

2211-069/RTBL/02  
28 November 2022

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For the attention of: The Town Clerk

Also sent by email to: [clerk@ledburytowncouncil.gov.uk](mailto:clerk@ledburytowncouncil.gov.uk)

Dear Sirs

**Heineken UK Limited**  
**Ledbury Neighbourhood Development Plan 2021-2031, Submission Draft - July 2022**  
**Regulation 16 Consultation Response**

I am instructed by Claire Hodder, Corporate Estate Manager at Heineken UK (**Heineken**) to submit this 'Holding Objection' arising from its concern about the likely impact of the following policies contained in the *Submission Draft – July 2022* your Town Council's *Ledbury Neighbourhood Development Plan* (the **Submission Draft Plan**):-

1. Policy EE1.1: New Employment Sites – Land South of Little Marcle Road;
2. Policy CL2.2: Alternative Use of Land South of Little Marcle Road as Playing Fields; and
3. Policy TR1.2: Highways Requirements,

on the operation of its cider mill, off Little Marcle Road in Ledbury (its **Ledbury Cider Mill**).

Heineken does not object to the principle of these policies, but it does consider that, if implemented as currently drafted, that there is a high probability of them having a severe adverse impact on its current commercial operations. Consequently, it has engaged my firm to set out below the scope and extent of its objections to the policies as currently drafted together with my suggestions for how those could be overcome.

Both Heineken and I would welcome the opportunity of working with the Town Council to overcome these objections in order that it can support the Submission Draft Plan in its entirety.

Policy EE1.1: New Employment Sites – Land South of Little Marcle Road

While Heineken supports the principle of the allocation of "approximately 20 hectares south of Little Marcle Road shown on the Ledbury Town Policies Map (Map 11)" for employment uses within Use Classes B2, B8 and E(g), without an understanding of the site access arrangements proposed, it is concerned that implementation of this

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Submission Draft Policy would result in a severe adverse impact on its existing commercial operation at its Ledbury Cider Mill. Consequently, it **objects to this Submission Draft Policy as drafted.**

Absent that understanding of the site access arrangements envisaged by your Council, and mindful of the likely need to accommodate an access in respect of Submission Draft Policy CL2.2 (see below), I believe that it will be necessary to locate a new junction – most likely a new four-arm roundabout junction – at a point approximately equidistant between the junction of its access road with Little Marcle Road and its existing weighbridge and associated gatehouse facilities. Notwithstanding the likelihood of an adverse impact of the capacity of the access road to accommodate queuing heavy goods vehicles at peak times, I understand that such a location is challenging topographically, lies in the vicinity of an existing public bridleway and public footpath, lies within a flood risk zone 3 area, and in an area of existing waste water apparatus associated with the existing treatment facilities within the Ledbury Cider Mill.

For all those reasons, Heineken considers that it is essential that a preliminary highway design exercise on a topographical base is undertaken by your Council before it can be reliably demonstrated that both this Submission Draft Policy and Submission Draft Policy CL2.2 (see below) are genuinely capable of implementation without giving rise to a severe residual cumulative impact in the context of paragraph 111 (on page 32) of the *National Planning Policy Framework*. It is also concerned with the use of the term “appropriate” in Submission Draft Policy EE1.1 a) because it introduces a degree of ambiguity that Heineken is concerned could be exploited if this site is allocated, to the detriment of its existing commercial operation.

I believe that Heineken’s objection could easily be overcome by the following action:-

1. your Council should commission a preliminary highway design based on a topographical survey of a suitable proposed site access arrangement from either the local Highway Authority (**Herefordshire Council**) or from a reputable consultant;
2. it should commission a capacity analysis of the proposed site access arrangement based upon a reasonable assessment of the likely scope and extent of the developments envisaged by Submission Draft Policies EE1.1 and CL2.2 (again, from either Herefordshire Council or from a reputable consultant);
3. it should seek the agreement of both Herefordshire Council and Heineken to the preliminary design and its associated operational performance, and propose whatever drafting amendments may be required to Submission Draft Policies EE1.1 and CL2.2 in order to ensure that development proposals are adequately restricted to those parameters that have been accepted by both Herefordshire Council and Heineken;
4. that such redrafting includes a requirement for the provision of a site access arrangement in accordance with Herefordshire Council’s *Highway Design Guide for New Developments*; and
5. a requirement that the operation of the proposed site access arrangement would not cause such an increase in traffic that would have a significant adverse impact on the commercial operations of its neighbours (in effect an adaptation of the wording of Policy TR1.1 subject to my further comments below).

Policy CL2.2: Alternative Use of Land South of Little Marcle Road as Playing Fields

Again, while Heineken supports the allocation of “*land adjacent to Ledbury Rugby Club and South of Little Marcle Road amounting to around 4.6 hectares shown on the Ledbury Town Policies Map (Map 11)*” for playing fields, and notes the requirement for the “*provision of associated facilities such as ... vehicle parking*”, it is concerned by the absence of any reference to the proposed site access arrangements.

Further, it notes the reference to: “*Appropriate car parking provision shall be made*” but without an understanding of the maximum extent of provision intended, it is unable to make an assessment of what that appropriate level of parking provision is likely to be, and what its likely impact on the operation of the existing access to and egress from its Ledbury Cider Mill will be.

Without being able to undertake that appraisal, it is concerned that implementation of this Submission Draft Policy would result in a severe adverse impact on its existing commercial operation. For that reason, it **objects to this Submission Draft Policy as drafted**.

I believe that Heineken’s objection could easily be overcome by the following action:-

6. the Submission Draft Policy should define the maximum extent of the playing fields and associated ancillary facilities to be provided; and
7. it should specify the maximum number and type of vehicle parking spaces to be provided.

Further, and subject to your Council’s consideration of Heineken’s objection to Policy TR1.1 (below) and as I refer to above, its objection could be further overcome by reference to:-

8. a requirement for the provision of a site access arrangement in accordance with Herefordshire Council’s *Highway Design Guide for New Developments*; and
9. a requirement that the operation of the proposed site access arrangement would not cause such an increase in traffic that would have a significant adverse impact on the commercial operations of its neighbours (in effect an adaptation of the wording of Policy TR1.1

Policy TR1.2: Highways Requirements

Clearly, Submission Draft Policies EE1.1 and CL2.2 seek to allocate land for development, and this Submission Draft Policy seeks to ensure that the “*Highway Design*” of proposed site access arrangements and the provision for active, sustainable and community travel, and for vehicle parking are *fit-for-purpose*.

Submission Draft Policy TR1.1 a) only makes reference to highway design proposals not giving rise to “*a significant adverse effect on residential amenity and local tranquillity*”. Heineken **objects to this Submission Draft Policy as drafted** because it offers it no protection from the likely severe adverse impacts that I have highlighted above.



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I believe that Heineken's objection could easily be overcome by the following action:-

10. the Submission Draft Policy should be redrafted to include a requirement that the operation of proposed site access arrangements would not cause such an increase in traffic that would have a significant adverse impact on the commercial operations of its neighbours (i.e. that they are designed to provide sufficient operational capacity to accommodate the forecast traffic generation and/ or attraction of proposed development, as reasonably determined by a Transport Assessment).

At h), this Submission Draft Policy also requires that: *"Proposals will not result in indiscriminate or on-street parking"*. This is a particularly sensitive topic for Heineken because currently inappropriate car parking takes place within the visibility splays provided at its Ledbury Cider Mill access road junction with Little Marcle Road giving rise to an unnecessary (in its view) highway safety risk.

Consequently, Heineken **requests** that, in addition to the requirement to provide *"adequate off-street parking for residents, employees and visitors"* that this Submission Draft Policy be redrafted to include for a requirement for proposals to include for the provision for double yellow lines (in accordance with the necessary Traffic Regulation Order (to be obtained)) to protect visibility splays at road junctions in the interests of highway safety.

As I said in my introduction to this letter, both Heineken and I would welcome the opportunity of working with the Town Council to overcome these objections in order that it can support the Submission Draft Plan in its entirety.

Once you have had the opportunity to consider Heineken's objections, I look forward to hearing from you. In the meantime, I would be grateful for your acknowledgement of the safe receipt of this letter when you have a moment. Should you have any queries or require any clarification of the points that I have made, please do let me know.

Yours faithfully



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cc Claire Hodder – Heineken UK Limited (by email only)