

# Ledbury NDP Independent Examination

## Delegated Decision Statement

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

<b>Name of neighbourhood area</b>	Ledbury Neighbourhood Area
<b>Parish Council</b>	Ledbury Town Council
<b>First Made/adopted</b>	<b>18 January 2019</b>
<b>Review Submission date</b>	27 September to 8 November 2022
<b>Examination date</b>	January –February 2023
<b>Examiner’s Report Received</b>	8 February 2023

## 1 Introduction

- 1.1 The Town and Country Planning Act 1990 (as amended), states that the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and to take the plans through a process of examination and referendum.
- 1.2 The Localism Act 2011 (Part 6 chapter 3) details the Local Planning Authority’s responsibilities under Neighbourhood planning.
- 1.3 This Decision Statement confirms that the modifications proposed by the examiner’s report have been accepted, the Ledbury Neighbourhood Plan has been amended taking into account the modifications, and that NDP may proceed to referendum.

## 2 Background

- 2.1 The Ledbury NDP was first adopted/made 18 January 2019. Towards the end of 2020, the Town Council decided that the plan needed to be revised to take account of issues raised during the monitoring of the plan in its first 5 years. The Neighbourhood Planning Act 2017 identifies the circumstances that may arise when a plan may need to be reviewed and a proportionate process for that review to be undertaken. As part of the examination, the examiner determines whether the reviewed plan includes minor, material or significant modifications which would change the nature of the current made/adopted plan.
- 2.2 The revised Plan was submitted to Herefordshire Council on 27 September 2022, and the consultation under Regulation 16 took place between the 27 September to 8 November 2022, where the Plan was publicised and representations invited.

2.3 The modifications suggested to the made NDP included;

- clarification of some objectives,
- 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 changed 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

2.4 On 22 November 2022, Liz Beth BA (Hons) MA Dip Design in the Built Environment MRTPI was appointed by Herefordshire Council, with the consent of the Town Council, to undertake the examination of the Ledbury NDP and to prepare a report of the independent examination.

2.5 The examiner determined that the updates proposed did result in significantly or substantial change to the nature of the existing made Ledbury NDP and therefore an examination could proceed and a referendum would be necessary.

2.6 The examiner's report concludes that subject to making the minor modifications recommended by the examiner, the plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

2.7 Having considered each of the recommendations made within the examiner's report and the reasons for them, Herefordshire Council (in accordance with the 1990 Act Schedule 4B paragraph 12) has decided to make the modifications to the draft plan referred to in Section 3 below to ensure that the draft plan meets the basic conditions set out in legislation.

### **3 Recommendations by the examiner**

3.1 The table 1 below details the recommendations made by the examiner within her report along with the justification:

Policy	Modification recommended	Justification
Modification 1	<p>Policy SD1.2. The third sentence of the policy to read...</p> <p><i>“Outside of this boundary, land will be considered <b>open countryside and development complying with relevant rural area planning policies should recognise its intrinsic character and beauty.</b>”...</i></p>	For clarity and compliance with the National Planning Policy Framework and the Herefordshire Core Strategy
Modification 2	<p>The first sentence of Policy SD1.3 to be altered as follows:</p> <p><b>As appropriate to the nature and scale of proposals, development should seek to achieve a zero-carbon footprint through containing a co-ordinated package of design measures which, in addition to regulatory requirements, include:...</b></p> <p><i>The word ‘proposals’ is removed after the word development.</i></p>	For compliance with the National Planning Practice Guidance
Modification 3	<p>The first sentence of Policy HO2.1 to be amended as follows:</p> <p><i>“Proposals for <b>residential</b> development in excess of 10 housing units should .....</i>”</p> <p><i>The word ‘windfall’ is removed before the word residential.</i></p>	For clarity and precision
Modification 4	<p>The first paragraph of Policy EE1.1 to be amended as follows:</p> <p><i>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).</i></p> <p><b>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:.....</b></p>	For clarity and compliance
Modification 5	<p>Policy EE1.3 to be deleted.</p> <p><b>(Supporting text remain with reference to Policy E2 of the Core Strategy)</b></p>	Avoids duplication of Herefordshire Core Strategy policy
Modification 6	<p><b>The last sentence of Policy BE1.1 to be amended to:</b></p> <p><i>...”<b>Where appropriate the use of both design review and early local community consultation is strongly supported.</b>”</i></p>	For clarity on all developments
Modification 7	<p>Policy BE2.1 to be amended as follows:</p> <p>The use of the word ‘preserved’ with be replaced with ‘conserved’ in the policy.</p> <p>Criteria a) to read: <b>“Requiring development to conserve the site and setting of Wall Hills Camp Scheduled Ancient Monument.”</b></p>	For clarity and compliance

Policy	Modification recommended	Justification
	<p>Criteria c) to read: <b>“Requiring development to conserve and enhance the features and setting of Listed Buildings and other local heritage assets as appropriate to their heritage importance”</b>. Criteria d) to read <i>“Ensuring every effort is made to conserve and or enhance the character ....”</i></p> <p>Footnote 25 information about ‘borrowed views’ to be incorporated into paragraph 8.5</p>	
Modification 8	<p>The first sentence of Policy NE2.2 to read as follows:</p> <p><b><i>“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: ....”</i></b></p> <p>Map 3 to remove the designation ‘Sensitive Landscapes’ from the map and the Key.</p>	<p>For clarity and a more positive approach on the impacts of development.</p> <p>For clarity on designations of landscapes</p>
Modification 9	<p>Policy CL2.1 to read as follows:</p> <p><b>Important open or green spaces which contribute to the distinctive spatial character, form, pattern and green infrastructure of Ledbury offer variously the following benefits:</b> [the list of criteria to be included here and an extra criteria to be added:] <b>j) it is a playing field or other formal recreational facility</b></p> <p><b>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.</b></p>	<p>Superfluous text removed to aid clarity on open green space identified in Map 11.</p> <p>To ensure playing fields are include in criteria.</p>
Modification 10	<p>Policy CL2.2 to be amended as follows:</p> <p><i>“.... 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....”</i></p>	Reference to access arrangements necessary
Modification 11	<p>Policy TR1.1 to be amended as follows:</p> <p>Criteria c) to end after the words ‘Ledbury Railway Station.’ Criteria d) and criteria e) to be deleted.</p>	To avoid the remit of Highways matters becoming land use planning policy

Policy	Modification recommended	Justification
	The deleted text to form an Annex to the Plan if so desired or added to para 11.8.	
Modification 12	<p>Policy TR1.2 to be amended as follows:</p> <p>The title of the policy to be altered to <b>“Public Realm Design Requirements”</b></p> <p>Criteria a) to be amended as follows: ‘...<i>significant adverse effect on residential amenity, existing employment or other uses and local tranquillity</i>’. ...</p> <p>Criteria i) to be deleted</p> <p>Criteria l) to insert the following words at the beginning of the sentence: <b>“Where appropriate,...”</b></p> <p>The final sentence of Policy TR1.2 to be amended as follows: ‘<i>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.</i>’</p>	For clarity and accuracy on issues relevant to Ledbury
Modification 13	<p>The Key to Map 11 to be amended as follows:</p> <p>The words <i>“Local Green Space”</i> to be replaced with <b>“Open and Green Spaces”</b></p> <p>The colour for designation of an SSSI to be correctly shown as olive green shading.</p>	For clarity and accuracy
Modification 14  Minor modifications not affecting Basic Conditions	<p>Added additional text to para 9.10</p> <p>‘Severn Trent water points out that flood resilience schemes may be beneficial within some of the corridors, and it is not the intention of preventing these where schemes do not adversely impact the primary function of the green space’</p>	To add clarity

## 4 Post Adoption SEA and HRA

4.1 The modifications made as a result of the Examiner’s report, as outlined above in Section 3 of this document, have been considered in terms of any resultant changes to the Strategic Environmental Assessment. A Habitat Regulations Assessment is not required in this case. None of the changes are considered to have a significant effect on the overall appraisals. The updated SEA is available to accompany the final plan.

## 5 Decision

5.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the examiner made in the report under paragraph 10 of Schedule 4A to the 1990 act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan. Herefordshire Council have considered each of the recommendations made in the examiner’s report and the reasons for them and have decided to accept the modifications to the draft plan.

- 5.2 The revised plan will be altered in line with Table 1 above in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.
- 5.3 Following the modifications made, the Ledbury Neighbourhood Plan will meet the basic conditions:
- Having regard to national policies and advice contained in guidance issues by the Secretary of State, it is appropriate to make the plan
  - The making of the neighbourhood plan contributes to the achievement of sustainable development
  - The making of the neighbourhood plan is in general conformity with the strategic policies contained in the Herefordshire Local Plan – Core Strategy
  - The making of the neighbourhood plan does not breach and is otherwise compatible with EU obligations and
  - The making of the neighbourhood plan is not likely to have a significant effect on a European site either alone or in combination with other plans and projects.
- 5.4 It is recommended that the revised Ledbury Neighbourhood Plan progresses to referendum. Consideration has been given as to whether the area should be extended beyond that of the neighbourhood area. Herefordshire Council concur with examiners conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 16 November 2012.

Signed

A handwritten signature in black ink that reads "Tracey Coleman". The signature is written in a cursive style with a large initial 'T' and 'C'.

Dated 13.03.23

**Tracey Coleman**

**Service Director – Economy and Environment**