

Notes from Task and Finish Group – Meeting held 9th September 2019

Present: Dan Vesma, Phillip Howells, Paul Kinnaird, John Bannister

Apologies: Neil Morris

1. The notes from the previous meeting held on 20th August 2019 were considered as a good starting point for this properly constituted meeting. It was unanimously agreed to accept the notes.

2. There are several developments which the T&F Group will consider but it was decided that the group should, for this meeting, concentrate on the most pressing of these which is the upcoming Gladman Appeal (Dymock Road development)

Taking the points in the previous minutes in turn....

3. Meeting with Hereford CC Planning

The Town Clerk was happy that the T&S group had the remit to arrange such a meeting. Previously Cllr Harvey had suggested that possible 2 meetings should be arranged, one for the County Councillors and a second one to include town councillors but we have no update on this. It was agreed that Phillip will check with HCC Planning if we can have a meeting.

4. Production of Document for Defending the LNDP

It was agreed that Phillip will put together an outline for a document to be developed for the defence of the LNDP, This document should consider...

The HCC Core Strategy
LNDP and successors
Ledbury Town Business Plan
Developing Planning Case Law

5. Planning Law Training for councillors

It was proposed that LTC could consider setting up a budget for councillor AND working Party Members for training for Planning. It was further proposed that an initial budget of £2k could be set up.

6. Paul Kinnaird reported on his progress in organising groups and individuals to be present at the Gladman appeal which will add weight and influence from the local community. Organisation of a rota for attendance is in progress. Other processes could be considered including...

Protest outside the Appeal Hearing
Note on Facebook page about attending

Press Release
Notice in the Office

7. Rule 6 Status

It was agreed that this issue was moot as LTC rule 6 Status has been withdrawn. However it was agreed that LTC should consider making representations and speaking at the appeal.

8. Development of LNDP Defence document timescale

It was agreed that Phillip will develop an outline document for the next meeting to include

a) A summary of all current large proposals

b) Check list of Criteria and Clauses in LNDP

9. Date for Next Meeting – 30 September 1830hrs – Ask Angie or Hanna with regard to office availability.

Development planning applications response framework

This is the Ledbury Town Council (LTC) planning applications framework, produced to ensure the Council gets 'ahead of the curve' on being able to respond to development applications that affect Ledbury. It is used by the council's 'Economic Development & Planning Committee' (ED&P) to objectively determine its response on behalf of LTC to applicable development proposals.

This is not only in its responses to information on proposed development planning applications it receives from Herefordshire Council (HC) planners, but also in planning ahead and anticipating what sort of applications are likely in future. Its aim is to ensure that ED&P has a response outline ready to develop/customise for the particular detail of any individual application.

The framework applies to all residential planning applications of 10 or more houses and for any other planning applications which ED&P believes warrants using the framework. It is intended as a 'living' document which is amended as details change and reviewed at least annually at the first ED&P meeting of each new civic year.

The framework is not about preventing development, but about professionally and thoroughly scrutinising each relevant application to make sure it satisfies Ledbury's core requirements. It is about ensuring development - which LTC accepts is a necessary requirement for the future - is implemented in such a way that the application:

- Properly represents and meets the needs of Ledbury and its residents, with adequate consultation to ensure it
- Fully conforms with the town's Neighbourhood Development Plan
- Accurately reflects the Herefordshire Core Strategy
- Is clearly sustainable in terms of available services, infrastructure (including acceptable access and active transport considerations), the local environment and protection of biodiversity
- In particular, that it has been genuinely planned and proposed from a local Ledbury perspective as the priority and not based solely on wider considerations that may not be in Ledbury's best interests.

There are six sections.

1. Current planning applications (detail kept up to date on a spreadsheet)
2. Pre-application matters (understanding what is decided before the applications are submitted)
3. Knowing the planning landscape (having a firm understanding of the laws and regulations that may apply)

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4. Being aware of the tools available to help build up a case (such as evolving case law)
5. Proactive response to advertised new development applications (taking the initiative)
6. Making the case at hearings, including appeals (grasping the fine detail to make sound evidence based representations on the LTC position regarding each application)

1. Current planning applications

This baseline information stage is implemented by the preparation and maintenance of a detailed and regularly updated spreadsheet table of all current applications that meet the criteria and their progress, to include:

1. Applicant name and address
2. Application ID number(s) (especially since they may change as applications go through stages)
3. Application type
4. Application date
5. Site location
6. Parish/ward and Ward Cllr
7. Name/details of planning officer
8. Description
9. Consultation start date
10. Consultation end date/comment by
11. Current HC planning services status
12. Current LTC status and last update date
13. Target determination date(s)
14. Planning meetings and site visit dates
15. Numbers of representations (for and against)
16. Appeal hearing dates and other deadlines
17. LTC action history
18. LTC actions being taken
19. Decision/outcome and date

This preparatory work also entails carrying out an application 'suitability' scoring analysis of how LTC regards the application as meeting the core Ledbury requirements. The aim is to establish an initial appraisal of the degree to which the application may be broadly acceptable or needs substantial modification or improvement before LTC can support it.

This has implications for the investment in time and resources needed to prepare a robust defence to ensure it is changed and improved so that it does satisfy Ledbury requirements.

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Changes will be monitored through the scoring system until LTC regards the application as at least meeting objectively based minimum scoring standards before it can be supported.

2. Pre- application matters

This is about ensuring appropriate liaison with statutory consultees, infrastructure companies, services providers and other bodies with which any developer will or may have to work with before making an application. Meetings to update LTC on the current planning considerations should ideally be held annually as determined by ED&P.

The aim is to put LTC into an 'advanced warning' situation so it is aware of the implications for a developer in making an application, over which LTC may then have some control through knowing them in advance.

Bodies with whom developers will be likely to liaise with/consult before submitting applications (and may then also be statutory consultees once the application has actually been submitted):

Western Power Distribution (electricity distribution infrastructure - serving the Midlands, South West and Wales)

Peter White, 'DSO Development Manager' and 'Losses and Low Carbon Technology Development Engineer', Avon Bank, Feeder Road, Bristol, BS2 0TB Tel: 0117 933 2430 Mob: 07967 149386 e: pwhite@westernpower.co.uk

Welsh Water (water supply)

Dwr Cymry Welsh Water – Development Services, PO Box 3146, Linea Fortran Road, Cardiff, CFR30 0EH

Severn Trent Water Water Ltd (waste water and sewage services)

Operations Management Asset Protection Team, Regis Road, Tettenhall, Wolverhampton, WV6 8RU

Severn Trent Water Water Ltd (the office which manages the Ledbury Sewage Disposal and Water Reclamation Works, Little Marcle Road, Ledbury, HR8 2DP)
Severn Trent Water Limited, One Supply Chain West, Lamledge Lane, Telford, TF11 8SD

Lower Severn Internal Drainage Board (drainage and flood plains)

LSIDB, Waterside Buildings, Oldbury Naite, Thornbury, South Gloucestershire, BS35 1RF
Tel: 01454 413340

Historic England

The Axis, 10 Holliday Street, Birmingham, B1 1TG

Usual or potential (other) statutory consultees for any planning application:

The Town or Parish Council in which the application is located (need dedicated team for each application to put formal responses together based on this template).

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The Ward Councillor(s) in which the application is located and any neighbouring Ward Councillor(s) whose ward may be affected.

Herefordshire Council (Local Planning Authority – LPA)

Planning Services, Plough Lane Offices, Plough Lane, Hereford, . HR4 0LE

Herefordshire Council (Transportation Unit South)

H37, Plough Lane Offices, Plough Lane, Hereford, . HR4 0LE

Balfour Beatty Living Spaces

Unit 3, Thorn Business Park, Rotherwas, Hereford. HR2 6JT

Network Rail

Network Infrastructure Manager (Rail), 5 5th Floor, Callaghan Square, Cardiff. CF10 5BT

Public Rights of Way (preserving public footpaths; creating active transport networks)

Ms Jill Addis, Public Rights of Way Development Officer, Balfour Beatty Ltd, Unit 3 Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT

Natural England

Herefordshire & Worcestershire Team 3, Block B Government Buildings, Whittington Road, Worcester, WR5 2LQ

Environment Agency

Hafren House, Welshpool Road, Shelton. Shrewsbury. SY3 8BB

Herefordshire Wildlife Trust

Conservation Manager, Lower House Farm, Hereford, Herefordshire. HR1 1UT

Malvern ANOB (Area of outstanding natural beauty)

Mr Paul Esrich, ANOB Office Malvern Hills, Manor House, Grange Road, Malvern, Worcestershire, WR13 3EY

Hereford & Gloucester Canal Trust

The Wharf House, Over, Gloucester, GL2 8DB

3. Knowing the planning landscape

Ensuring LTC is up to steam on:

- Which acts, laws and other regulations that have to be considered in making development applications.
- What rules on development funding that apply on either S106 or CIL funds, how they are negotiated, what the amounts might be and how the sums are calculated/negotiated and meant to be spent.

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- A current LTC S106 or CIL funding wish list which is kept up to date and can be justified.
- The current Herefordshire development land reserve position and monitoring its status regularly. Ward Councillors asked to update LTC whenever the reserve is reassessed and published.
- Ensuring the updated NDP has a clear settlement boundary once published with allocated land for different development (or non-development) purposes identified and justified by the evidence,
- Ensuring the once published revised NDP has specific and not general policies so that adherence by developers is harder to avoid (including, as far as possible, a breakdown of the actual numbers and types of houses needed for Ledbury).
- Having regular meetings with HC planners to ensure LTC is aware of current thinking, on restrictions such as the implications of inadequate housing supply (as well as meeting affordable and social housing commitments) and the levels at which something more than just the NDP will be necessary to build an effective response.
- In this context (and anyway) investigate the 'community right to build' options as per the Localism Act 2011
- Explore setting up a Ledbury 'Community Led Housing' operation – advice from Nancy Winfield, Project Manager, Herefordshire Centre for Community Led Housing, Tel: 07999 925545 e: hcclh.pm@gmail.com www.hcclh.org.uk
- Developing and proposing policies to input into the future HC core strategy.
- Seeking input from planners and others (such as proactive local community groups or organisations like the Ledbury Area Cycle Forum (LACF), Ledbury & District Civic Society, schools and medical centres/doctors) who may help provide advance information on possible developments so LTC can start early preparation on how to respond.
- Work with other parish councils to promote the LTC framework and build a group that can input into HC planning, ensuring that by working together the councils are always up to date with HC planning strategy and aware of decisions made that relate to, and could impact on the LTC planning application responses.
- Identify possible other speculative or desired developers such as housing associations with which to talk to in advance of any possible planning applications being submitted.

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Possible acts, regulations and legally valid plans that need to be considered:

- The Town and Country Planning Act 1990 (under which applications for planning permission are made)
- National Planning Policy Framework (NPPF) (2018 revised)
- The Localism Act 2011
- The adopted HC Core Strategy (currently for period 2011 – 2031 and now under review to extend)
- Land Drainage Act 1991 (LDA)
- Flood & Water Management Act 2010 (FWMA)
- Water Resources Act 1991
- Water Industry Act 1991
- The adopted Ledbury Neighbourhood Development Plan (current version adopted in January 2019 and therefore in full force for up to 2 years until January 2021 (by which time the next version already under development is planned to be in place)
- Herefordshire Council (2009) Building Biodiversity into Herefordshire's Local Development Framework
- Wildlife and Countryside Act 1981 (and any subsequent amendments)
- Conservation (Natural Habitats) Conservation Regulations 1994 (including updating amendments as in August 2007)
- Conservation of Species and Habitats Regulations 2010 (revised 2017)
- The Conservation of Habitats and Species Regulations 2017)
- The Climate Change Act 2008
- The Hedgerow Regulations 1997
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO 2015, as amended May 2019, which is a statutory instrument that grants automatic planning permission for certain types of development which may at times come under the remit of this framework. In particular being aware of an Article 4 direction which can serve

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to restrict permitted development under certain conditions, and GDPO 2019 changes such as Class Q for agricultural buildings into dwellings. Building regulations approval may still be required even if planning permission is not.)

4. Being aware of the tools available to help build up a case

- Ensuring continued review and updating of the LTC application scoring tool to help determine the specific areas on which our initial and continued response to applications should be focused.
- Review case law decisions and how they might impact on the LTC capability to put a substantive response together.
 - Canterbury City Council v Secretary of State for Communities and Local Government and another (Judgement April 16 2019).
- Being very well acquainted with the Core Strategy and the key policies that may impact on developments in the Ledbury area.
- Ensure proactive engagement with HC when the Core Strategy is reviewed.
- Fully consider the implications of Rule 6 and how LTC can ask for and gain Rule 6 status that it can deliver upon.
- Build a local team of aware and committed individuals who can help gather evidence and information to plan and conduct an effective Rule 6 challenge.
- Taking legal advice to build these tools.
- Build a list of all the key standard questions to ask a proposed developer about their plans.
- Training LTC Councillors on the planning committee on relevant planning regulations including producing a structure/process flow diagram with line of responsibility showing how the planning application response process works.

5. Proactive response to advertised new development applications

- Seek to engage with the developer as soon as an application becomes public knowledge to ensure LTC is informed as early as possible and to make the developer aware that LTC is professionally organised and has to be taken seriously by the developer.
- Consider seeking legal advice including having a planning legal specialist at all meetings with developers.

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- Get early insight into the HC planners thoughts about the likelihood of the application proceeding and what are the key issues so to gain early knowledge on the specific response areas on which to focus.
- Give support to making developers fulfil the duty to consult with the community about new proposals (but without doing their work for them!)
- Working with other Herefordshire Towns (via the Market Towns Forum for example) and parishes and also bodies such as the Campaign to Protect Rural England (CPRE - whose own planning response team is struggling to find enough people to put their planning application responses together)
- Consider consulting with recognised outside bodies of LTC by way of those having appointed LTC Councillors as representatives.

6. Making the case at hearings, including appeals

- Taking an holistic view of the relevant policies in both the Core Strategy and NDP to which the specific aspects of any individual application are most relevant.
- Build a team of interested people to take this activity forward in conjunction with LTC and LPA by appointing specific Councillors/task & finish group members by application to read, collate and absorb all the application documents in detail to assess the key areas on which to respond.
- Ensuring other LTC committees are consulted on any proposed response actions to ensure their TORs are taken into account.
- Use this information to build a case either against a development altogether or on the amendments needed for the application to meet the stipulations of the Core Strategy and NDP.
- Engaging with relevant professionals – such as specialist landscape assessment consultants and including legal advice – to ensure LTC is being consistent with the facts and complying with planning law in its responses.
- As soon any dates are released, update the application table and scoring and start preparing a 'defence' including the people involved and their roles.
- Contact any objectors to make sure they are present at hearings, organising travel and timing logistics where necessary.