

## Leominster NDP Independent Examination

### Delegated Decision Statement

12 December 2018

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

Name of neighbourhood area	Leominster Neighbourhood Area
Parish Council	Leominster Parish Council
Submission	2 November to 14 December 2017
Examination Date	May – December 2018
Inspector Report Received	10 December 2018

#### 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 draft Leominster Neighbourhood Plan has been amended taking into account the modifications, and that NDP may proceed to referendum.

#### 2 Background

- 2.1 The Neighbourhood Area of Leominster was designated on 31 July 2012. The Neighbourhood Area follows the Leominster Town parish boundary. The Leominster Neighbourhood Development Plan has been prepared by Leominster Town Council. Work on the production of the plan has been undertaken by members of the local community through a Neighbourhood Plan Steering Group since July 2012.

- 2.2 The Plan was submitted to Herefordshire Council on 27 October 2017 and the consultation under Regulation 16 took place between the 2 November to 14 December 2017, where the Plan was publicised and representations invited.
- 2.3 In Summer 2018, Richard High BA, MA, MRTPI was appointed by Herefordshire Council, with the consent of the Town Council, to undertake the examination of the Leominster NDP and to prepare a report of the independent examination.
- 2.4 The Examiner's report concludes that subject to making the modifications recommended by the examiner, the plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.5 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 the report along with the justification:

Policy	Modification recommended	Justification
Modification 1 Front cover	Amend the front cover of the Plan to clearly state that the plan period is 2011-2031. In the last line of the introduction on Page 4 replace 'to 2031 and beyond' with 'in the period 2011-2031'	To ensure the plan period is clear
Modification 2 Objective 2	Objective 2i – Delete 'that will be available to...where it is appropriate' and insert 'in appropriate locations'  Delete Objective 2 ix  Delete Objective 2 x  Objective 2xi – delete 'palette of colours to create' and 'alongside more tree planting, seating etc'  Delete Objective xii	To ensure that the objectives read do not read as policies.
Modification 3 Policy LANP1	Modify the first paragraph to read:  A new road linking the A44 at Barons' Cross and the A49 south east of the town will be constructed in association with the development of the Sustainable Urban Extension (SUE). The delivery of the SUE must be phased in relation to the construction of the link road to minimise the impact of the increased traffic on the main route along the Bargates and through the town centre. The completion of the entire route is a priority and must be achieved as early as	Remove text which it beyond the remit of the NDP  Delete criteria which are related to traffic management and not land use  Remove wording from the text which is phrased as a policy

	<p>possible to facilitate the delivery of housing.</p> <p>Delete criteria vi</p> <p>Delete criteria vii</p> <p>In the supporting text to Policy LANP1:</p> <p>Delete the note that immediately follows the policy at the top of page 26</p> <p>In the next paragraph delete;  'but no later than 2025' but after 'as a priority' add 'completion will depend on agreement as to how the road can be funded, but it is intended that the road should be completed by 2025 to facilitate the development of the SUE'</p> <p>Add after the last paragraph of supporting text:  'The Town Centre will request that Herefordshire Council prepare a comprehensive traffic management study for the town in consultation with the Town Council which will consider: the feasibility of a heavy goods vehicle ban, except for access on the main through route from the west to the east of the town and the appropriate speed limit on the link road to limit road noise'</p> <p>Renumber the criteria to form a continuous sequence.</p>	
<p>Modification 4 Policy LANP2</p>	<p>In the second line after 'when' insert 'subject to the criteria in Policy L02 of the Core Strategy and the following requirements'</p> <p>Modify criterion b to read 'proposals for new homes demonstrate that they will contribute to local distinctiveness by having regard to the architectural character of Leominster. Self-build dwellings will be encouraged'</p> <p>Modify criterion d to read 'Within the average density of up to 35 dwelling per hectare required by Policy L02, higher densities will be permitted around village centre and densities will decrease away from the centre'</p> <p>Delete criteria f</p> <p>Delete criteria g</p> <p>Delete criteria n</p> <p>In criteria o delete 'Broad' after 'after'....Corridor (delete 'in particular' and insert 'including the highly sensitive landscape areas and geological features of Cockcroft Hill, to be defined in the Masterplan)</p> <p>Delete criteria q</p>	<p>To ensure clarity</p> <p>To remove criteria which are not in conformity with the Ministerial Statement of March 2015 regarding national standards</p> <p>To remove policy which is a repetition of Policy SD4</p> <p>To ensure that Local Green Space is reflected within the masterplan</p>

	Renumber the criteria into a continuous sequence	
Modification 5 Policy LANP3	<p>Modify the first part of the policy to read: 'In addition to the Sustainable Urban Extension and existing commitments, small scale developments of up to about 50 dwellings will be permitted within the Leominster settlement boundary (see map 3) or, where it can be demonstrated that additional housing is necessary to ensure that the requirement for 2300 dwellings during the plan period is met, outside the settlement boundary, when they meet the following conditions:'</p> <p>Delete criterion a</p> <p>In criterion b, after 'to it context ' insert 'locally distinctive'</p> <p>Delete criterion c</p> <p>In criterion d, delete '(a design guide is provided in appendix 4) and insert 'having regard to the design guide in appendix 4'</p> <p>Delete criterion e</p> <p>Modify criterion f to read 'on estate scale development, planning for movement should follow the hierarchy of pedestrian, cycle, bus, car utilising footpath... off street parking'</p> <p>Modify criteria g to read ' There is an appropriate mix of housing types and tenures, which meets the requirements for affordable housing in the Core Strategy policy and reflects the needs identified in the most up to date assessment of housing need'</p> <p>Modify criterion h to read 'Proposals which include opportunities for self-build or custom homes will be supported'</p> <p>In criterion i delete 'be locally distinctive, enhance an area' insert 'and' after 'security' and delete 'and exhibit high quality that enhances Leominster'</p> <p>Delete criterion j</p> <p>Delete criterion k</p> <p>Modify criterion l to read 'Small-scale and infill development proposals should not result in the loss of small green areas or gardens that make an important contribution to the character of the area'</p> <p>Renumber the criteria to reflect these modifications</p>	<p>To ensure that proportional growth requirements can be met and to ensure clarity on the term 'small scale'</p> <p>To ensure criteria have clarity for the decision maker</p> <p>To delete criteria c which conflicts with the Housing Standards Review of 2015</p> <p>Delete criteria e which has not evidence to support it</p> <p>Add clarity to criteria f</p> <p>To ensure criteria g is clear</p> <p>To ensure there is no duplication within the criteria</p> <p>Delete criteria j as it duplicates the Policy SD4</p> <p>To reflect other modifications within the plan</p>



	<p>Delete the first sentence of the last paragraph of the policy and in the second sentence delete that indicate these policies should not be followed' and insert 'that justify departure from these criteria'</p> <p>In the supporting text to Policy LANP3: In the second paragraph delete 'in exceptional circumstances'</p> <p>Delete 'The design of new dwellings should meet the design requirements contained in Appendix 4 of the Plan'</p> <p>In the fifth paragraph on page 30 'under the Herefordshire Core Strategy Policy H2 (Rural Exception Sites)' and insert 'outside the settlement boundary'</p> <p>In the note at the bottom of page 30 insert a full stop after ' suitable for development, delete 'given that the strategic sites can be provided for all the expected demand for housing in Leominster. The table below indicates development commitments to date: 'and the table itself, and insert 'Of the 800 dwellings required in addition to the SUE planning permission has been granted for 786: a table showing all the commitments is included in the Evidence Statement'</p> <p>In the Design Guidance in Appendix 4:</p> <p>Remove the bullet point from the first paragraph to make it an introductory section. In the first line delete' The developer should' and insert 'Developers are encouraged to', after 'architect ' insert 'and' and after 'the local planning authority' insert 'The design process should have regard to the following design principles'</p> <p>In the third point replace 'must' with 'should' and replace 'avoidance of generic commercial solutions' with 'generic commercial solutions are not encouraged'</p> <p>In the fourth bullet point replace 'must' with 'should'</p> <p>Combined the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> bullet points with an introduction: 'design should have regard to: The balance The distribution The relationship of the upper'</p> <p>Combine the 7<sup>th</sup> to the 13<sup>th</sup> bullet points in the same way with an introduction 'The following features will be encouraged to reinforce local distinctiveness'</p>	
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	Delete the final bullet point	
Modification 6 Policy LANP4	Modify criterion d to read: 'By way of its house size, types and tenures reflect the needs identified in the most up to date published assessment of housing need',  Delete criterion e and renumber subsequent criteria	To ensure the criteria refers to housing need assessment.  Delete criteria which is too imprecise
Modification 7 Policy LANP5	Delete Policy LANP5	To remove replications of policy RA3
Modification 8 Policy LANP6	Delete Policy LANP6	To remove replications with Policy SD2
Modification 9 Policy LANP7	In part a of Policy LANP7 delete 'will be actively encouraged' and in part b delete 'will be encouraged' and 'provide it is of small size and is not detrimental to the residential amenity of the area'	To ensure clarity
Modification 10 Policy LANP8	Delete Policy LANP8	Policy is not in conformity with Policy E2 of the Core Strategy
Modification 11 Policy LANP9	Replace the first part of the Policy up to and including; 'Development proposals will be assessed against the following criteria with 'Within Leominster Town Centre, see map 4, development for retail, office, commercial, cultural and tourism uses will be encouraged subject to Core Strategy policies E5 and E6 and the following criteria;'  Renumber the remaining criteria d to n as a to k  Modify Map 4 to show the south side of Victoria Street, the north side of Corn Street and the east side of High Street between Victoria Street and High Street as primary shopping frontage.	To ensure clarity and ensure that the map is clear and includes omitted areas.
Modification 12 Policy LANP10	Modify the first part of Policy LANP10 to read: 'Proposals for new development will be required to have regard to the proposals of the Herefordshire Green Infrastructure Strategy shown on Map 5 and, where appropriate to incorporate or contribute to the following improvements to green infrastructure'	To ensure clarification
Modification 13 Policy LANP11	Replace Map 6 with the three maps which have been supplied to the examiner and attached within the at Appendix 2: Leominster Local Green Spaces 1, Leominster Local Green Space 2 and Leominster Local Green Space 3, numbered in the Plan Maps 6,7 and 8 and in the Policy use capital letter for consistency with the	To ensure that Map 6 is clear and accurate. To ensure the policy is clear and accurate  To remove areas which do not meet the

	<p>maps.</p> <p>Reword the start of Policy LANP11 to read: 'The spaces identified on Maps 6, 7 and 8 and listed below are designed as Local Green Spaces. Development in these areas will only be permitted in exceptional circumstances unless it is compatible with the function performed by them'</p> <p>From the list of Local Green Spaces proposed: in d delete 'and sports centre' and on Map Local Green Spaces 1 delete the sports centre and car park and the footpath sections along the Lugg and leading south from it to the west of the former waste disposal site.</p> <p>Change the heading of g to 'school playing fields and adjoining allotments and wild area'</p> <p>Delete J Cockcroft Hill</p> <p>Change the heading of l to 'Small green space between Broad Street Car Park and River Kenwater'</p> <p>Delete 'r Linear Walk behind Ridgemoor' and 'S Orchard south west of Morrision's'</p> <p>Remove the deleted spaces from the relevant maps and renumber the spaces so that there is a continuous list</p> <p>Modify the second part of the policy, after the list of spaces to read: 'Development on smaller areas of amenity space will only be permitted when the space fails to perform at least one of the following functions (list existing bullet points) or the space can be demonstrated to be surplus to requirements or will be replaced by equivalent or better provision'</p>	requirements of a Local Green Space
Modification 14 Policy LANP12	In Policy LANP12: delete the brackets in the title delete 'will be prioritised' in f and delete 'the plan will protect small open spaces'	To ensure that the policy is clear
Modification 15 Policy LANP 13	Delete Policy LANP13	No justification has been presented to provide evidence for restrictions within a market town.
Modification 16 Policy LANP14	At the end of Policy LANP14 add 'Application which respond positively to realistic opportunities to contribute positively to these aims will be supported	To ensure that the policy is clear
Modification 17	Remove the first part of Policy LANP15 up to: 'each of the 2300 properties' from the policy itself and insert it as a paragraph of supporting	To ensure the policy is clear

Policy LANP15	<p>text prior to the policy</p> <p>Reword the remaining part of the policy to read:  'A proposal for a new Health Centre to meet the demands of the growing population of Leominster will be supported provided that it:  a: is capable, together with existing facilities, of meeting the need for health services of the planned new development and  b: is suitable located to provide access to users by public transport, cyclists and pedestrians and well as cars and  c include sufficient car parking for both staff and patients'</p>	
Modification 18  Policy LANP 16	<p>Change the heading to the policy to 'Community Facilities and Services' and in the first line replace 'Assets of community and public value' with 'Community facilities and services'</p> <p>In the last line of the policy delete 'and' and insert 'or'</p>	To ensure clarity
Modification 19  Policy LANP18	<p>In Policy LANP18 modify the first section to read:  'Development proposals in Leominster town centre will be permitted if they meet the following criteria, where they are applicable'</p> <p>At the end of the policy add:  'Where proposal conflict with one or more of those criteria,</p>	To ensure clarity
Modification 20  Policy LANP19	<p>In Policy LANP19 delete the first sentence and replace the third sentence with the following addition to the second sentence;  'and have regard to the design guide in Appendix 4. Include the introductory sentence and points a to f on page 46 within the policy</p>	Ensure all the policy requirements are covered within the policy section
Modification 21  Policy LANP 20	<p>Delete Policy LANP20</p>	To ensure clarity in line with the General Permitted Development Order
Modification 22  Policy LANP21	<p>Delete the first two paragraphs of Policy LANP21 and insert them as supporting text prior to the policy</p> <p>Modify the eighth bullet to read:  'the development would not have a severe effect on the free flow of traffic or highway safety that cannot be effectively mitigated'</p> <p>Modify the formatting of the last two bullet points so that they are clearly subordinate to the ninth one</p>	To ensure clarity
Modification 23  Policy LANP22	<p>In Policy LANP22 modify the fourth bullet point to read  'do not have a severe effect on the free flow of traffic or highway safety that cannot be</p>	To ensure clarity



	effectively mitigated'	
Modification 24 Policy LANP23	In Policy LANP23 modify part c to read: 'Proposal for a hotel and conference centre, either on the main routes through the parish (A49, A44) or within the settlement boundary, and improvements to existing hotels.	To ensure clarity
Modification 25 Policy LANP24	Delete Policy LANP24	To delete policy which repeats Policy SD4 of the Core Strategy
Modification 26 Policy LANP 25	Delete Policy LANP25	To delete an imprecise policy to ensure clarity
Modification 27 Policy LANP 26	<p>In Policy LANP26: In the first sentence delete 'All' and insert 'where appropriate'</p> <p>In c of the first section of the policy delete 'to, and form the SUE and Leominster' and insert 'the SUE and between the SUE, neighbouring residential areas and Leominster Town Centre'</p> <p>In the second part of the policy delete the second bullet point</p> <p>In the third part of the policy delete ' A comprehensive Travel Plan should be prepared for Leominster in partnership with Leominster Town Council, Highway Authority, Herefordshire Council and other appropriate bodies and organisations (see LANP1)'</p> <p>In the list of proposals sought in the town centre, in a delete '(eg by designating Broad Street, High Street, West Street, Victoria Street and Corn Street as pedestrian priority zones) (to be explored in the Travel Plan)'</p> <p>Delete b</p> <p>Renumber the remaining criteria</p> <p>In the supporting text which precedes the policy insert after the existing supporting text: 'Policy LANP1 referred to an aspiration for a Comprehensive Traffic Management Plan. The Town Council will seek to ensure that this plan explores the measures listed at a to e in the last section of this policy and more specifically:</p> <ul style="list-style-type: none"> <li>- Designating Broad Street, High Street, West Street, Victoria Street and Corn Street as pedestrian priority zones, and</li> <li>- Designating Corn Square as a motorised traffic free zone (except for disable drivers and collections/ deliveries'</li> </ul>	<p>To ensure clarity</p> <p>To remove duplications</p>

#### 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 and Habitat Regulations Assessment. None of the changes are considered to have a significant effect on the overall appraisals. The updated SEA and addendum to the HRA are 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.
- 5.2 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. The draft 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 Leominster Neighbourhood Development 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 Leominster 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 Examiner's conclusion that nothing has been suggested which would require an extension of the area beyond that designated on 31 July 2012.

Signed  .....

Dated 12.12.13 .....

**Richard Gabb**  
**Programme Officer – Housing and Growth**