



LEDBURY TOWN COUNCIL

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Your Ref:

Our Ref:

AP/NDP/2022

30 November 2022

Via email

WITHOUT PREJUDICE

Dear Sir

Thank you for your letter to the Town Council making representations upon the submission draft Neighbourhood Development Plan (NDP). We are grateful that you have indicated general support for the policies subject to a number of more detailed representations. We thought that there had been opportunities to raise your concerns and overcome objections at both the informal and formal consultation stages and could have discussed a way forward at any time, at the formal Regulation 14 stage in particular. I am now writing to address the issues raised in your letter.

In relation to the formal process at this stage, we would advise as follows:

1. Representations at the Regulation 16 stage should have been sent directly to Herefordshire Council. We have therefore forwarded it to that Council's Neighbourhood Planning team.
2. The period for receipt of representations finished on 11th November 2023. Herefordshire Council has since issued the Notice of Progression to Examination. It will be for Herefordshire Council to determine whether the late representation can be accepted.
3. Should Herefordshire Council accept the representation, it will be forwarded to the Examiner appointed to report upon the plan.
4. Ledbury Town Council will be given the opportunity to comment upon the representation.

Notwithstanding the above, we are happy to continue to work with Heineken and its consultants in order to deliver benefits for both the community and the company. This is evident through our promotion of and support for the inclusion of investment in this area through the Market Town's Investment Plan, of which the company will be a beneficiary. You will be aware that we met with representatives from UBL/Heineken and Herefordshire Council as early as December 2020 as part of a first round of consultations with the public and relevant stakeholders.

We can provide you with confirmed notes from that meeting should you need them.

Herefordshire Council's Core Strategy (adopted October 2015) has identified the area south of Little Marcle Road to be developed, in particular for employment. It is clear that the area envisaged for this is the land to the south of UBL/Heineken's current operation and including some of its undeveloped land. We are sure that it would not have done so had there been concerns about access arrangements. Furthermore, as early as April 2016 Herefordshire Council drew up a future sports provision document showing even then the proposed new football land. This was shared with UBL/Heineken and other parties during the consultations with an indication, we suggested, of where an access might be located. It has therefore been known, including by the representatives of Herefordshire Council, that access to the proposed new football facility and employment land from the Little March Road between the bypass roundabout and your main access should be separated as represented (although not necessarily exactly as indicated) in the 2016 document (attached). Herefordshire Council has not expressed concerns about the location of development or ability to provide appropriate access to this area during informal discussions upon the NDP or at the formal regulation 14 and 16 stages. Nevertheless, the need to consider access arrangements that are both safe and also meet the concerns of Heineken are acknowledged and for this reason NDP policy EE1.1 indicates that a comprehensive proposal is required, and this will need to consider where an appropriate access point should be. The NDP, like the current Local Plan, is not a vehicle for setting out, in detail, highway design arrangements, but this is a matter for a planning application.

In relation to the actions you suggest in order to ensure the company's interests are not adversely affected, we would advise as follows:

1. The NDP, together with the Core Strategy, form the Development Plan and should be read as one plan. Hence, there is no need to duplicate provisions of general development management policies in each site-specific policy.
2. A number of your recommended actions refer to the need to comply with Herefordshire Council's Design Guide for New Development. This requirement is indicated in NDP policy TR1.2. Hence, we believe the concerns expressed in your actions 4 and 8 are covered by this provision and need not be duplicated elsewhere. That design guide also includes parking standards that need to be met and hence your action 7 is covered by that reference. From discussions with Heineken and Herefordshire Council, we know that there should be no on-street parking and because of this we have specifically referred to the need to make appropriate car parking available for the playing fields in Policy CL2.2. The amount of land required for the playing fields is indicated in NDP policy CL2.2 and has been subject to discussion over many years with Herefordshire Council, so they are aware of the extent of pitches and facilities required.
3. Your recommended actions Nos 1, 2 and 3, and also the reference to yellow lines, refer to the need for a transport or traffic impact assessment and design measures to ensure that there is sufficient capacity to accommodate the various uses. Policy TR1.2 sets out the range of traffic related requirements. It is understood that a traffic impact assessment is one method by which these are identified and planned for. This is why we have indicated in that policy that, where appropriate, developers will need to show how these requirements have

been met. The assessment should take into account all the traffic generated from the uses proposed, including the playing fields, and this should be through a masterplan approach. We would, however, suggest to the Examiner that, in order to address your concern, this be emphasised by addition to policy TR1.2 with the final sentence revised to read:

'Where appropriate, developers should indicate within their proposals how these requirements have been met, including through the preparation of a traffic impact assessment or other capacity and design study.

In addition, within paragraph 7.9, the following amendment to the 5th sentence might be made to indicate:

'A co-ordinated approach is required to enable the full area to be released and the preparation of a masterplan is suggested which should include a traffic impact assessment or alternative to identify appropriate access arrangements, car and other parking requirements, and other appropriate highway design measures.

4. Your recommended actions 5, 9, and 10 refer to the need to protect Heineken's existing operation from the effects of additional traffic. We acknowledge Heineken's concerns about this which have been expressed in the informal discussions with the company during the preparation of the plan. It is recognised that NPPF paragraph 187 highlights the need for new development to be integrated effectively with existing businesses and community facilities and that there should be no unreasonable restrictions placed on existing businesses. Consequently, we would not be averse to the Examiner being asked to amend policy TR1.2 criterion a) to read:

'Proposals would not cause such an increase in traffic that would have a significant adverse effect on residential amenity and local tranquillity, or place unreasonable restrictions on an existing business.

In order to emphasise the importance to the protection of Heineken's current operation, the Examiner might also be asked to amend criterion a) of policy EE1.1 to read:

'An appropriate access point and road to serve the area as a whole, and also adjoining land uses, ~~especially~~ including the land advocated for playing fields, and that will also protect the operation of the current commercial operation from the adverse effects of traffic.

We are aware also that as landowner, Heineken will have a large measure of control over how its operation is to be protected.

Can we ask whether the above would meet Heineken's requirements? It would be helpful if you could respond by Wednesday, 7 December so that we can advise Herefordshire Council who may then be in a better position to determine how your representations might be dealt with.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Angela Price', with a stylized flourish at the end.

Angela Price PSLCC, MIWFM, AICCM
CiLCA (England & Wales)
Town Clerk

cc Cllr Phillip Howells (Town Mayor)