

**Ledbury Town Council EM Council meeting  
to approve NDP public consultation papers  
15<sup>th</sup> April 2021**

**Notes to consider in recommending the public consultation Issues papers for approval**

This note is intended as a helpful document to remind and inform Councillors of the background to the various stages of iteration and development of the papers put to the meeting to justify why the SG recommends they are now in final versions appropriate and suitable for approval without delay.

It is important to remember this is an agreed limited revision of the NDP with two prime objectives of producing a coherent settlement boundary and getting to Reg 14 (a stage when it attains some legal status) as urgently as possible for a number of critical reasons. Not least as strongly recommended by the HC NDP support team to coincide with a desired 2-year lifetime of the plan before a new Core Strategy and possible new national planning laws come into effect. Ledbury is subject to increased pressure from developers and the need for a plan with a settlement boundary is very pressing - even more since a year has been lost due to the COVID pandemic.

Nevertheless it is of course important to get it right, and so the Issues report has gone through many iterations to reach this stage, informed by considerable consultation, including two opportunities for Councillors to comment – and over 80 points raised have been addressed and relevant changes incorporated as a result.

The Issues and options report is a technical document developed over many weeks, advised by the agreed and limited priority areas that the plan should address. The leaflet and questionnaire are adapted documents for putting to residents. The report has been produced by the NDP technical planning consultant, Bill Bloxsome working with the WP and SG.

It is supported by Samantha Banks, the Neighbourhood Planning Manager for Herefordshire Council. She has now twice reviewed the report, describing V7 as ‘a *very comprehensive and well put together document which gives a good set of potential options for consultation.*’ Even so, more work has been done since to refine it further, and on this ‘final’ draft V9 her advice is that:

*‘I consider that the document is proportionally comprehensive for an issues and options consultation on a review of the NDP and recognising the point in the plan period we are currently at.’*

The key point is that the document is deemed proportional to the fact that this round of consultation is not about the detail, but seeking broad views on the agreed key issues. The input from this survey will be placed alongside input from the range of consultees detailed in the approved consultation plan, to help inform producing a revised NDP document with policies which will then undergo the necessary detailed scrutiny.

There is only one contentious issue the SG feels the Council should seriously address. That is the inclusion of an additional bypass extension question agreed late in the day at the last Council meeting. Despite totally understanding the sentiment, I argued against inclusion at the time because the evidence strongly suggests this is unfortunately not now an issue likely to be deliverable, but I was swayed by an obvious majority view to include it, although it was not put to a vote. However, as part of consulting on further comments, the SG has specifically sought advice on the wisdom of asking a related question. In our view the advice is incontrovertible. We would be very wise not to ask it for a number of important reasons.

### **Advice from our NDP Consultant Bill Bloxsome on 7<sup>th</sup> April 2021**

*'Following our telephone conversation I have also changed the question about a northern bypass as discussed, but still have significant concerns about its inclusion in the Issues document.*

*As I advised, I believe raising the issue would suggest false hope in the community that this might be possible within a realistic timeframe, especially should this be on the basis of re-instating the line shown in Herefordshire Unitary Development Plan (UDP).*

*One consequence of defining a protected highway route is the blighting of land with the landowners serving a Notice on the relevant local authority requiring it to be purchased. Value would be set by either a Certificate of Alternative Development or relevant planning permission.*

*Herefordshire Council is the Highway Authority that would be responsible for defining and delivering any bypass. For a route to be defined for protection in the NDP, Herefordshire Council would need to confirm that this was requested. No such proposal is set out as a strategic requirement within the Core Strategy. No bypass is identified in the Local Transport Plan or Infrastructure Delivery Plan. Most of the land through which the UDP route passes is shown as a strategic housing and employment site in the Core Strategy. It now has outline planning permission for these uses. Other land would also be required. I understand that Network Rail has indicated a requirement for any route to pass underneath the viaduct would involve passing responsibility for that viaduct to the owner of the road.*

*I consider seeking the support for such a (or any) route should first be obtained from Herefordshire Council before the issue is raised. Not to do this would be counter-productive. Should this not be forthcoming, which I believe to be the most likely scenario, then the basis for a realistic consultation may be questioned.*

*I trust that this advice is helpful.'*

Bill Bloxsome MRTPI

Having therefore also sought advice from HC planners, through the offices of Sam Banks, their input endorses Bill's concerns. Sam has similar expectation raising concerns, commenting that:

*‘Given the outcome of the recent appeal, I would suggest that you would need to be mindful for raising local expectations’*

Other points raised in discussion with planners include:

- It could unnecessarily antagonise Bloor and the landowners who may well be motivated to undertake the sort of actions Bill warns against, which could mean unknown delays to getting to Reg 14 if we were challenged if it became apparent we were seriously considering reference to this question in our draft plan
- It seems very clear there is no realistic chance of such a route being deliverable in any meaningful timescale, and particularly not in the timescale that this revision is covering
- It’s noteworthy to take on board that para 32 of the Secretary of State’s decision document on granting the appeal specifically makes the point: *‘... notes that the parties agree that it is not necessary for the scheme to safeguard the route of the Ledbury bypass to the north and east (IR16.134)’*.
- Asking a question with this doubt to it could undermine the substantial reputation we have earned for the very professional way we conducted the inquiry appeal and our much improved responses to planning applications, which has earned us deserved respect and shown we deeply understand the issues and are capable of tackling developers on their own terms
- Asking the question could therefore be seen as a potential hostage to fortune not only to that hard earned reputation, but genuinely a concern that delays to the plan and substantial costs to HC or LTC are not impossible – do we really feel we should take that risk?

All this means that in the SG view, on the balance of available evidence and on professional advice, any benefit from including the question is substantially outweighed by the potential severe downsides,

#### **Recommendations from the NDP Steering Group:**

1. That LTC council on the balance of evidence, agree that including a bypass extension question in the public consultation papers is inadvisable and should therefore be removed from the draft Issues documents.
2. Whether or not amended as a result of voting on recommendation 1, that the draft versions 9 of the detailed Issues and Options report, the Issues and options leaflet and the Issues report questionnaire be approved by Council as documents forming the basis for the 1<sup>st</sup> round of public consultation for the revision of the current Ledbury Neighbourhood Development Plan

Cllr Phillip Howells  
Chair NDP WP  
8th April 2021