

Ledbury Neighbourhood Plan Revision

Submission Version 2021 – 2031

Report of Examination

February 2023

**Undertaken for Herefordshire Council with the support of
Ledbury Town Council on the submission version of the revised
plan.**



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Abbreviations used in the text of this report:

The Ledbury Neighbourhood Development Plan Review is referred to as ‘the Plan’ or ‘LNPR’.

The Ledbury Neighbourhood Development Plan made January 2019 is abbreviated to ‘LNP’

Herefordshire Council, is the Local Planning Authority, abbreviated to ‘LPA’

Ledbury Town Council (the Qualifying Body) is abbreviated to ‘Ledbury TC’.

The National Planning Policy Framework is abbreviated to ‘NPPF’.

The National Planning Practice Guidance is abbreviated to ‘NPPG’.

The Herefordshire Local Plan Core Strategy is abbreviated to ‘HCS’.

Regulations 14 and 16 are abbreviated to ‘Reg14’ and ‘Reg16’ respectively.

Area of Outstanding Natural Beauty is abbreviated to ‘AONB’.

Summary

- I have undertaken the examination of the Ledbury Neighbourhood Plan Review (LNPR) during January and February 2023 and detail the results of that examination in this report.
- Ledbury Town Council have undertaken extensive consultation with residents and stakeholders on this Review, and it complies with legislative requirements. The Herefordshire Core Strategy continues to provide a comprehensive strategic policy framework and there is an undertaking to review the LNPR again should the developing Local Plan Review require this.
- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have to an extent informed some of the recommended modifications.
- Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

Acknowledgements: Thanks to Local Authority and qualifying body staff for their assistance with this examination. My compliments to the local community volunteers and Ledbury Town Council, who have again engaged productively with the neighbourhood plan process.

1. Introduction and Background

1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowered local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF para 29) states that:

“neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can ... help to deliver sustainable development”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Ledbury that is the Ledbury Town Council. Drawing up the Neighbourhood Plan was undertaken by a working party, with a co-ordinating steering group, working to the Town Council.

1.1.4 Neighbourhood plans, like other development plans, need to be regularly reviewed and revised if necessary. This examination is considering a revision to the Ledbury Neighbourhood Development Plan (LNPR), first made after a successful referendum on the 11th January 2019. Not every revision of a neighbourhood plan needs to repeat the formal consultation procedures, examination and referendum. However where alterations made are considered significant modifications, then repeating the process is required. I consider the proposed modifications to the LNPR to be significant and therefore requiring a new examination and referendum. The Town Council and Herefordshire Council agree with this decision.

1.2 Independent Examination

1.2.1 Once Ledbury TC had revised their neighbourhood plan and consulted on it, they submitted it to Herefordshire Council. After publicising the plan with a further opportunity for comment, Herefordshire Council were required to appoint an Independent Examiner, with the agreement of Ledbury TC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this Plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have worked with communities for many years, and since 2013 concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am independent of any local connections to Ledbury and Herefordshire Council, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the revised neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified revised neighbourhood plan is submitted to a referendum; or
- (c) That the revised neighbourhood plan does not proceed to a referendum on the basis that the revisions proposed do not meet the necessary legal requirements.

1.2.4 As before, the revised Plan is legally required to meet the 'Basic Conditions', which I consider in sections 3 and 4 below. The revised Plan also needs to continue to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The LNPR complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on the 16th November 2012 by Herefordshire Council. The Plan does not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2021 – 2031 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Ledbury to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the revised Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

1.3 Planning Policy Context

1.3.1 The Development Plan for Ledbury, not including documents relating to excluded mineral and waste development, is the Herefordshire Local Plan Core Strategy, (HCS) adopted October 2015. All policies in the HCS are considered strategic for the purposes of neighbourhood planning. A review of the HCS is underway, but this document has limited planning weight at present as it has not yet undergone formal consultation on firm policies and strategic allocations.

1.3.2 The National Planning Policy Framework 2021 (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented.

1.3.3 During my examination of the LNPR I have considered the following documents in detail:

- National Planning Policy Framework (NPPF) 2021
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- Ledbury Examiner's Report 2019
- Leominster Examination Report 2018
- The Neighbourhood Planning Regulations 2012 (as amended)
- Submission version of the Ledbury Neighbourhood Development Plan Review (LNPR)
- Ledbury Neighbourhood Plan Made January 2019 (LNP) and area designation map
- The Basic Conditions Statement submitted with the LNPR
- The Consultation Statement submitted with the LNPR
- The SEA Environmental Report for the LNPR
- The HRA Report for the LNPR
- Ledbury Landscape and Visual Baseline Assessment Report 2022
- Ledbury LVSA Selected Sites September 2021
- Ledbury TC Topic Paper 1: Integrating Ledbury Design Guide into the NDP August 2021
- Ledbury TC Topic Paper 3: Recreation Leisure and Open Space August 2021
- Ledbury TC Topic Paper 5: Ledbury Town Settlement Boundary August 2021
- Herefordshire Local Plan Core Strategy 2011 – 2031: Adopted October 2015
- Herefordshire Council guidance note for NDPs 20 on Settlement Boundaries Rev 2015
- Herefordshire Green Infrastructure Strategy February 2010
- Herefordshire Urban Fringe Landscape Sensitivity Analysis 2010
- Representations received during the publicity period (reg16 consultation)

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 Ledbury is an historic market town in the east of the County of Herefordshire. It is bordered to the east by the Malvern Hills AONB, and the river Leadon is to the west of the town. Ledbury's population is in excess of 10,000 people, and its catchment population for services and other facilities is estimated at 20,000.

2.1.2 A Working Party, first set up for the original Ledbury Neighbourhood Plan, continued to oversee work on the LNPR, and a smaller Steering Group co-ordinated work. Other volunteers were invited to join the group. Minutes of meetings were circulated and made available on the website.

2.1.3 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. Stakeholder groups, local businesses and residents were engaged, and all households mailed with details of the first consultation event. Drop in events and social media was used to gather views and comments as well.

2.1.4 As required by regulation 14 of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the modification proposal for the LNPR ran from the 5th February 2022 to the 19th March 2022. The draft Plan was available to download online, and hard copies could be viewed and loaned at the Town Council Offices and viewed at the Ledbury Library. Additional events and publicity was produced locally and on the Town Council's website, including in two free press publications. Statutory bodies, landowners and many local groups were notified of the consultation by letter or email.

2.1.5 Representations were received from many individuals and organisations during the Reg14 consultation period, resulting in a range of amendments to the Plan, which are all well-detailed in the Consultation Statement. I am satisfied that due process has been followed during the consultation undertaken on the Plan. The record of comments and objections received during the regulation 14 consultation shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.6 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Environmental Reports and a plan showing the neighbourhood area was submitted to Herefordshire Council on the 27th September 2022.

2.2 Regulation 16 Consultation Responses

2.2.1 Herefordshire Council undertook the Reg16 consultation and publicity on the LNPR for six weeks, from the 30th September to the 11th November 2022. Twenty representations were received during this consultation, of which one was a late submission from a local landowner and employer. The late submission was partly due to a misunderstanding as to where it should be sent, and has been accepted due to this and the interests of local involvement. Five of the representations were from various sections of Herefordshire Council, and three statutory bodies had no specific comments to make on this Plan but offered general guidance. Issues they raise that are pertinent to my consideration of whether the Plan meets the basic conditions are considered in sections 3 and 4 of this report below.

2.2.2 Some comments at Reg16 have stated that this Review is premature, as it should have waited until the Local Plan Review was more advanced and it was known what further site allocations, if any, would be made in Ledbury going forward. However I am satisfied that the LNPR has dealt properly with the strategic policy it is required to be in general conformity with at present by the Basic Conditions. There is a commitment to review the Plan again should progress with the Local Plan Review render the LNPR out of date. At present the Local Plan Review is at an early stage in its development, with the Local Plans Reg18 consultation currently proposed to begin in the summer of this year.

2.2.3 I am specifically limited by legislation to correcting with recommended modifications the Plan's compliance with the Basic Conditions and other legal requirements. Comments in the Reg16 responses suggesting significant additions, such as new sites, are not something this examination is authorised to consider. Notification of minor corrections needed to the text are very useful, but again cannot be the subject of any modifications I recommend. The LPA will be aware however that it is authorised to correct minor errors that may have been missed so far [Town and Country Planning Act 1990 Schedule 4B section 12(6)]. The suggested, and generally agreed, insertion into para 9.10 of text on flood defences suggested by Severn Trent Water is not a Basic Conditions issue, but can be added as a minor modification if required.

3. Compliance with the Basic Conditions Part 1

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the LNPR has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations and comply with human rights law; and
- Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (*prescribed basic condition since December 2018*).

3.2 The Basic Conditions Statement considers how the Plan and its policies promote the social, economic and environmental goals of sustainable development, and sets out why the Plan will promote sustainable development. I accept that the Plan does contribute to sustainable development in line with the Basic Conditions.

3.3 It is a requirement of the Basic Conditions that a neighbourhood plan is compatible with and does not breach European Union (EU) obligations, which are still incorporated into UK law. The relevant legislation is the Environmental Assessment of Plans and Programmes Regulations 2004.

3.4 An Environmental Report has been submitted with the LNPR as this was required for the Plan under the 2004 regulations. The Environmental Report has assessed the aims and objectives, and policies for environmental impact. Most either score as positive impact or neutral. The Report states (para 6.5) that the policies in the Plan will not have an adverse impact on the baseline characteristics or immediate environmental impacts.

3.5 An HRA Assessment Screening Report was also submitted with the LNPR. This considered that as the neighbourhood area did not contain any nationally important sites and was not in close proximity to any, further assessment was not necessary.

3.6 The LNPR in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the consultation statement showed that the need to consult with a wide cross-section of the community was appreciated.

4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the LNPR meets the requirements as regards national policy and the development plan. This means firstly that the revised Plan must still have regard to national policy and guidance, which for this neighbourhood plan is the NPPF 2021 and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The phrase 'general conformity' allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended. I have indicated where policies are carried over from the previous Ledbury NDP with little or no change to text.

Modifications are boxed in this report, with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

4.3 The document is generally well-presented and set out. For ease of reading and understanding, avoiding policies split between two pages would work better, but this is not a Basic Conditions issue.

4.4 **Policy SD1.1: Ledbury as a Self-Sustaining Community** This Policy only has a minor alteration from the made LNP for accuracy of intent, and complies with the Basic Conditions.

4.5 **Policy SD1.2: Settlement Boundary** A settlement boundary policy was proposed in the LNP, but removed at examination due to a lack of supporting evidence. As part of the review of the LNP, this has been remedied with the commissioning and production of the Ledbury Landscape and Visual Baseline Assessment Report 2022. This report has been written by an experienced and well-qualified landscape architect, overseeing the fieldwork of local volunteers. It is a comprehensive assessment of landscape attributes, informing other policies besides this one. Additionally work commenced on a Landscape and Visual Sensitivity Assessment before being put on hold, and a Topic

Paper produced by the qualifying body has assessed the proposed settlement boundary with reference to guidance on the topic produced by the local planning authority – Herefordshire Council.

4.5.1 The designated settlement boundary has mainly used existing physical features and included recent planning permissions for residential development. Options for the settlement boundary were consulted on locally (including having no boundary), and the option chosen had a significant majority support. I find the designation to have followed guidance from the local Planning authority and to have been adequately evidenced. Objections to the designation have been made during the Reg16 consultation on the grounds that emerging options in the Local Plan Review currently underway suggest that further residential allocations may be made outside of the designated boundary. However the Qualifying Body has stated in the Plan that they will undertake a further review of the LNPR should this be required due to developments in the emerging Local Plan Review process. As the Local Plan Review is still at a relatively early stage in its formulation, I consider that this is a reasonable position at this time, and complies with guidance in the NPPG to have regard to emerging policy and evidence (ID 41-009-20190509). The example of the Leominster NDP has been raised as an example of the need to allow for possible development outside of a settlement boundary. However the situation in Leominster was different in that there was a potential shortfall of sites for the minimum requirement of the Local Plan. This is not the case in Ledbury, and at this stage of the Local Plan Review process the settlement boundary is acceptable for existing needs to 2031.

4.5.2 For Clarity the policy should refer to land outside the settlement boundary as ‘open’ countryside, in order to more clearly comply with Policy RA3 in the HCS. In order that Policy SD1.2 complies with the requirement of the NPPF (para 16d) for policy clarity is in general conformity with strategic policy and thus complies with the Basic Conditions, I recommend it is amended as shown in Modification 1.

Modification 1: Policy SD1.2 to be amended as follows:

The third sentence of the policy to read ...“*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.*” ...

4.6 Policy SD1.3: Sustainable Design The policy is encouraging developers to go beyond current energy efficiency standards, but not requiring this. To this extent it is compliant with government guidance that it is not the role of development plans to increase technical building standards, and is encouraging government aims for the UK to be carbon neutral by 2050.

4.6.1 The issue of proportionality has been raised with regard to the policy as at present it applies to all development including householder development. There is a requirement in the NPPG that plans are positive and deliverable (ID 41-005-20190509) and in order that Policy SD1.3 meets this requirement and complies with the Basic Conditions with regard to national policy, I recommend it is amended as shown in Modification 2.

Modification 2: The first sentence of Policy SD1.3 to be altered as follows:

As appropriate to the nature and scale of proposals, development proposals should seek to achieve a zero-carbon footprint through containing a co-ordinated package of design measures which, in addition to regulatory requirements, include:...

4.7 Policy HO2.1: Reinforcing Balanced Housing Communities This Policy has only had a minor alteration for clarity from the made LNP, but I have concerns that the definition of ‘windfall’ is not precise enough for planning policy. The LPA have also expressed concerns with the use of this term. Therefore in order that the policy complies with Basic Conditions, and has due regard to the NPPF (para16d) requirement for clarity, I recommend that Policy HO2.1 is amended as shown in Modification 3.

Modification 3: The first sentence of Policy HO2.1 to be amended as follows:

“Proposals for ~~windfall~~ residential development in excess of 10 housing units should”

4.8 Policy HO2.2: Housing Density This Policy has had a minor alteration from the made LNP, and a footnote added making reference to a paragraph in the NPPF. In my view footnotes are not good practice in policy as they complicate understanding. In this case the footnote is unnecessary as it is referencing government policy which is understood to apply to all planning policy. However I do not consider this a Basic Conditions issue, and so the policy complies with the Basic Conditions.

4.9 Policy HO2.3: Design Criteria for Residential Development This policy has introduced the requirements of the 2018 Design Guide for Ledbury, and is offering local design guidance as the NPPF (para 127) suggests is appropriate for neighbourhood plans to do. Policy complies with the Basic Conditions.

4.10 Policy HO3.1: Housing for the Elderly This Policy has not changed from Policy HO3.1 in the made LNP, and complies with the Basic Conditions.

4.11 Policy HO4.1: Housing for Young People This Policy has not changed from Policy HO4.1 in the made LNP, and complies with the Basic Conditions.

4.12 Policy HO5.1: Self-Build This Policy has been modified to make it clear that proposals for self-build need to be within the settlement boundary, or meet the exceptions to development in the open country set out in the HCS Policy RA3. It does not, as was suggested in a response in the Reg16 consultation, override Policy RA3 and therefore complies with the Basic Conditions.

4.13 Policy EE1.1: New Employment Site – Land South of Little Marcle Road The policy and allocation has been objected to in the Reg16 consultation due to concerns that the potential access has not been properly assessed. My site visit showed an access that from my initial assessment should be able to accommodate further traffic and revised junction. This will need to be detailed in any future planning application, but it is not usual practice to undertake detailed design work before allocating sites. The need for highway design, and a travel plan, as part of any planning application would however aid clarity for a future developer. In order that Policy EE1.1 has the clarity required by the NPPF (para 16d) and complies with the Basic Conditions, I recommend that it is amended as shown in Modification 4 below.

Modification 4: The first paragraph of Policy EE1.1 to be amended as follows:

Land amounting to approximately 20 hectares south of Little Marcle Road shown on the Ledbury Town Policies Map (Map 11) is proposed for employment uses within Use Classes B2, B8 and E(g).

Proposals for this development will be required to provide detailed highway access plans that accommodate all proposed uses and a travel plan for the development. A comprehensive proposal for the development of this area will be encouraged that defines:.....

4.14 **Policy EE1.2: Small Employment Sites Within and Adjoining the Town** Complies with the Basic Conditions.

4.15 **Policy EE1.3: Protecting Existing Employment Land** This Policy has only had minor alteration for accuracy from the made LNP Policy EE1.2, which was amended as recommended during the previous examination. The LPA feel that as currently written there is a difference with the HCS Policy E2, which allows for the loss of employment land rated 'moderate' in certain circumstances. The Town Council are amenable to making this distinction in Policy EE1.3, but with this change Policy EE1.3 will no longer add anything to the strategic policy E2. Therefore in order that the LNPR complies with the Basic Conditions and the NPPF requirement (para16f) that policy is not just duplicating, I recommend that Policy EE1.3 is deleted.

Modification 5: Policy EE1.3 to be deleted.

4.16 **Policy EE2.1: Promoting Visitor Accommodation** Additional information and protection for the natural environment has been written into Policy EE2.1 of the LNP. The policy still complies with the Basic Conditions.

4.17 **Policy EE3.1: Protection of Shopping Frontages and Primary Shopping Area** Complies with the Basic Conditions.

4.18 **Policy EE3.2: Defined Town Centre** Complies with the Basic Conditions.

4.19 **Policy EE3.3: Lawnside and Market Street Regeneration and Opportunities Area** Complies with the Basic Conditions.

4.20 **Policy BE1.1: Design** The last sentence of this policy is not appropriate for simple uncontentious applications, and householder applications. In order that the policy is not overly onerous in line with the NPPG requirement in this regard (ID 41-005-20190509), and complies with the Basic Conditions, I recommend it is amended as shown in Modification 6.

Modification 6: The last sentence of Policy BE1.1 to be amended to:

...“Where appropriate the use of both design review and early local community consultation is strongly supported.”

4.21 **Policy BE2.1: Protecting and Enhancing Heritage Assets** The LPA have identified wording in this policy that is not appropriate and in line with legislation. The use of the term ‘resisting development’ is negative, and contrary to the need for neighbourhood plans to be positive (NPPG ID 41-005-20190509). Objection has been raised to the use of the term ‘borrowed view’, although it is defined in the later on in the text (page 57 footnote 25). For clarity, this definition should be repeated for this policy.

4.21.1 Criteria c) makes a reference to ‘other similar heritage assets’, which is vague and contrary to the NPPF requirement for policy clarity. If those assets were of a lower order of protection than listed assets, then the policy would not have due regard to the NPPF (para 199) in that the same protection would be offered to differing levels of heritage importance.

In order that Policy BE2.1 pays due regard to legislation and national policy and guidance, and thus complies with the Basic Conditions, I recommend that it is amended as shown in Modification 7.

Modification 7: Policy BE2.1 to be amended as follows:

The use of the word ‘preserved’ with be replaced with ‘conserved’ in the policy.

Criteria a) to read: “Requiring development to conserve the site and setting of Wall Hills Camp Scheduled Ancient Monument.”

Criteria c) to read: “Requiring development to conserve and enhance the features and setting of Listed Buildings and other local heritage assets as appropriate to their heritage importance”.

Criteria d) to read “Ensuring every effort is made to conserve and ~~en~~ enhance the character”

Footnote 25 information about ‘borrowed views’ to be incorporated into paragraph 8.5

4.22 Policy NE1.1 Protecting and Enhancing Biodiversity, Geodiversity and Green Infrastructure

The policy is linked to the definition of Green Infrastructure Corridors and Enhancement Zones. Areas identified in the Herefordshire 2010 Green Infrastructure Study have been included and extended, as shown on Map 6, with new corridors and enhancement zones added – particularly to the south and north of the town. The evidence for these extensions has been criticised as being brief, but I consider it proportionate for the purposes of a neighbourhood plan. Crucially the designations are not protection zones, but are places where green infrastructure and biodiversity may be improved as part of development as well as by other projects. This is made clear in the Herefordshire Green Infrastructure Strategy (para 7.2 page 173). The policy complies with the Basic Conditions.

4.23 Policy NE2.1 Conserving the Landscape and Scenic Beauty of the Parish Complies with the Basic Conditions.

4.24 Policy NE2.2 Protecting Important Views and the Setting of the Town The policy designates important views, and views into and within Ledbury are an important and distinguishing feature of the town. However the phrase ‘protected from the adverse effects of development’ lacks the clarity required of policy by the NPPF; what are the ‘adverse effects’? The policy needs to more positively require development to respect and maintain the views.

4.24.1 The policy also designates three areas as having particular landscape sensitivity. A Landscape Visual Sensitivity Assessment has been commissioned from a landscape architect to assess particular sites around the town and the designations are included in the site assessments. Herefordshire Council undertook an Urban Fringe Landscape Sensitivity Analysis, which designated the landscape sensitivity of all land surrounding Ledbury that was not actually in the AONB to be of high/medium sensitivity. The AONB to the east of the town was uniformly designated high sensitivity. The study undertaken by the LPA did not specifically highlight the three areas designated particularly sensitive by Policy NE2.2, but I accept that the evidence produced locally is adequate and proportionate for a neighbourhood plan. I accept however the objection at Reg16 that it is not appropriate to include these designations in Map 3 of the LNPR. This map shows national designations for heritage and landscape along with approved and allocated housing sites. It is included within a section of the document discussing policies for Ledbury in the HCS, and inclusion of this local designation of sensitivity gives an impression of greater importance than current evidence warrants.

4.24.2 In order that Policy NE2.2 and Map 3 have the clarity required by the NPPF (para16d), and thus comply with the Basic Conditions, I recommend the amendments detailed in Modification 8.

Modification 8: The first sentence of Policy NE2.2 to read as follows:

“The following views in Ledbury Parish are particularly important for appreciation of the setting of the town and development should respect and maintain their essential attributes:”

Map 3 to remove the designation ‘Sensitive Landscapes’ from the map and the Key.

4.25 **Policy NE3.1 Allotments and Community Gardens in and around Ledbury** Complies with the Basic Conditions.

4.26 **Policy NE4.1 Farming Landscape around Ledbury** Complies with the Basic Conditions.

4.27 **Policy NE5.1 Protecting Ledbury’s Woods** This Policy has not changed from Policy NE4.1 in the made LNP, and complies with the Basic Conditions.

4.28 **Policy CL1.1: Community Services and Facilities** Complies with the Basic Conditions.

4.29 **Policy CL2.1: Protection of Open and Green Spaces and Playing Fields** Sport England has expressed concern in the Reg16 submission that the policy does not include a criteria specifying playing fields to be generally protected in the policy. The Town Council have agreed that with would be advisable, and better than just protecting those shown on the Town Policies Map. Other Reg16 responses have noted that Map 11 includes in the Key a designation “Local Green Space” which is incorrect, the Plan does not designate Local Green Spaces. The Key to Map 11 is also lacking in the required clarity with regard to other designations, and I have dealt with changes needed to it separately in paragraph 4.33 of this report below.

4.29.1 The wording of Policy CL2.1 is confused and lacking the required clarity. There is no need to state that protection will be offered in accordance with policy in the HCS: that is understood. It is not necessary to state that the policy will apply to land subject to planning applications; that is also understood as the role of planning policy. Finally the policy defines open green space with reference to Map 11, but then attempts to apply the policy to any other piece of land not shown on Map 11 but judged to also offer the benefits of open green space. This is unacceptably confusing, and potentially restrictive and negative planning. In order that Policy CL2.1 meets the requirements of the NPPF with regard to clarity, and the NPPG with regard to planning positively (NPPG ID 41-005-20190509), and thus has due regard to government policy and guidance as required by the Basic Conditions, I recommend it is amended as shown in Modification 9.

Modification 9: Policy CL2.1 to read as follows:

Important open or green spaces which contribute to the distinctive spatial character, form, pattern and green infrastructure of Ledbury offer variously the following benefits:

[the list of criteria to be included here and an extra criteria to be added:]

j) it is a playing field or other formal recreational facility

Open and green space as shown on Map 11 is to be protected and maintained and loss of the space will only be permitted if it can be shown to be surplus to requirements for recreational purposes or the value of its visual, historic and community attributes is considered to be outweighed by the benefits of development.

4.30 Policy CL2.2: Alternative Use of Land South of Little Marcle Road as Playing Fields The policy is supporting the use of this site for playing fields, and effectively allocating it. While the site may not be immediately available, the proposal is that it would form part of the development of the adjacent employment site. Although there is a potentially adequate access, the owners of the site have indicated some concerns that the details of vehicle access have not been provided and agreed with them. I am satisfied that enough background work has been done for the allocation, but the need for vehicle access details should be written into the policy along with the other design criteria mentioned. This is in order that the policy meets the NPPG requirements that neighbourhood plans are aspirational but deliverable (ID 41-005-20190509), and thus complies with the Basic Conditions.

Modification 10: Policy CL2.2 to be amended as follows:

“... Provision should be made for biodiversity protection and enhancement as appropriate contributing towards the town’s green infrastructure network. Appropriate car parking provision shall be made, and vehicular access will need to be provided to the satisfaction of the highway authority and any other interested parties. In bringing forward the proposal...”

4.31 Policy TR1.1: Footpaths and Cycleways The policy is promoting active travel and the facilities needed to do this, which is a laudable land-use aim for a policy and in line with strategic and national policy. Aspects of the policy stray into highway matters, regulated by the highway acts not the planning acts, however. Low impact lighting, wider footbridges, the location of crossing facilities and ramped access all come within the remit of highways not land-use planning. Neighbourhood plans are required to contain policies for the development and use of land (NPPG ID 41-004-20190509) and in order that Policy complies with the Basic Conditions and has due regard to national policy and guidance the non-land-use aspects of this policy need to be removed. They are very useful guidance from local people as to where they identify problems and the solutions they would like to see, and the proposals could be added to the Plan as an additional annex, but they cannot form part of the policy. I recommend that Policy TR1.1 is amended as shown in Modification 11 below.

Modification 11: Policy TR1.1 to be amended as follows:

Criteria c) to end after the words 'Ledbury Railway Station.'

Criteria d) and criteria e) to be deleted.

The deleted text to form an Annex to the Plan if so desired.

4.32 Policy TR1.2: Highway Design Requirements The title of this policy suggests that it is dealing with highway matters, although it is general enough and engaging mainly with design in the public realm issues to be essentially a land-use policy. Criticism of the policy has suggested that it is just repeating national and local policy, but there is a concentration on issues of local relevance, for example in avoiding light pollution and on-street parking, to justify the policy.

4.32.1 There was a response in the Reg16 comments that criteria a) should include consideration of adverse effect on local employment uses as well. This is reasonable given the access to the proposed sports field, and reinforces the need for Policy CL2.2 above to be deliverable in order to comply with the Basic Conditions. Criteria i) is not reasonable, in that it is looking for development proposals to provide solutions to existing problems. This is contrary to the NPPG guidance that requires policy not to burden development with requirements that could undermine the deliverability of proposals (NPPG ID 41-004-20190509). Criteria l) may not always be appropriate, and should be qualified with reference to this in order not to similarly burden development with a requirement that may not be reasonable in particular circumstances.

4.32.2 The final sentence of the policy needs to be more specific about how developers should indicate their proposals have met the requirements in order that it meets the NPPF requirement for clarity (para16d). In order that Policy TR1.2 has paid due regard to national policy and guidance and thus complies with the Basic Conditions I recommend that it is amended as shown in Modification 12 below.

Modification 12: Policy TR1.2 to be amended as follows:

The title of the policy to be altered to “Public Realm Design Requirements”

Criteria a) to be amended as follows: ‘...*significant adverse effect on residential amenity, existing employment or other uses and local tranquillity*’. ...

Criteria i) to be deleted

Criteria l) to insert the following words at the beginning of the sentence: “Where appropriate,...”

The final sentence of Policy TR1.2 to be amended as follows: ‘*Where appropriate, developers should indicate within their proposals how these requirements have been met through the preparation of a transport statement or assessment or other capacity and design study.*’

4.33 Policy TR2.1: Ledbury Railway Station This Policy has included minor alterations from Policy TR2.1 in the made LNP for clarity and protection of the natural environment. It complies with the Basic Conditions.

4.34 Map 11: Page 81 of the LNPR As discussed in paragraph of this report above, the Legend or Key for this Map is incorrect in that it identifies Open and Green Space as Local Green Space, a specific designation the Plan has not dealt with. The Key also shows ‘Sites of Special Scientific Interest’ (SSSI) as a colour indistinguishable from Green and open space, whereas in reality the designation is shown in a more solid olive green shading. For the clarity required by the NPPF and accuracy, both of these should be corrected in order that the Plan meets the Basic Conditions. I recommend Map 11 is amended as shown in Modification 13.

Modification 13: The Key to Map 11 to be amended as follows:

The words “Local Green Space” to be replaced with “Open and Green Spaces”

The colour for designation of an SSSI to be correctly shown as olive green shading.

5. The Referendum Boundary

5.1 The Ledbury Neighbourhood Development Plan Review 2021-2031 (LNPR) has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the LNPR shall be the boundary of the designated Neighbourhood Area for the Plan.