance, one cannot stifle innovation and development altogether.</p> <p>Officers highlight paragraph 14 of the NPPF and would encourage that 'allocations' be shown on the Map to avoid scrutiny potentially if a major development on the edge of town comes forward again</p>