

From: LTC Clerk <clerk@ledburytowncouncil.gov.uk>
Sent: 09 February 2024 12:52
To: Smart, Chloe <Chloe.Smart@herefordshire.gov.uk>
Subject: Application 233023

Good Afternoon Chloe

Further to my email earlier this week, at the planning meeting last night it was agreed that the LTC's comments in respect of the above planning application could now be sent to planning officers and therefore a further extension would not be required.

Therefore, please find attached the notes of the meeting held on Monday, and recommendations within, along with a further detailed explanation on why/how the Council came to decide on the recommendations.

As agreed, given our concerns over the proposed changes to the existing planning approvals for the Vistry site to the south of Leadon Way and their consequent new impacts on the existing protected green buffer to the north of Leadon Way, I have reviewed the NDP in relation to the requirements to take protection of Ledbury's green spaces into account when submitting applications, and also to once again ask the question of how Vistry intend to provide the requirements for public transport infrastructure, with just some relevant policy extracts and notes below to substantiate our concerns in policy terms before suggesting summary notes (in bold) to include in our comments submission.

11. Transport and Related Infrastructure (p72)

11.1 It is national and local policy to reduce the impact of, and reliance on, car travel in order to reduce pollution and encourage better health by human effort.

11.10 With the need to accommodate further development, it is essential that the highway requirements are met through a comprehensive approach covering design requirements, promoting active travel, managing parking and ensuring associated infrastructure is incorporated.

Objective TR1: To promote the use of sustainable transport methods such as cycling, walking and public transport as a primary means of getting around the Parish of Ledbury and providing connectivity to neighbouring parishes.

Policy TR1.2 Public Realm Design Requirements

g) Where appropriate, travel plans are provided that include offsite measures such as supporting infrastructure to promote active travel and public or community transport.

In this respect the NDP also complements and refers developers to the Herefordshire Council Local Transport Plan (2016-2031) in which 'Policy LTP PT1 - Supported bus network' provides more detail about the need for bus services

provision in new developments and also the Herefordshire Local Plan Core Strategy 2011 - 2031 'Policy LB1- Development in Ledbury' in particular, which says that:

Within Ledbury, new development proposals will be encouraged where they:

- improve accessibility within Ledbury by walking, cycling and public transport, particularly where they enhance connectivity with, for example, local facilities, new employment areas and the town centre;

And also Policy SS7- Addressing climate change, which says that:

Development proposals will be required to include measures which will mitigate their impact on climate change. At a strategic level, this will include:

- delivering development that seeks to reduce the need to travel by private car and which encourages sustainable travel options including walking, cycling and public transport;

What this means for our feedback is:

Ledbury Town Council again reminds planners of its significant concern over yet another housing development potentially being allowed to ignore the requirements to consider the provision of adequate public transport infrastructure in development applications. Both the NDP and Local Plan make it clear that developers must show in their applications how they intend to meet the transport provision requirements of Objective TR1 and Policy TR1.2 of the NDP (which supports and complements Herefordshire Council's Local Plan and Local Transport Plan policies) which specifies the need to consider how they will incorporate public transport (ie. bus network) facilities in the development. LTC wish to secure assurance that Vistry will be required to ensure this obligation is met before the new planning application changes are approved.

9. Natural Environment (p51)

9.1 Ledbury is a traditional country market town situated in the rural and beautiful Herefordshire landscape. Open and green spaces with a wide diversity of wildlife and fauna form an important part of the town and its surrounding countryside

9.4 With these considerations in mind and being aware of the commensurate wider need for natural environment preservation and conservation, the Ledbury NDP includes appropriate policies that reflect both the local need and a responsibility to help sustain and increase biodiversity, conserve the landscape, protect local amenity, increase accessibility to nature and mitigate and adapt to climate change. This is also in keeping with national and Core Strategy policies, making sustainability an important and recurring theme throughout the Ledbury NDP.

MAP 5 – Key Areas of Green and Open Space (p52) shows the green strip of land to the north of the bypass, between it and the existing housing development, all the way down from the Gloucester Road to Martins Way, as being one of these key areas. It also provides an important green corridor between the green infrastructure

strategic corridors to the east and west of the development as shown on Map 6 (p54) and is a critical buffer between the busy bypass and the existing housing developments.

Objective NE1: To maintain, enhance and increase existing open spaces, trees and hedgerows in order to promote and support wildlife and biodiversity.

Policy NE1.1 Protecting and Enhancing Biodiversity, Geodiversity and Green Infrastructure

Development proposals will be especially encouraged where they promote habitat creation or restoration, geodiversity and/or active management measures to maximise habitat diversity and connectivity, including woodlands, orchards, hedgerows, semi natural grasslands, old quarries and rocky areas, streams, and wetlands. Similarly, those proposals that result in additional and new natural areas capable of becoming local wildlife sites or local geological sites will also be supported. Proposals should also improve access to natural green space where opportunities are available.

9.7 This policy complements Herefordshire Core Strategy policy LD2. It takes on board Government's intention to seek biodiversity net gains setting out the broad measures that developers should consider to improve the local natural environment. Ledbury's location nestled at the foot of the Malvern Hills is such that geological features as well as biodiversity are important.

Policy NE2.1 Conserving the Landscape and Scenic Beauty of the Parish

Development should contribute positively to the area's landscape character and not adversely affect it. Where appropriate, this should be shown through a Landscape and Visual Impact Assessment and/or Heritage Impact Assessment.

Acceptable development proposals should, where appropriate:

a) Be accompanied by a landscape scheme, informed by an analysis of the site's setting and containing measures forming an integral part of the design, retaining and enhancing as many natural features within or surrounding the site as possible, especially within Local Strategic Corridors and Enhancement Zones to meet, so far as it is possible, the objectives set out in Appendix 2.

Policy NE2.2 Protecting Important Views and the setting of the Town

In addition, the setting of the town should be protected and enhanced, particularly in the following sensitive locations:

i) The area immediately to the southwest of the Gloucester roundabout.

View h)- this panoramic view looks over the town, the sensitive areas south-west of the Gloucester Road Roundabout and to the east of Dymock Road towards Marcle Ridge. The view shows the town in its setting with the characteristic farming landscape to the south and west of the town, the Leadon valley to the west and terminates in the Marcle Ridge and May Hill.

As shown on Map 7 – Important Views and Sensitive Landscapes (p60)

Appendix 2: Green Infrastructure Objectives (p96).

Local Enhancement Zone 3 (LedLEZ3) Objectives

- Strengthen the buffer on the north side of Leadon Way, an important area of amenity open space.
- Maintain the open aspect on the higher ground on the south-west side of the Gloucester Road roundabout, through taking opportunities to integrate the area with the parkland aspect to the east through the introduction of characteristic landscape features.
- Protect ancient and veteran trees, in particular the stand on high ground south-west of the Gloucester Road roundabout.

In this respect the NDP also complements and refers developers to the Herefordshire Council Local Plan policies LD1 – Landscape and townscape, LD2 – Biodiversity and geodiversity and LD3 – Green infrastructure.

What this means for our feedback is:

Ledbury Town Council has serious concerns over the new proposals to change the location of the footpath link between the development and the town to now be lower down the bypass and into Shepherds Close across the currently pristine, and relatively undisturbed to date, important green space buffer to the north of the bypass, and especially given the news that Vistry has now not only acquired this land, but has already commenced development work in the area before any planning permission whatsoever has been granted and without any assurances on how the NDP and Local Plan policies on biodiversity and green infrastructure are being observed and complied with. LTC requests that all work on and in the green space buffer to the north of the bypass and any other work that could affect it, is ceased immediately until the planning requirements to meet, in particular, NDP policies 1.1, 2.1 and 2.2, and Local Plan policies LD1, 2 and 3 have been adequately addressed in the application including opportunity for LTC to then comment on the proposals.

LTC is concerned about how the ownership of the protected and important green space land by Vistry will now be managed, preserved and enhanced both during development and for the future; to know more about the extent of the land ownership of the buffer area (all or only a part?), and especially how their planning application will demonstrate the preservation and appropriate biodiversity enhancement, including the opportunity LTC considers exist for biodiversity enhancement to be substantial, in line with policy recommendations, will be ensured for the foreseeable future. In order to offer informed comment and for the application to eventually be approved, LTC would expect to see a comprehensive CEMP (Construction Environmental Management Plan), a LEMP (Landscape and Ecological Management Plan), an LVIA (Landscape and Visual Impact Assessment) and how the application is in accordance with the principles of the Environment Act 2021 (in that the development should secure an overall net gain for biodiversity) with an Ecology Report on which to base its proposals. A Biodiversity Net Gain (BNG)

assessment should be produced in support of the application in line with the government's 'Statutory biodiversity metric tools and guides' publication. These are not exclusive and may be added to as requirements by the council's environmental specialist officers.

Kind regards

Angie

Angela Price PSLCC, MICCM, MIWFM

CiLCA (England & Wales)

Town Clerk

Ledbury Town Council

Tel: [REDACTED]

Mobile: [REDACTED]



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NOTES OF A MEETING OF THE MAJOR PLANNING WORKING PARTY HELD ON 5 FEBRUARY 2024 – PLANNING APPLICATION 233023 LAND SOUTH OF LEADON WAY

PRESENT: Councillors Howells, Hughes, l'Anson, and Morris (Chair)

ALSO PRESENT: Angela Price – Town Clerk

Members were provided with a copy of information prepared by Councillor Simmons, which had been included as part of her recent Ward Councillor Report.

Councillor Howells noted that the report was very helpful and provided a lot of thoughts to be considered.

The Clerk advised that comments were required by 2 February, but that she had secured an extension until 9 February, which was after the Planning meeting on 8 February. She advised that the Major Planning Working Party had been designed to provide Councillors the opportunity to discuss larger planning applications in more detail than time allowed for in Planning meetings, with recommendations being referred back to the Planning Committee for consideration and approval.

Councillor Hughes suggested that the Working Party could either endorse the comments within Councillor Simmons' report, or that they could consider each paragraph within the report and make further recommendations to the Planning Committee on how to respond in respect of this application. It was noted that whilst Councillor Simmons had provided considerable evidence in respect of issues, there were a limited number of recommendations.

Councillor Howells suggested that they should consider the report and provide support to the comments within with further recommendations.

The Clerk advised that it may be possible to get a further extension in respect of the Councils response to Planning Officers at Herefordshire Council.

The following points were discussed and agreed as recommendations for a response from Ledbury Town Council in respect of planning application No. 233023.

Bund Works

- Why were works commenced to reinstate the bund prior to this application being approved?
- Concerns about the shape and height of the bund being the wrong way around.
- What reassurance is given that CEMP controls will be in place to safeguard the ecology of the area?
- When the Planning Enforcement Officers, Ecologists and Tree Officer attended the site at the request of the Ward Councillor what were their findings

Cycle/Footpath

- Concerns were raised in respect of the position of the walkway/cycleway and that no plans had been submitted in respect of this. It was agreed that a recommendation should be made that no further works be undertaken on this until LTC have had the opportunity to see full plans on work as to where this is going, and all conditions relating to it.

Current Site Condition (22.01.2024)

- That clarification be provided in respect of the error made in respect of the Bund being built the wrong way around.
- Concerns were raised in respect of the temporary ramps that have been used to mitigate the problem with the three-arm access roundabout for the site, having been formed on Leadon Way being higher than originally anticipated. It was noted that the ramps are severe and have the potential to damage vehicles.

Review of Planning Application Documents

1. Condition 4 – Travel Plan

- No provision has been made for buses
- This is not new, LTC have had discussions with other developers (Bloor) about including bus access to developments, who have agreed to revisit this and include provision for buses, where is this coming from Vistry?
- There is a large number of social housing on this site and many of these residents do not have access to a car and therefore rely on bus services.
- There is a large number of families with young children who do not have access to a vehicle and are expected to cross busy roads to get into town and to school.
- Ledbury Town Council again reminds planners of its significant concern over yet another housing development potentially being allowed to ignore the requirements to consider the provision of adequate public transport infrastructure in development applications.
- Both the NDP and Local Plan make it clear that developers must show in their applications how they intend to meet the transport provision requirements of Objective TR1 and Policy TR1.2 of the NDP (which supports and complements Herefordshire Council's Local Plan and Local Transport Plan policies) which specifies the need to consider how they will incorporate public transport (ie. bus network) facilities in the development.
- LTC wish to secure assurance that Vistry will be required to ensure this obligation is met before the new planning application changes are approved.

2. Condition 4.8 – Biodiversity Survey

- Very concerned that there is no clear evidence of how biodiversity is going to be retained or enhanced, particularly in relation to the Brook and the Pond and the installation of bat boxes and reinstatements of hedgerows. This should be included in the CEMP

3. Condition 10 – Landscape Management Plan

- Appalled that the LMP documents are not out of date. CEMP is relevant here again in relation to the footpath.
- Seek confirmation that Vistry have acquired the land as stated in bullet point 4.
- Seek clarification on how this meadow is going to be managed, and what their future plans are for it.
- On conditions 4.8 and 10 and biodiversity/landscape policies in general, LTC make the following comments:
- Ledbury Town Council has serious concerns over the new proposals to change the location of the footpath link between the development and the town to now be lower down the bypass and into Shepherds Close across the currently pristine, and relatively undisturbed to date, important green space buffer to the north of the bypass, and especially given the news that Vistry has now not only acquired this land, but has already commenced development work in the area before any planning permission whatsoever has been granted and without any assurances on how the NDP and Local Plan policies on biodiversity and green infrastructure are being observed and complied with.
- LTC requests that all work on and in the green space buffer to the north of the bypass and any other work that could affect it, is ceased immediately until the planning requirements to meet, in particular, NDP policies 1.1, 2.1 and 2.2, and Local Plan policies LD1, 2 and 3 have been adequately addressed in the application including opportunity for LTC to then comment on the proposals.
- LTC is concerned about how the ownership of the protected and important green space land by Vistry will now be managed, preserved and enhanced both during development and for the future; to know more about the extent of the land ownership of the buffer area (all or only a part?), and especially how their planning application will demonstrate the preservation and appropriate biodiversity enhancement, including the opportunity LTC considers exist for biodiversity enhancement to be substantial, in line with policy recommendations, will be ensured for the foreseeable future.
- In order to offer informed comment and for the application to eventually be approved, LTC would expect to see a comprehensive CEMP (Construction Environmental Management Plan), a LEMP (Landscape and Ecological Management Plan), an LVIA (Landscape and Visual Impact Assessment) and how the application is in accordance with the principles of the Environment Act 2021 (in that the development should secure an overall net gain for biodiversity) with an Ecology Report on which to base its proposals. A Biodiversity Net Gain (BNG) assessment

should be produced in support of the application in line with the government's 'Statutory biodiversity metric tools and guides' publication. These are not exclusive and may be added to as requirements by the council's environmental specialist officers.

4. Arboricultural Addendum Statement (Dec 23)

- Confirmation that re-profiling of the bund will be undertaken.
- That it be included as a condition that semi mature specimen trees (minimum girth of no less than 10 cm) be planted on north side and top of bund to provide additional height for screening of the roundabout and vehicles.

5. Tree Protection Plan

- Absolute reinstatement of trees that were removed to wholly or partially as part of the pre-commencement works in the meadow and to be inspected by the Tree Officer on completion.

6. Condition 15 – Proposed Roundabout General Arrangement plans

- Plans in respect of the 4th arm off the roundabout into the reinstated bund, need to be updated.

7. Condition 15 – Proposed Surfacing Plans

- Would expect any planning application to comprehensively explain how drainage and surface water management would be affected.

Issues not referenced in the supporting documents and planning drawings

- How will grazing be managed on the walkway/cycle path.
- If no cattle are to be in this area in the future what is going to be done, as per the comments above, to ensure biodiversity development and significant enhancement?

Lighting

- What are their plans for lighting the footways through the meadow, in particular to ensure this does not affect biodiversity and ecology?
- How will light nuisance to residents be managed? (plans to ensure minimum light pollution).

RECOMMENDATION

That the following points be recommended to the Planning, Economy & Tourism committee for recommendation to Full Council.

1. LTC request that no further works be done until a planning application has been submitted for the changes and LTC have had the opportunity to comment on

this. Why have Vistry been allowed to start works before planning applications and approvals are in place?

2. That no further works be undertaken on this until LTC have had the opportunity to see full plans on work as to where this is going, and all conditions relating to it as per the council's comments.
3. That clarification be sought on what is being done to help traffic movement on the bypass.
4. That clarification be sought on what has been done to rectify the error in relation to the gradient profile of the bund.
5. What reassurance is given that CEMP controls will be in place to safeguard the ecology of the area?
6. When the Planning Enforcement Officers, Ecologists and Tree Officer attended the site at the request of the Ward Councillor what were their findings
7. That residents' views on the bund and ecology of the site be taken into consideration, which appears not to have been the case to date.
8. What considerations have been given to bus access to the Vistry site, noting that other developers such as Bloor have listened to LTC and made provision?
9. Seek confirmation that Vistry have acquired the land as stated in bullet point 4.
10. Seek clarification on how this meadow is going to be managed, and what their future plans are for it in line with NDP policies 1.1, 2.1 and 2.2, and Local Plan policies LD1, 2 and 3.
11. That it be included as a condition that semi mature specimen trees (minimum girth of no less than 10 cm) be planted on north side and top of bund to provide additional height for screening of the roundabout and vehicles.
12. Absolute reinstatement of trees that were removed to wholly or partially as part of the pre-commencement works in the meadow and inspected by the Tree Officer on completion.
13. Plans in respect of the 4th arm off the roundabout into the reinstated bund, need to be updated.
14. Would expect any planning application to comprehensively explain how drainage and surface water management would be affected.
15. How will grazing be managed on the walkway/cycle path.
16. If no cattle are to be in this area in the future what is going to be done to ensure biodiversity development and significant enhancement?

17. What are their plans for lighting the footways through the meadow, in particular to ensure this does not affect biodiversity and ecology?
18. How will light nuisance to residents be managed? (plans to be submitted to ensure minimum light pollution).